

From: Al Miller <syngineer1@gmail.com>
Sent: 10/24/2023 2:44:38 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Fwd: DON'T MISS THIS! Latest Court Filing In Miller v. TRPA, Ski Run Monopine Macrotwer Appeal, Time for the People to Rise and Demand Change
Attachments: [Miller Reply and Opposition—Final, signed, with Exhibit.pdf](#)

see email below and the attached pdf.

----- Forwarded message -----

From: **Al Miller** <syngineer1@gmail.com>
Date: Tue, Oct 24, 2023 at 12:21 PM
Subject: DON'T MISS THIS! Latest Court Filing In Miller v. TRPA, Ski Run Monopine Macrotwer Appeal, Time for the People to Rise and Demand Change
To: <pubbliccomment@trpa.gov>, <mambler@trpa.gov>, John Marshall <jmarshall@trpa.gov>, Cindy Gustafson <cindygustafson@placer.ca.gov>, Julie Regan <jregan@trpa.gov>, Lahontan <rb6-lahontan@waterboards.ca.gov>
Cc: Fiore-Wagner, Mary@Waterboards <mary.fiore-wagner@waterboards.ca.gov>, Letton, Ben@Waterboards <Ben.Letton@waterboards.ca.gov>

These comments are filed for TRPA's October 23, 2023 Meeting of the Governing Board, Item XIII. Public Interest comments, and are primarily for the public concerned with Tahoe Regional Planning Agency, the public enemy and tyrant. My community members and other interested persons,

I am grateful to be able to express my informed views freely under the Constitution for the United States and seek redress of my grievances on my own behalf and that of Tahoe for Safer Tech. In the current October issue of the Mountain News, a "consortium" of multiple environmental groups raised their voices as well, in a Guest Column headlined:

"TRPA: stop endangering Tahoe's future."^[1] Chief among their concerns are fire danger and evacuation issues. I have long opined to the TRPA in public comments that the regional wireless rollout is increasing fire risk in multiple ways, with every tower and its emergency generator a potential source of ignition from accidents, welding incidents, fuelling mishaps, malfunction, collapse, etc., in addition to their other dangers. TRPA Board members (BMs) collectively yawn, trusting the telecoms won't screw up, as they have so many times. If we lose everything to fire, everything, all the telecoms lose is a tower. The guest columnists opine how the TRPA BMs dutifully listen to the public comments before doing whatever they want, legal or not. Generally, whatever the staff (read Regan-Marshall) recommends, they blindly follow.

Litigation Is Needed, Lots More Litigation!

In my opinion nothing will stop TRPA but litigation, such as I have engaged in, and which at least one former watchdog group used to do before it became a lapdog fed on funding treats. Win or lose, it was the best \$335 I ever spent to file my case in federal court for a judge to review, because I've already won, no matter what with what I've discovered. This motion fosters further causes of action by other activists in other venues from which TRPA can run, but can't hide. **This is a public service announcement, a call to action if you care, for the people to rise up against the TRPA oppressions in all their forms, using this motion as a starting guide to agitate and litigate their issues. It lays it all out there for this case, in the court record, as applicable for many projects.**

It is your right to impede TRPA's development agendas in this way if you are aggrieved. What I'm saying is that our Lake and I could use a little support here. TRPA is a cross between a snake and an octopus with many tentacles, so be forewarned because TRPA operates in chronic "bad faith." What the public seems to fail to understand is that TRPA operates with nearly all the statutory elements of an organized criminal syndicate, with Counsel General John Marshall and BM Chair Cindy Gustafson as ring-leaders in a war on the people. Regan is a junior underling and non-lawyer, unlike the former godmother, Marchetta, and TRPA has industrialists, like Verizon, among the world's largest corporations, and other developers playing legal defense for them. Understand that this criminal gang is what the public is up against. And yes, they are doing the bidding of the Bilderberger types, the George Soros types, the World Economic Forum agendas, using their Rockefeller pseudo-science to remake our region into their version of an urban surveillance state, wittingly and/or ignorantly; the BMs are traitors and ALL have failed to subscribe to an oath of office to serve at TRPA. They can be trusted NOT to follow the law because it's set up that way by them. The appointed ones (including several lawyers) posing as public servants also continue their felonious activities at every meeting, none speaking up for the law, with public noticing failures, failures to post public comments, excluding participants from their online meeting forum, putting public comment periods at the end of the agenda and many other public-interest sabotages.

The Problem of Microplastics and Shoreline Structures at Lake Tahoe

I'm going to distill key ideas below from a somewhat complicated legal motion I filed last week in U.S. District Court for the Eastern District of California as a non-lawyer environmental activist, attached to this email.^[2] In case you missed it, my prior Motions for Summary Judgment and to Supplement the Administrative Record in *Miller v. TRPA* are posted on TRPA's website under the July 2023 meeting link, see link for "Written Public Comments (Agenda Item XI) (3)." I urge you to read my Settlement Offer to TRPA, an exhibit in which I disclosed that the deteriorating docks and marinas made of plastic TRPA has approved over the decades are the most incontrovertible macro-sources of microplastics contaminating Lake Tahoe, approved without any environmental analysis of the consequences. This problem will grow worse over time, a plastic time bomb lit by TRPA, while adding more plastic all the time with their pier and marina approvals.

You will also find there ("Written Public Comments (Agenda Item XI) (1)") our group's petition to the California State Water Resources Control Board against the California Regional Water Quality Control Board, Lahontan Region, for its failures to address the toxic microplastic wastes from monopine macrotowers towers approved by TRPA in California. This stems from its failures to regulate most construction project wastes in any way under a long-standing and illegal delegation of its waste regulation permit authority to TRPA. That petition has been denied, clearing the way for litigation. The Lahontan Water Board is also continuing to approve the plastic docks and marinas without analysis, as are others, such as the State lands commissions, the wildlife agencies, the U.S. Army Corps of Engineers, NDEP and others. Since the TRPA and Lahontan Water Board have been informed, they've taken no action. They have their own agendas and priorities but no handle on the problem of microplastics, as is evident from their ignoring the problem and worse, approving more shorezone plastics and monopine towers without analysis, as always, since September 2022 when I first disclosed this information to TRPA in testimony at my Appeal hearing.

The TRPA and other agencies are sacrificing Lake Tahoe water quality with regard to microplastics for the foreseeable future for the sake of recreational boating and a small minority of shorezone property owners invested in plastic structures, with no analysis of plastics whatsoever, when viable alternatives (wood, metal and minerals/rock) are readily available. To that we must add the industrial plastic cladding on the monopine towers, up to 10,000 pounds per tower, continually shed to the environment, as well as many other uncontrolled sources of plastic wastes. TRPA has done no planning for microplastics control, nor the Lahontan Water Board, while Lake clarity hangs in the balance. For speaking these prophetic truths of mine I have become a pariah among the agencies and Lake Tahoe research community, and so be it. They can't speak against their funders as I can, even if they wanted to, and Dr. Shladow is excitedly intending that the Tahoe region will become the "SMART" wireless hotspot of the world, electromagnetically speaking, as stated on the last page in the 2023 State of the Lake Report. How DUMB is that without a science glance, let alone a "hard look"? SMART equals Secret Military Applications in Residential Technology as far as I'm concerned, and we don't need it at Lake Tahoe. Dr. Goldman, god bless him, is now an old man, the fire long gone from his belly to speak against the agencies as he once did, just as I am now doing to preserve Lake Tahoe, and the torch must pass as he took no interest upon notification about the macrotowers and their microplastics. TRPA nonetheless defecates in the open on all he has done for lake clarity. It prefers to think it has all the knowledge, all the power, when it is established to be but a servant of the people it has run over lawlessly with its public agency "partners," while hiding most of its project approvals from the public.

Key Ideas from my Lawsuit, Miller v. TRPA

Please understand that “the trio” of the U.S. Congress, the State of California and the State of Nevada never intended for Executive Director Julie Regan and the lesser, subordinate Hearing Officers employed by TRPA to wield the type and amount of approval power over projects and variances from its Code that have been unlawfully assumed by them, operating largely in the dark. This power shift was done long, long ago by TRPA’s Governing Board adopting its illegal regulatory Rules of Procedure, containing many regulations which are against and contrary to the Compact’s statutory requirements, as my motion explains. These include thwarting public servant accountability through voting requirements established by the trio which the Board Members (BMs) have escaped by illegally delegating down to these staff people the power to grant approvals for most projects without the “voting” requirement that is reserved only to them under the Compact statute. Most of the thousands of projects never see the light of a Board meeting under the illegal scheme. TRPA’s Rules of Procedure further work to disenfranchise and disengage the public, and roundly violate the public’s civil rights guaranteed under the Constitution for the United States of America and/or the state Constitutions through public noticing failures and other illegal subterfuges with public records. On top of that, TRPA’s environmental review procedures pursuant to the Compact are a dismal failure in most instances, as in my Appeal, which involved no review at all for increasing the tower foundation size and depth.

Yes, I’m an activist against the wireless rollout, all the Gs to 5G and beyond, just a guy with a science and regulatory background. The Ski Run Blvd. Monopine Wireless Macrotower Variance Appeal was over illegal foundation excavation affecting groundwater, and has exposed but one instance of the severe and systemic problem where democratic processes and environmental review under TRPA are closed and malfunctioning. Besides its incompetence, TRPA has fallen prey to regulatory capture and is now controlled by the very special development and industrial interests it presumably regulates.

TRPA acts in a manner unimaginable by the Framers of the Constitution in 1790 or by Congress when it ratified the interstate Compact in 1969, the agreements set down in state law by the Legislatures of California and Nevada and encompassing the U.S. Forest Service. Great responsibility and deference had been conferred to it under the trust that it would act in good faith and exercise wise judgment under the faculties of true expertise. Instead, TRPA has turned this trust on its head and abused these privileges to efficiently achieve their own narrow-sighted and selfish development ends against the agency’s express purposes set out in the Compact’s preamble, an insolent tyrant destroying the treasured qualities of the region and the waters. My lawsuit demonstrates this and how it occurred, in part, and that TRPA is not only incompetent, but corrupt at the core.

The legislatures apparently won’t exercise oversight, if even they know, nor the Congress, but feel free to write to them. Feinstein was a sellout in the end; her staff wouldn’t lift a finger against TRPA and their support of the telecoms and their micropastics, with zero planning. It comes down to the people to enforce their rights in court as they may; it’s “a republic, if you can keep it,” to paraphrase Ben Franklin, speaking of the U.S. escape from sovereign British tyranny. With people then willing to go to war over taxes on whiskey and tea, the odds hugely against them in a life-and-death battle, the current trampled populace complains at meetings then sits idly by while its civil servants don’t comply with requirements to the least degree, as if we the people have no rights. We don’t if we don’t exercise them. And so TRPA has stolen our power.

Inside the Mind of the Tyrant

Through TRPA’s last two court motions in *Miller v. TRPA*, it has in essence said the quiet part out loud. It believes it may facilitate rampant development in violation of its mandate to protect the Tahoe region, violate its own regulations and the Compact with impunity, violate the civil rights of the people, ignore science and public safety and health data, and that courts can’t hold it accountable. In TRPA’s wildest fantasy, nearly nobody has interest or standing to sue, or is harmed by its procedural due process violations. TRPA wants the federal court to make precedent establishing that it is accountable to nobody, even if it harms federally endangered species, introduces pollutants into our waters or micropastics into our streams, or irradiates people, natural waters, fauna and flora with damaging effects, let alone the damage to the scenic views. Overcoverage is a non-issue for TRPA in my case. TRPA refuses to take any look whatsoever, let alone a “hard look,” at the multiple adverse consequences and viable alternatives to its projects. Instead, its executive officers and some members of its governing body, in wireless-filled rooms, invite the telecoms to rapidly and pervasively deploy new and hazardous wireless facilities without any comprehensive programmatic environmental review, care, or precaution about its future effects. While the wireless issues stand as an example, you may insert any other project TRPA promotes in its place. Like with the wireless rollout at Lake Tahoe, I know better, safer alternatives exist but there is no use talking if people don’t want to listen.

TRPA approves projects without notice to the greatest extent feasible, and otherwise puts on nominal, sham, or show hearings to implement their predetermined outcome. They don’t even waste energy trying to hide their subterfuge or blatant project deficiencies. Having closely coordinated with TRPA, applicant Verizon Communications knew all along the derogatory environmental aspects about their project, but proceeded to install the facility anyway at their own peril. They should derive no benefit from TRPA’s illegal actions on their behalf and the harm is reversible with tower removal. TRPA’s intent is to further blanket the Lake Tahoe region in disease-causing and environmentally-damaging electro-smog from the behemoth wireless telecommunications industry without taking any look whatsoever, let alone a “hard look” at the multiple adverse consequences despite viable alternatives and its charge to do so. As well as being captured, through a sort of “Stockholm syndrome” TRPA truly loves its captors and invites the telecoms into the Tahoe region—and is willing to break any law to enable them, harm any person, harm the environment, tell any lie.

Request for Public Records

I expect my public servants to know and abide fully by the statutes (not the illegal Rules of Procedure) it is bound by. **Pursuant to applicable law, TRPA has 10 days to respond to me concerning the following public records in electronic format:**

1. A listing or document for of every pier or other shoreline structure application received by TRPA since October 1, 2022, proposing use of plastic decking and/or painted metal; its unique TRPA project identifying number; the Assessor’s Parcel Number(s) of the project, and the date of TRPA project approval, if any.
2. A historic listing or document with an inventory of the total number of projects approved by TRPA in the shorezone of Lake Tahoe in which plastic decking was authorized; the unique TRPA project identifying number; the Assessor’s Parcel Number(s) of the project, and the date of TRPA project approval, if any. I will accept a reasonable timeline of 30 days for TRPA to produce this historic information.
3. A listing or document for every wireless monopine macrotower application received by TRPA since January 1, 2015, its unique TRPA project identifying number; the Assessor’s Parcel Number(s) of the project, and the date of TRPA project approval, if any.

In some cases the requested information may be available in a single approval document, and that is acceptable. If TRPA attempts to deny me these public records, or proposes to charge me for the information contrary to statute, we may tangle over that in court while the information is obtained by other means. Send the information to syngineer1@gmail.com.

It’s Up to You, and You, and You, and You and . . .

The incompetent and corrupt TRPA will not change of itself, which is why I’ve asked the federal District court to appoint a special master over TRPA to prevent further abuses of discretion. Whatever happens, this litigation shows TRPA’s mindset and tyrannical methods. Hundreds of millions of dollars of public and private money have been spent for the restoration of Lake Tahoe’s damaged environment in public trust, with no oversight over the TRPA and little to show in improvement for Lake clarity in decades under TRPA’s “watch.” If you thought TRPA was guarding the future, you’ve read too much Op-Ed propaganda from TRPA in the Tahoe Daily Tribune or TRPA’s news rag. Read my motions. Think again. Then act.

Sincerely, Alan Miller, PE

Attachment: *Miller v. TRPA* motion in support of summary judgment, filed October 20, 2023

[1] <https://tahoemountainnews.net/>, October 2023 issue, p. 20

[2] The reader here will not be apprised of the certified Administrative Record comprising over 3400 pages in this case, but lacking an audio recording or transcript of the Legal Review Committee hearing or Governing Board meeting hearing, which is available through TRPA’s September 2022 meeting archive online.

**ORIGINAL
FILED**

OCT 20 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALAN MILLER,

Plaintiff,

v.

TAHOE REGIONAL PLANNING
AGENCY,

Defendant.

No. 2:22-cv-02113-KJM-AC

**OPPOSITION TO CROSS-MOTION FOR
SUMMARY JUDGMENT**

AND

**REPLY TO OPPOSITION MOTION FOR
SUMMARY JUDGMENT**

1

2 **TABLE OF CONTENTS**

3

4 **I. INTRODUCTION TO THE TRPA RABBBIT HOLE**

5 **II. VIOLATIONS OF LAW**

6 **A. AGENCY REGULATIONS THAT VIOLATE STATUTE**

- 7 1. Agency Regulations Contrary to Compact Law Are Invalid
- 8 2. Regulations That Illegally Delegate Governing Board Authority To Executive
- 9 Director And Hearing Officers For Variance And Permit Approvals
- 10 3. How The Regulations Disenfranchise The Public And Violate Civil Rights To Due
- 11 Process And Equal Protection
- 12 4. Regulations Omit Reference To Variance and Approval Requirements Germane
- 13 To This Case

14 **B. AGENCY ACTIONS THAT VIOLATE STATUTE OR REGULATIONS**

- 15 1. Violations Of Mandatory Administrative Requirements Are A Prejudicial Abuse
- 16 Of Discretion, As Defined By The Compact
- 17 2. Prime Examples Of Violations In The AR And My Court Filings; A Non-
- 18 Exhaustive Listing
- 19 3. TRPA Has Not Taken “Final Action” on the Variance Application Or The
- 20 Variance Appeal
- 21 4. Public Notice Requirements Are Unmet
- 22 5. Certified Administrative Record Is Incomplete: No Audio Recording
- 23 6. TRPA Staff Approved A Variance To The Prohibition Protecting Ground Water
- 24 From Unnecessary Interference, Contrary To TRPA Assertions
- 25 7. TRPA Prejudicially Abused Its Discretion In Accepting And Relying On The Soil
- 26 Profile To Ensure Prevention Of Groundwater Interference
- 27 8. TRPA Prejudicially Abused Its Discretion By Approving Land Coverage In
- 28 Excess Of Limitations

- 1 9. TRPA’s General Stratagem For Prejudicial Abuse Of Discretion Under The Illegal
2 Rules It Devised; Evade Review and Repeat
3

4 C. CONSEQUENCES OF AGENCY VIOLATIONS

- 5 1. Demonstration of Injury and Standing Through Zone of Interest Violations
6 2. Demonstration Of Injury And Standing From Due Process Violations
7 3. Concepts Of Property And Liberty Related To Violations Of Due Process And
8 Equal Protection Rights
9

10 **III. JUDICIAL REVIEW STANDARDS IN THIS CASE**

- 11 A. OVERVIEW OF APPLICABLE LAW
12 B. APPLICABILITY OF STANDARDS
13 C. DEFERENCE TO TRPA IS OFTEN UNWARRANTED
14

15 **IV. CONCLUSION**
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **TABLE OF AUTHORITIES**

2

3 **Statutes**

4 Federal Laws

5

6 Statutes

7 Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

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17 F. R. Evid. R. 201.

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19 California Constitution Art. I

20 Statutes

21 California Civil Code §§ 3509-3548

22 California Government Code § 65906

23 Rules of evidence and procedure

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1
2
3
4
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17 Supplement The Administrative Record p.6.

I. INTRODUCTION TO THE TRPA RABBIT HOLE

Plaintiff adopts by reference all prior pleadings, motions, and exhibits (Fed. R. Civ. P. 10(c)). Pursuant to Fed. R. Civ. P. 7(a)(4), Local Rule 261(d), Judge Claire's Standing Orders, the June 8, 2023 Order, and the August 30, 2023 Stipulation and Order to Extend Summary Judgment Deadlines, Plaintiff Alan Miller submits this Reply and Opposition (REPO) motion against Defendant Tahoe Regional Planning Agency's (TRPA) Combined Opposition to Plaintiff's Motion for Summary Judgment and Cross-Motion for Summary Judgment (OSJ or ECF 35). *See* the Tahoe Regional Planning Compact (Compact) Art. I(a), esp. (1) – (7), and (10). *See* esp. Art.(c) from which this litigation stems based on the administrative record (AR, ECF 22, 23).

Briefly characterizing ECF 35, sophistry throwing dust in the eyes of the court, the Defendant proposes a model for judicial review which would grant it wide deference and discretion while eviscerating any court review discretion. Herein I will prove beyond dispute that TRPA has enacted illegal regulations that subvert the Compact and is running roughshod and lawlessly over the public in abandonment of its charter through TRPA *following* illegal rules it has enacted, as well as *deviating* from them in bad faith. These violations have resulted in personal injury to the liberties and legitimate interests of me and others through deprivations of rights, and injury to the environment of the Lake Tahoe region which I hold sacred. This case will take a strange turn based on additional research and findings that support summary judgment in my favor.¹ The court has the opportunity and duty to strike down the illegal regulations and restore Lake Tahoe and the region by restoring the rule of law. The future of Lake Tahoe and protection of its precious values, beyond measure, is literally in your hands.

II. VIOLATIONS OF LAW

A. AGENCY REGULATIONS THAT VIOLATE STATUTE

1. Agency Regulations Contrary to Compact Law Are Invalid

It is a settled matter of law that an agency can't adopt and implement regulations that subvert its organic statute and the will of the enactor(s).² In view of its longstanding, ongoing implementation of illegal regulations the court should grant no deference to TRPA in this case, nor bow to its discretion. I implore the court to strike down the invalid regulations, invalidate the approval of the tower and provide remedy through special master oversight of TRPA.

¹ With my unexpected discovery of the regulations in violation of the Compact, my prior Motion for Summary Judgment (MSJ) and Motion to Supplement the Administrative Record (MSAR) must be reinterpreted somewhat by the court, granting me deference concerning such things as the serial judicial review model I discussed at MSJ p.2,7-p.3,14. The fact that TRPA doesn't follow such a process under the illegal regulations bolsters discussions herein of concepts of violations of basic civil rights through faulty regulations.

² *Decker v. Northwest Environmental Defense Center*, 568 U.S. 597, 608 (2013) (Regulations, in order to be valid, must be consistent with the statute under which they are promulgated; Case becomes "moot" only when it is impossible for a court to grant any effectual relief whatever to the prevailing party); *U.S. v. Larionoff*, 431 U.S. 864, 873 (1977) (In order to be valid, regulations must be consistent with the statute under which they are promulgated); *Credit One Bank, N.A. v. Hestrin*, 60 F.4th 1220, 1231 (9th Cir. 2023) (Agency regulation can't trump Supreme Court or Congress).

1 Illegal delegation is a clear abuse of discretion that disenfranchises the public in this way: While the Compact sets the
2 expectation that approving a “variance” or “project permit” requires a recorded vote from the Board members (BM)s, which
3 must occur at a noticed public meeting with a published agenda, the regulations dispense with all of that for adopting *most*
4 variances and project approvals, with TRPA processing upwards of 1,000 permits annually in recent years, tens of thousands of
5 approvals over the decades. Under the regulations TRPA adopted for itself, all required public participation is precluded unless a
6 costly appeal is filed and a hearing is granted. It is under these illegal rules that TRPA claims no public noticing of the variance
7 approval was required for the variance approval (AR1587), disenfranchising the appellants and the public in general.

8 2. Regulations That Illegally Delegate Governing Board Authority To Executive Director And Hearing Officers For 9 Variance And Permit Approvals

10 At the Appeal I said I don’t agree with the voting procedure is in accord with the Compact.”³ Art.III(g) provides voting
11 procedures that are at issue in this case. For approving “variances” from the Code, Art.III(g)(1) is specified, while Art.III(g)(2)
12 provides voting procedures for project approvals. A “vote” may only occur on an application for a variance or project by placing
13 the matter on an agenda for a public meeting of the Governing Board (GB) with a public notice as required, and opportunity to
14 comment on the variance or project application and otherwise participate in the public meeting concerning the matter, with the
15 “vote” following that.

16 Decades ago, TRPA adopted its Code of Ordinances (COO) and Rules of Procedure (ROP) (jointly, agency-adopted
17 regulations, or simply regulations herein) with provisions contrary to the Compact for issuing approvals of variances and
18 projects. These illegal regulations assign the Executive Director (ED) and the Hearings Officer (HO) the discretionary authority
19 to issue variances and project approvals in the absence of a “vote” by the BMs at a GB meeting. Any such exercise of authority
20 is contrary to Compact delegation clauses⁴ and illegal and therefore a prejudicial abuse of discretion.

21 In enacting and implementing the regulations TRPA deprived the people of all their fundamental civil rights appurtenant
22 to a BM “vote” in the absence of an Appeal hearing, which I complained of bitterly in my Notice of Appeal’s (NOA) affidavit
23 (AR0748). While the adoption of these regulations was likely done for agency efficiency⁵ undreamt of by the enactors, the result
24 is a regulatory scheme contrary to Compact law that deprives the public, myself included, of its fundamental civil rights to
25 address the BMs at a duly noticed public meeting, and eliminates prescribed BM vote recording concerning approvals of

26 ³ See AR3414. TRPA audio recording at 2 hours, 51 minutes, *available at* <https://www.trpa.gov/2022/09/?cat=9>.

27 ⁴ Art.X., (b) and SEC 4.

28 ⁵ *Stanley v. Illinois*, 405 U.S. 645, 656 (1972) (the Constitution recognizes higher values than speed and efficiency; the Bill of Rights in general, and the due process clause in particular, were designed to protect the fragile values of vulnerable citizenry from the overbearing concern for efficiency and efficacy...).

1 proposed variances and project permits, in the absence of an appeal filing and payment of a non-trivial fee (currently over
2 \$1,200) for all illegally delegated approvals not exempt from regulation. The TRPA regulations are riddled with inconsistencies
3 with the Compact in all categories of projects not exempt from permit requirements, as well as for variances from the ordinances
4 in the COO.

5 The following regulations contain illegal delegations that are contrary to the Compact’s “vote” requirements and are
6 therefore invalid.⁶ From the COO: 2.2.2., A.2 - C.2, E.2., F.2 & G. The absence of D.2. for “Public Service” facilities is highly
7 significant because the COO provides no support for the decisions from: (1) the HO Appeal hearing for the Project held in
8 October 2021; and (2) the March 2022 Governing Board (GB) Appeal hearing that followed it. The court should give these
9 decisions no deference and vacate them, together with these regulations. Also, COO 2.2.3. From the ROP: 13.9.; 5.16. (except
10 as applies to “exempt” activity); 5.17. (applicable to ED); 5.20.; 6.21.; 9.19.5. – 9.19.7.; 10.6.2.; (appeals) 11, 11.1., 11.2.; 11.5.,
11 11.6.; 12.7.2.; & 14⁷. All of these regulations inconsistent with the Compact were enacted with a prejudicial abuse of discretion
12 as defined by the Compact.

13 By its use of dual “final action” language in the regulations contrary to the intent of Congress and the states, in the absence
14 of an appeal on a variance or project approval by the ED or HO, the approval currently stands in fact and legally (improperly) as
15 a “final action” for all purposes under the regulations—but not under the Compact requirements for any project or variance.
16 TRPA chose to call its delegated approvals “final action” in the regulations because that is precisely what they are (functionally)
17 after the 21-day appeal period has passed. Then, TRPA invokes limitations that bar further appeals or litigation as untimely on
18 the delegated “final action,” thereby depriving applicants, the general public and appellants of their due process rights for redress.
19 Therefore, the delegated approval functions to constitute “final action” under the operation of law for the vast majority of
20 variances and permits.⁸

21 3. How The Regulations Disenfranchise The Public And Violate Civil Rights To Due Process And Equal Protection

22 With no cost to attend and participate in a public meeting and adjudication of a variance request or project approval,
23 TRPA charges a fee currently in excess of \$1,200 to appeal a decision of the ED or HO and request a hearing before the GB, a
24 sizeable sum meant to chill public input and exercise of due process liberties, rights and privileges. No fee paid, no appeal. If an

25 ⁶ These are the regulations I am aware of that are inconsistent with the Compact. To quote them would far exceed my brief page limit. Nearly all bear
26 directly on, or flow from, this Project or case. The following are included, as follows, for completeness. COO 2.5. & 2.6. are suspect concerning
27 interagency agreements and illegal delegations *sans* review (*see* ROP 13.9.2.); and all of COO 53 is suspect, esp. 53.6.4. & 53.6.5; ROP 5.14 (applicable
28 to ED).

⁷ I pointed out regulatory inconsistencies TRPA did not address in MSJ 16; 9.

⁸ The Compact does not allow that the ED or HO can approve a variance or project just because it’s not appealed. ALL such approval authority over
variances and projects was vested with the GB through voting at its public meetings, with TRPA charged to follow the law Congress established.

1 appeal is filed, TRPA can then proceed with justifications post-*hoc* to the staff approval and disenfranchise its detractors at a
2 subsequent appeal hearing, as in this case. The first essential of environmental review is notice and public involvement.⁹ By
3 dispensing with public notice,¹⁰ TRPA thwarts the public's opportunities to participate in decision-making processes¹¹ prior to
4 the staff's so-called "final action" when the opportunity to freely address the GB orally or in writing pre-approval is a liberty the
5 public must freely enjoy under the Compact and is deprived of by the regulations.

6 4. Regulations Omit Reference To Variance and Approval Requirements Germane To This Case

7 Art.III(g)(1) refers to "variances from the ordinances" whereas relevant TRPA regulations refer to "exceptions" and
8 "exemptions" throughout the COO and ROP, not "variances." TRPA has no means to approve a "variance" under its
9 regulations, yet does so routinely with these functionally equivalent words for TRPA (and court) purposes. The "exception"
10 approval given August 5, 2022 for the deeper excavation under COO 33.3.6. must therefore constitute a "variance" approval for
11 the Project variance to impact groundwater resources (henceforth "Variance").

12 B. AGENCY ACTIONS THAT VIOLATE STATUTE OR REGULATIONS

13 1. Violations of Mandatory Administrative Requirements are A Prejudicial Abuse of Discretion As Defined by the
14 Compact¹²

15 This entire Variance approval, Plan Revision approval, and Appeal proceeding was an illegal sham, a miscarriage of
16 justice carried out under color of law, and the approval issued by the GB in a manner contrary to law through the Appeal denial
17 must also be overturned as a matter of law and a prejudicial abuse of discretion.

18 2. Prime Examples Of Violations In The AR And My Court Filings; A Non-Exhaustive Listing

19 The actions in the header above could fill a volume in this action alone. There is little need to repeat the findings of my
20

21 ⁹ *ForestKeeper v. Elliott*, 50 F.Supp.3d 1371, 1377 (E.D. C.A. 2014) (Council on Environmental Quality (CEQ) regulations mandating public
22 involvement in preparing environmental assessment (EA) and diligent efforts to involve the public in preparing and implementing NEPA procedures are
substantive rules whose violation may invalidate an agency action).

23 ¹⁰ *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 321 (1950) ("Publication may theoretically be available for all the world to see, but it is
24 too much in our day to suppose that each or any individual beneficiary does or could examine all that is published to see if something may be tucked
away in it that affects his property interests. We have before indicated in reference to notice by publication that, 'Great caution should be used not to let
fiction deny the fair play that can be secured only by a pretty close adhesion to fact.'").

25 ¹¹ It becomes the task of the public to track down unnoticed applications and staff approvals, through TRPA's complex online application tracking
26 systems; catch us if you can, and it will cost you. It does not publish lists of applications received and approved by staff in a readily-accessible online
format, preferring to do its work for the public in the dark. One must have specific Project information to look up a project or variance application.
Chilling.

27 ¹² *U.S. v. Nixon*, 418 U.S. 683, 695 (1974) (so long as regulation was extant, it had force of law, Executive Branch was bound by it, and United States as
28 sovereign composed of three branches was bound to respect and enforce it); *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (objecting to
administrative body's "failure to exercise its own discretion, contrary to existing valid regulations"); *Service v. Dulles*, 354 U.S. 363, 388 (1957)
("Secretary...could not, so long as the Regulations remained unchanged, proceed without regard to them"); *Vitarelli v. Seaton*, 359 U.S. 535, 539-40
(1959) ("Secretary...was bound by the regulations which he himself had promulgated").

1 MSJ and MSAR. For the sake of brevity, these are examples about which more can be written.

2 Complete application requirements are unmet (*see* ROP 5.2.1–5.2.8 concerning requirements for a complete application).
3 The regulations are nondiscretionary as to what must be provided for a complete application. Only the *contents* of the elements
4 may be reviewed with discretion to determine if the requirements are met. This goes for all application elements, including many
5 TRPA did not obtain prior to “final action” by the staff (*see* AR2979 & AR3399-AR3400 for discussion).

6 Environmental review requirements are unmet (*see* MSJ 10:14-11:13). TRPA cites inapplicable regulations (OSJ 17:7-9;
7 *see* AR2970 & MSJ 10:6-13). There was no environmental document or review of any kind in the AR and therefore nothing to
8 “supplement”, as I discussed. The Compact’s purpose is to ensure that TRPA takes a “hard look” at environmental
9 consequences of its proposed actions before deciding to proceed on a project,¹³ and probable environmental consequences of a
10 project when brought to its attention by the public, and did not. Environmental law mandates public involvement and diligent
11 efforts to involve the public in preparing implementing environmental review procedures.¹⁴ For meaningful consideration during
12 the environmental review process, an issue need be raised using precise legal formulations, as long as enough clarity is provided
13 that a decision maker understands the issue.¹⁵ TRPA may not defer consideration of these consequences to a later date, and the
14 Compact requires consideration of potential impact before action takes place.¹⁶ TRPA has no programmatic environmental
15 impact statement (EIS) or other document to satisfy its obligations under the Compact for this site-specific Project.¹⁷ TRPA
16 cannot ignore cumulative impacts¹⁸ from multiple revisions of the same project, or multiple similar projects, and may not
17 piecemeal a project into multiple actions, as here, to duck just below the threshold of more stringent environmental review.¹⁹
18 These concepts refute TRPA’s contentions on Claims 1 (OSJ I.C.1.) and 9 (OSJ 18:18), and Claims 4, 6 & 7 at OSJ 16:8, 16:22,
19 17:3-5 & 17:23, respectively. There is a cause of action facially created under the Compact’s judicial review provision where any
20 aggrieved person may stand to sue with its zone of interests whenever TRPA violates its rules or does not proceed in a manner

21 ¹³ *ForestKeeper v. La Price*, 270 F.Supp.3d 1182, 1211 (E.D. C.A., 2017) (NEPA’s purpose is to ensure that agencies take a “hard look” at the
22 environmental consequences of their proposed actions before deciding to proceed).

23 ¹⁴ *Id. See also, Andrus v. Sierra Club*, 442 U.S. 347, 358 (1979) (Interpretation of NEPA by Council on Environmental Quality is entitled to substantial
24 deference); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 355-356 (1989) (Forest Service could rely on Council on Environmental Quality
25 regulation).

26 ¹⁵ *Protect Our Communities Foundation v. LaCounte*, 939 F.3d 1029, 1037 (9th Cir. 2019).

27 ¹⁶ *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998).

28 ¹⁷ *Supra* note 15.

¹⁸ 40 C.F.R. §§ 1501.3(b), 1501.9(e)(1), & 1508.25(a)(2) (“Cumulative impacts” are those impacts “that result[] from the incremental impact of the action
when added to other past, present, and reasonably foreseeable future actions regardless of what agency...or person undertakes such other actions”).

¹⁹ *Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 894 (9th Cir. 2002) (“connected,” “cumulative” and “similar” agency actions must be
considered together in single review document to prevent agency from dividing project into multiple actions, each of which individually has insignificant
environmental impact, but which collectively have substantial impact); *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1313 (9th Cir. 1990) (NEPA
requires that where several actions have cumulative or synergistic environmental effect, that consequence must be considered together in environmental
review).

1 required by law.

2 When new information later shows that the remaining action will affect the quality of the human environment in a
3 significant manner or to a significant extent not already considered, TRPA must supplement its environmental review to
4 document the agency's "hard look" at new information.²⁰ TRPA didn't consider the information prior to the staff approval,
5 evaluating its impact, and supporting its decision not to supplement with a statement of explanation or additional data. TRPA is
6 barred from now supplementing environmental review to analyze information the agency knew at the time it failed to conduct
7 the original environmental review.²¹ New information may alter results of its original environmental analysis, and TRPA must
8 continue to take hard look²² at environmental effects of its planned action, especially when it's sufficient to show that remaining
9 action will affect the quality of the human environment in a significant manner or to a significant extent not already considered.²³
10 The AR demonstrates that TRPA systematically failed to act under this duty as required by law, which is a prejudicial abuse of
11 discretion *per se*.

12 TRPA failed to take a hard look at Project impacts on endangered and threatened wildlife in violation of environmental
13 review procedures, which invalidates agency action. On multiple occasions throughout the approval process, the public raised
14 numerous issues with enough clarity that TRPA understood the issues raised. The information provided included peer-reviewed
15 scientific literature on specific impacts of the Project to human health, flora and wildlife.²⁴ It also included information about
16 wildlife sightings in the Project vicinity.

17 TRPA ignored multiple reports that the federally endangered Sierra Nevada Yellow-Legged Frog²⁵ may be living in the
18 nearby stream environment zones and could be affected by the Project (AR2900-AR2964 & AR2788-AR2853).²⁶ TRPA failed
19 to respond to a photographic report of this species sighted less than 500 feet from the Project (AR2954-AR2956 & AR2843-
20

21 ²⁰ *Supra* note 13.

22 ²¹ *Id.*

23 ²² *Cf., Conservation Congress v. Finley*, 774 F.3d 611, 621 (2014) (Courts employ a rule of reason to decide whether an environmental review contains a
reasonably thorough discussion of the significant aspects of probable environmental consequences, as required by NEPA; this standard is considered
essentially the same as the standard of abuse of discretion, and the court's analysis under it consists of insuring that the agency took a hard look at the
environmental impacts).

24 ²³ *Supra* note 15.

25 ²⁴ New information may combine with prior information provided by public to trigger probable harm to wildlife and fauna. Prior information is *available*
at https://tahoeregionalplanning-my.sharepoint.com/:f/g/personal/gbalkwell_trpa_org/Eq84iynlGG5MkXinedlYKAIBBqwijVBTJCJC3hqhCs5uxQ?e=X8HsS7. "Judicial notice is
appropriate for records and reports of administrative bodies" (*United States v. 14.02 Acres of Land More or Less in Fresno County*, 547 F.3d 943, 955 (9th
Cir. 2008)).

27 ²⁵ 50 CFR § 17.11(h) ("The 'List of Endangered and Threatened Wildlife' is provided in the table in this paragraph. . . Common name[:]
Frog, Sierra Nevada yellow-legged | Scientific name[:]
Rana sierra | Where listed[:]
Wherever found | Status[:]
E[ndangered] | Listing citations and applicable rules[:]
79 FR 24255, 4/29/2014; 50 CFR § 17.95(d). CH").

28 ²⁶ I mentioned my own concern about the impact of the project, on *inter alia*, "frogs" (*E.g.*, AR0743, AR1320, AR 1604, & AR2748).

1 AR2845).²⁷ This is outrageous in light that the Tahoe region contains critical habitat for the Sierra Nevada Yellow-Legged
2 Frog²⁸ yet, for over a decade, TRPA has refused to even acknowledge this fact by including the species in its Environmental
3 Threshold Carrying Capacities²⁹ for wildlife as mandated by the Compact. Because Congress consciously decided to give
4 endangered species priority over the “primary missions” of agencies under federal law,³⁰ TRPA did not have the discretion to
5 ignore this information³¹ or proceed with the Project without appropriate environmental review³²—which may have required
6 soliciting a biological opinion.³³ This abuse alone is grounds for the court to invalidate the Project approval.³⁴ Nor can it be said
7 that a “reasonable mind might accept” this particular evidentiary record as “adequate to support a conclusion”—that the project
8 risked no significant effect on the environment—as required under the “substantial evidence” standard of review.³⁵ That would
9 be incorrect.

10 Stay response requirements are unmet. In responding to the stay request, and passing on the opportunity to schedule a
11 public hearing at the next meeting (MSJ 8:11-12), all the Chair must do is wait for the arrival of the SOA to schedule the Appeal
12 hearing (ROP 11). There is no discretion. It was this failure to follow the law and premature illegal scheduling of the hearing that
13 showed bad faith, violated due process and caused prejudicial hardships in preparing and defending the Appeal on short notice,
14 not so much the illegal day-late response as TRPA misrepresents (OSJ 14:1-2).

15 3. TRPA Has Not Taken “Final Action” on the Variance Application Or The Variance Appeal

16 TRPA points out my SOA did not object to the voting procedure used and asserts I “therefore didn’t preserve the issue”
17 (CSJ 19:22 – 20:7). I disagree that the “error was harmless” (*id.*). I didn’t know what procedure would be used as the Staff
18 Report hadn’t been published. To refute TRPA’s assertion, I refer you to my testimony on p. 2, above, and AR3414.

19 TRPA held an Appeal Hearing on a “Plan Revision” approval in response to an Appeal filing against a variance approval.
20

21 ²⁷ See also, AR2748.

22 ²⁸ 50 CFR § 17.95(d); 81 FR 59045 59119, 59076, 59096, 59099 (08/26/2016) (“Designation of Critical Habitat for the Sierra Nevada Yellow-Legged
23 Frog, the Northern DPS of the Mountain Yellow-Legged Frog, and the Yosemite Toad; Final Rule”) (Subunits 2D & 2E).

24 ²⁹ Available at <https://www.trpa.gov/regional-plan/#thresholds>.

25 ³⁰ *Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978); *National Wildlife Federation v. National Marine Fisheries Service*, 524 F.3d 917 (9th Cir.
26 2008).

27 ³¹ *Supra* note 13; see also, *Credit One Bank, N.A. v. Hestrin*, 60 F.4th 1220, 1231 (9th Cir. 2023) (An agency’s regulation cannot trump the Supreme Court
28 or Congress); *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 371 (1989).

29 ³² *Bennett v. Spear*, 520 U.S. 154, 172 (1997) (“It is rudimentary administrative law that discretion as to the substance of the ultimate decision does not
30 confer discretion to ignore the required procedures of decisionmaking”).

31 ³³ *United States Fish and Wildlife Service v. Sierra Club, Inc.*, 141 S.Ct. 777, 783-784 (2021). *Cf.*, 16 U.S.C. § 1536; 40 U.S.C. § 4332; 40 CFR §§
32 402.12, 402.13, 402.14, 402.16, 1502.24, & 1508.1.

33 ³⁴ *Natural Resources Defense Council v. U.S. E.P.A.*, 38 F.4th 34 (9th Cir. 2022) (When petitioners allege procedural violation, redressability prong of
34 standing is satisfied by showing that agency decision could be influenced by procedures at issue).

35 ³⁵ *Dickinson v. Zurko*, 527 U.S. 150, 162, 164 (1999) (a reviewing court reviews an agency’s reasoning to determine whether it is “arbitrary” or
36 “capricious,” or, if bound up with a record-based factual conclusion, to determine whether it is supported by “substantial evidence”)

1 See 25:8-11, where TRPA clarifies: “Moreover, the Plan Revision was not a ‘variance.’ The Compact limits a ‘variance’ to a
2 ‘variance from the ordinances or rules and regulations. . . .’ Art. III(g)(1). . . .” This shows TRPA erroneously acted on an appeal to
3 a Plan Revision when the fact is we appealed a variance. (AR0731-AR0755) TRPA’s introduction (OSJ 7:2) also misrepresents
4 the facts. The Appeal was filed on the August 5, 2022 Interim Executive Director’s (IED) approval (AR0269) of a Variance to
5 code prohibiting potential interference with a ground water table *in association with* an application for a proposed Plan Revision
6 (COO 33.3.6). The Variance approval allowed the August 17, 2022, approval of the applicant’s “Plan Revision.”³⁶

7 Another interpretation the court must consider follows from TRPA conflating the Variance and Plan Revision approvals
8 as one. The BMs were only required to vote on our Appeal application under Art.(g)(1) for the Variance. Each EID approval
9 was separately issued as stated (CSJ 5:14 (Variance) and CSJ 5:24-25 (Plan Revision)). I was charged only one fee by TRPA
10 when I filed my NOA concerning the Variance approval. Thus, TRPA charged me a filing fee under the ROP for my NOA on
11 the Variance and gave me a product with multiple defects in breach of contract,³⁷ an Appeal hearing for a Plan Revision (voted
12 accordingly). Since the BMs voted only once under Art.(g)(2), which is inapplicable to approval of a variance in any event, the
13 presumed hearing and denial of the Variance Appeal must be set aside as a matter of law and a prejudicial abuse of discretion as
14 a vote on the Plan Revision.³⁸

15 4. Public Notice Requirements Are Unmet

16 No public notice was issued for Appeal hearing in compliance with ROP 12. TRPA published an agenda on its website a
17 week prior to the Appeal hearing, but the ROP does not reference online publication of the meeting agenda as a valid means to
18 meet applicable noticing requirements for meetings and agency actions. The AR provides no evidence whatsoever that TRPA
19 provided any valid public notice for the Appeal hearing³⁹ as required by law, including to the co-appellants and other nearby
20 property owners.⁴⁰ There’s also no AR evidence of public notice for a Variance approval hearing.

21 5. Certified Administrative Record Is Incomplete: No Audio Recording

22 ROP 5.21 states: “TRPA shall maintain. . .the official tape recordings of any relevant Hearings Officer, Advisory
23 Planning Commission, or Board meetings.” This improperly omits the Legal Committee meetings (*see* ROP 10.6.1.D.) which

24 ³⁶ TRPA confusingly conflated the two as one throughout the proceedings (as here), with the latter issued without my awareness only five days prior to my
25 NOA filing. I was reviewing the revised plans and information from the Project applicant online in preparing my NOA, filed August 22, 2022 for the
26 variance approval that enabled the Plan Revision approval and the attendant unexamined adverse environmental effects I commented on in my NOA and
SOA. I didn’t cite the Plan Revision approval date in my NOA because I didn’t know of it.

27 ³⁷ *Infra* note 93.

28 ³⁸ The August 5, 2023, Variance approval was timely appealed, and no “final action” has been taken on it. Despite these facts, TRPA’s errors have
enabled construction and operation of the macrotower at 1360 Ski Run Boulevard.

³⁹ These facts hold for the Project appeals before the HO in March 2022 and the GB in March 2023.

⁴⁰ I concede that no noticing of the August 5, 2022, Variance approval was required under the illegal rules of the ROP.

1 indicates the judicial AR “may” contain “relevant” hearing audio recordings, in conflict with the mandatory “shall” of ROP 5.21
2 concerning this public record. TRPA possesses existing online audio recordings (digital format) of the Appeal and Legal Review
3 Committee hearings of September 28, 2022 which are not in the certified AR under bad-faith TRPA discretionary abuses, which
4 may entitle us to “adverse inference” over contents of hearing transcript.⁴¹ These egregious omissions further support my MSJ
5 and MSAR.⁴² Because there is no audio recording or transcript of the Legal Review Committee and GB Appeal hearings in the
6 certified AR, TRPA is unable to substantiate any of its GB decision-making process leading to its denial. The court should not
7 any give any deference to TRPA.

8 6. TRPA Staff Approved A Variance To The Prohibition Protecting Ground Water From Unnecessary Interference,
9 Contrary To TRPA Assertions

10 TRPA begins III.C. with a claim that it did not approve a Variance⁴³ under COO 33.3.6.A.2. based on TRPA’s sole
11 finding: “[i]t is not expected that groundwater will be encountered in this location...” The Defendant’s proposition here that no
12 variance was given is a litigation position change warranting no deference,⁴⁴ and contrary to the fact that TRPA issued the
13 Variance (*see* my discussion of the applicable regulations at AR 1646-1647). Summarizing that, COO 33.3.6.A.1. & B. set forth
14 the prohibition and the soils-hydrology report requirement if there is a “reasonable possibility” for groundwater table interference
15 (AR1605, AR1632 & AR2977). TRPA required a soils-hydrology report to cover that reasonable possibility, accepted a “soil
16 profile” report in lieu of that and found only, “[i]t is not expected that groundwater will be encountered.” “Not expected” is
17 different than no “reasonable possibility,” which the Code requires protection against. Then TRPA did a very illogical thing:
18 TRPA issued a Variance, “excavation is allowed,” citing two criteria (neither valid) to allow groundwater interference, with no
19 supporting findings. TRPA’s contention that it didn’t approve a Variance is specious and without merit.

20 TRPA granted an exemption for any potential groundwater interference to illegally “accommodate” the client’s chosen
21 design. TRPA later marshaled one-sided evidence to support its contentions that the tower serves public safety and health while
22 ignoring all science and evidence to the contrary without acknowledgment, including threat of fire (AR3058) and collapse from
23

24 ⁴¹ *See, e.g., Butler v. Department of Homeland Security*, EEOC Appeal No. 07200900010 (5/27/10) (upholding an administrative judge’s drawing of
adverse inferences against the agency due to its failure to produce work assignment logs and its records retention policy).

25 ⁴² While the court may not consider them to support TRPA, it could sanction TRPA, make adverse inference from its failure to provide them, or demand a
certified, unabridged copy of recordings by separate order to supplement the incomplete AR it improperly certified as complete. Uncertified recordings
available at: <https://www.trpa.gov/2022/09/?cat=9>.

26 ⁴³ *See generally*, California Government Code § 65906 on application of variances to zoning regulations.

27 ⁴⁴ No deference warranted where agency is merely advancing litigation position, not an official interpretation of its regulation (*Kisor v. Wilkie*, 139 S. Ct.
2400, 2417 (2019) (“a court should decline to defer to a merely convenient litigating position”); *United States v. Trident Seafoods Corp.*, 60 F.3d 556, 559
28 (9th Cir. 1995); *see also, Do Sung Uhm v. Humana, Inc.*, 620 F.3d 1134, 1155–56 & n.34 (9th Cir. 2010); *United States v. Able Time, Inc.*, 545 F.3d 824,
836 (9th Cir. 2008); *Alaska v. Fed. Subsistence Bd.*, 544 F.3d 1089, 1095 (9th Cir. 2008)).

1 snow loads unconsidered (*see* AR2872 & AR3060). That does not accord with responsible action a reasonable mind might
2 accept in light of the whole record. TRPA's cherry-picking of the available safety and health data illegally distorted the facts to
3 disenfranchise the appellants in this case (example).

4 TRPA allowed the applicant to avoid the expense and trouble of producing a *bona fide* soils-hydro report, or any
5 vegetation protection report at all, nor did TRPA make any specific findings⁴⁵ for management of excess soils pursuant to COO
6 33.3.6.B.(1. - 3.) & 33.4.2.⁴⁶ With alleviating the hardship or burden of producing all of the reports required by law for
7 excavations deeper than five feet, the IED approved the Variance application in an abuse of discretion.

8 7. TRPA Prejudicially Abused Its Discretion In Accepting And Relying On The Soil Profile To Ensure Prevention 9 Of Groundwater Interference

10 Inferences can be drawn from the supplemental soil-hydrology reports. TRPA notes (OSJ 5:7-8) the Project permit's
11 Special Condition F, and that I didn't appeal the permit. That is inaccurate and irrelevant.⁴⁸ In IL.B.4 (OSJ 6: 13) TRPA states:
12 "During the excavation, TRPA contracted with a Certified Professional Soil Scientist to observe the soil conditions and look for
13 signs of groundwater. AR1269-1271, 1362." This is a really a shameful admission that TRPA lacks the in-house expertise to
14 implement its own regulations for protecting groundwater tables from interference. TRPA had to hire an outside consultant to
15 make further field investigations for a qualified determination long after its staff's approval of the Variance. Groundwater
16 delineations require special scientific expertise or it wouldn't have hired the outside consultant, and TRPA lacked a staff
17 groundwater expert to testify at the Appeal hearing. It should therefore be granted no deference with regard to its groundwater
18 determination on the basis of agency expertise it lacks in light of the whole record.⁴⁹

19 If the "soil profile" TRPA relied on was in fact "substantial evidence" upon which to base a decision concerning potential
20

21 ⁴⁵ *Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506, 517 (1974) (An administrative grant of a variance must be
22 accompanied by administrative findings. ... Party seeking variance must shoulder burden of demonstrating ... subject property satisfies requirements ...
23 neither administrative agency nor a reviewing court may assume without evidentiary basis that the character of neighboring property is different... A
24 change in nature of region is a proper subject for legislation, not piecemeal administrative adjudication by variance boards; Absent affirmative showing,
25 variance granted amounted to kind of "special privilege" explicitly prohibited by law; "whereas the adoption of zoning regulations is a legislative function,
26 the granting of variances is a quasi-judicial, administrative one. If the judiciary were to review grants of variances superficially, administrative boards could
27 subvert this intended decision-making structure... courts must meaningfully review grants of variances in order to protect the interests of those who hold
28 rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party foregoes
rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such
mutual restriction can enhance total community welfare").

25 ⁴⁶ "additional engineering, geologic... or other materials necessary to determine and evaluate project area conditions and the effect of the grading on
26 adjoining properties, public rights-of-way, and the public welfare."

26 ⁴⁸ I assisted in the appeal by Eisenstecken's appeal currently in litigation as a member of co-plaintiff Tahoe for Safer Tech. TRPA's motion to join these as
27 related cases was denied. In the NOA and affidavit I filed I didn't contest the permit as previously approved, so the relevance here escapes me.

27 ⁴⁹ This situation is, by specific analogy, like having the U.S. Army Corps of Engineers conduct the entire regulatory program related to discharges of
28 dredged or fill materials to waters of the U.S. under Clean Water Act section 404 without a single certified, qualified wetland (groundwater) delineator on
its staff. It's just absurd, as are TRPA's assertions about the soil profile constituting substantial evidence.

1 groundwater interference then all the TRPA consultant would have had to do is review the soil profile and make a determination
2 based on it. No qualified soil scientist would make such a claim. The consultant needed additional evidence not available before
3 the staff's Variance approval upon which to base a reasoned, scientific determination, and such evidence was primary, not
4 merely confirmatory of the soil profile prepared and approved by unqualified professionals. The staff's initial determination was
5 not supported by the soil profile method.⁵⁰

6 However, the defects happening at the staff level are pervasive and are capable of repetition, yet evading review.⁵¹
7 Consider: They don't follow their rules or make written determinations of fact and charge \$1,200 when challenged by an
8 appellant (me). Then they can hire outside experts and make post-hoc rationalizations to rectify defects, render prior defects
9 moot, and escape review, only to repeat the error for the next applicant. That's an abuse of discretion.

10 In refuting the inapplicability of *Daubert* (OSJ 18:9-15), to attempt to escape any review over its clearly erroneous finding
11 of fact, TRPA brazenly suggests that this court is without any power whatsoever to assess the agency's conclusory reliance on
12 junk science. However, it's well-settled that deference accorded an agency's scientific or technical expertise is not unlimited.⁵²
13 "'Junk science' has no more place in administrative proceedings than in judicial ones."⁵³ Contrary to TRPA's assertion, the spirit
14 of *Daubert* does apply to agencies acting under federal law.⁵⁴ This court may invoke the spirit of *Daubert* as a tool to assess
15 whether there was a prejudicial abuse of discretion in the use of the soil profile for determining hydrology.

16 8. TRPA Prejudicially Abused Its Discretion By Approving Land Coverage In Excess Of Limitations

17 TRPA asserts the court should give deference to its coverage determinations. However, the court must not credit arbitrary
18 and highly inaccurate calculations by TRPA and judicial deference is not warranted where the court is competent to decide the
19 issue.⁵⁵ TRPA's calculations were derived by computer magic with no work shown.⁵⁶ Calculations were unsubstantiated and

20 ⁵⁰ The fact the subsequent reports cured the defect is only afforded by illegal rules in the ROP to post-hoc substantiate that, in this case, ground water was
21 not affected.

22 ⁵¹ *Infra* note 61.

23 ⁵² *See, Brower v. Evans*, 257 F.3d 1058, 1067 (9th Cir. 2001); *Central Sierra Environmental Resource Center v. Stanislaus*, 304 F.Supp.3d 916, 928 (E.D.
24 C.A. 2018).

25 ⁵³ *Niam v. Ashcroft*, 354 F.3d 652, 660 (7th Cir. 2004) ("the spirit of *Daubert*...does apply to administrative proceedings... 'Junk science' has no more
26 place in administrative proceedings than in judicial ones").

27 ⁵⁴ *Id. See also, Rodriguez Galicia v. Gonzales*, 422 F.3d 529, 539 (7th Cir. 2005) (invoking the "spirit" of *Daubert* to reason that nothing in experts'
28 curricula vitae indicated that they were unqualified); *Pasha v. Gonzales*, 433 F.3d 530, 535 (7th Cir. 2005) (concluding expert should not have been
permitted to testify); *Peabody Coal Co. v. McCandless*, 255 F.3d 465, 469 (7th Cir. 2001) ("[a]n agency must act like an expert if it expects the judiciary to
treat it as one"); *McElmurray v. U.S. Dep't of Agric.*, 535 F. Supp. 2d 1318, 1325 (S.D. Ga. 2008) ("[w]hile *Daubert* does not apply to agency decisions in
any formal respect, the principles underlying that decision do apply" (citing *Pasha*, 433 F.3d at 535)).

⁵⁵ *National Parks Conservation Ass'n v. E.P.A.*, 788 F.3d 1134 (2015) (an agency must cogently explain why it has exercised its discretion in a given
manner); *Western Watersheds Project v. Bureau of Land Management*, 971 F.Supp.2d 957 (E.D. C.A. 2013) (Environmental review procedures require
agencies to ensure professional and scientific integrity, by setting forth the methodologies used and making explicit reference by footnote to the scientific
and other sources relied upon for conclusions); *Natural Resources Defense Council v. U.S. EPA*, 31 F.4th 1203, 1207 (9th Cir. 2022) (on review of agency
action, a court will not credit unsubstantiated or bare assumptions by an agency; A court does not credit arbitrary and highly inaccurate calculations by an

1 clearly erroneous; failure to make explicit methods used and numbers tabulated was a prejudicial abuse of discretion; the agency
2 must show its work.⁵⁷

3 TRPA's poor defense of its "cooked" coverage calculations during the Appeal hearing further erred through its entire
4 dismissal of my own expert coverage engineering analysis without support of any "specific, cogent reasons."⁵⁸ The court must
5 consider the record as a whole, weighing both the evidence that supports and the evidence that detracts from the agency's
6 decision.⁵⁹ The court is unable to do this because, with no audio recordings in the AR, the agency did not provide any reasons for
7 how it arrived at its conclusion aside from the SR and its erroneous information.

8 The Appeal decision on the excess coverage was not the outcome of a reasoned, logical thought process. I stand by MSJ
9 15:11-16:8. Summarizing: The AR shows the plans were approved in haste by a non-engineer. Electronic measurements were
10 used, computer-mouse "clicks" with no other staff verifying the plan checker didn't make errors and no AR of how the results
11 were obtained or checked. The planner couldn't understand my Exhibit 6 (AR1356) with my basic calculations shown, *e.g.*,
12 width multiplied by height and a scale conversion. She misunderstood a basic fact, writing the foundation was not coverage,
13 which was clearly erroneous. I'm a registered professional civil engineer with 25 years of plan-checking expertise. I showed all
14 the scales and views measured, all the math steps to my results.⁶⁰ TRPA didn't resolve the plan discrepancies showing excess
15 coverage. Though no Project plan with excess coverage is allowed by law, 11 of 12 BMs voted to deny the Appeal (*see*
16 AR2870-AR2871). Staff was prejudged as right to support a foregone conclusion without evidence: uphold the Project. The
17 illegal excess coverage decision was not a logical conclusion based on the facts such as a person of reasonable mind could
18 accept, let alone 11 of 12 minds, with no AR evidence to the contrary. The decision was a prejudicial abuse of discretion and
19 deserves no deference.

20 9. TRPA's General Stratagem for Prejudicial Abuse of Discretion Under the Illegal Rules It Devised; Repeat and
21 Evade Review

22
23 agency); *Monex Int'l, Ltd. v. Commodity Futures Trading Comm'n*, 83 F.3d 1130, 1133 (9th Cir. 1996) (judicial deference not warranted where courts are
24 competent to decide the issue).

25 ⁵⁶ *Greene v. McElroy*, 360 U.S. 474, 496-497 (1959) (the evidence used to prove the Government's case must be disclosed to the individual so that he has
an opportunity to show that it is untrue) (quoted by *Goldberg v. Kelly*, 397 U.S. 254, 270 (1970)).

26 ⁵⁷ *Supra* notes 55 & 56.

⁵⁸ *See, Brown-Hunter v. Colvin*, 806 F.3d 487, 493 (9th Cir. 2015) (agency credibility determinations may be overruled when they are "not supported by
specific, cogent reasons").

27 ⁵⁹ *Revels v. Berryhill*, 874 F.3d 648, 654 (9th Cir. 2017).

28 ⁶⁰ *C.f.*, F. R. Evid. Rule 201(b) (the court may judicially notice mechanics of basic math which is not subject to reasonable dispute because it generally
known within the district court's territorial jurisdiction or can be accurately and readily determined from sources whose accuracy cannot reasonably be
questioned).

Coverage and soils-hydrology evaluation error are examples of errors that are capable of repetition, yet evading review.⁶¹ Here we see TRPA offering less than a scintilla of supporting evidence for coverage decisions in expectation of court deference. If someone lodges a costly appeal on a staff decision on a project coverage requirement, TRPA can attempt a post-decision remedy or bolster its case for the decision before the GB, right or wrong. If litigation follows, as here, TRPA stands on its judicial review requirements and, under its assertions, can often prevail in court—only to repeat the same behavior again and again.⁶² In the case of coverage for this Project, TRPA offered little if any evidence for its decision, being unnecessary under the deference it generally enjoys. The Variance approval for the Project worked similarly, but with TRPA using post-decisional studies to bolster its improper decision to rely on the soil profile. These are dirty tricks TRPA uses to cover and repeat errors and pre-textual ruses, violate civil rights, and evade review under the abuses it exploits.

C. CONSEQUENCES OF AGENCY VIOLATIONS

1. Demonstration of Injury and Standing Through Zone of Interest Violations

Residents living under TRPA jurisdiction have an expectation and interest that TRPA will fulfill its duties under the Compact, follow its own regulations, and administer the Regional and local area plans which mutually protect all residents from adverse changes to the character and scenic nature of the area,⁶³ and violation of this social contract inherently causes injury. Residents who live and or own real property under TRPA jurisdiction have property or liberty interests in the preservation of the Tahoe Region. I am such a resident and therefore am injured by violations arising under the TRPA Compact which by their very nature “degrade or degenerate” the quality of the environment which surrounds me. Any complained injury falling within the zone of interests sought to be protected by the Compact is enough to establish injury.⁶⁴ Interests conferring standing to sue may reflect aesthetic, conservational, recreational, or spiritual values as well as economic values, where Compact is concerned, trend is toward enlargement of class of people who may protest administrative action.⁶⁵

The bare fact that there are multiple routes to establish injury refutes TRPA mistaken premise that the only route is directly

⁶¹ *Federal Election Com'n v. Wisconsin Right To Life, Inc.*, 551 U.S. 449, 462 (2007) (“Capable of repetition, yet evading review” mootness exception applies where: (1) challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is reasonable expectation that same complaining party will be subject to same action again); *see also*, *Murphy v. Hunt*, 455 U.S. 478, 482 (1982); *Weinstein v. Bradford*, 423 U.S. 147, 149 (1975); *Center For Biological Diversity v. Lohn*, 511 F.3d 960, 965 (9th Cir. 2007).

⁶² Most appellants and litigants being unaware, as I am, that TRPA operates in chronic “bad faith.”

⁶³ *Supra* note 47 at 517 (a zoning scheme is similar to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, under rationale that mutual restriction enhances total community welfare).

⁶⁴ *Supra* note 32 (to demonstrate standing. . . plaintiff must establish that injury complained of falls within zone of interests sought to be protected by statutory provision whose violation forms legal basis for complaint, not by reference to overall purposes of statute in question).

⁶⁵ *Association of Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150, 153-154 (1970); *see also*, *City of Sausalito v. O'Neill*, 386 F.3d 1186 (9th Cir. 2004) (A cognizable procedural injury exists, as would give rise to Article III standing, when a plaintiff alleges that a proper environmental review has not been prepared under NEPA when the plaintiff also alleges a “concrete” interest, such as an aesthetic or recreational interest, that is threatened by the proposed action).

(OSJ 16:8, OSJ 17:3-5 & OSJ 17:23).

I’ve unequivocally alleged that proper environmental review has not been done under the Compact. This Project injures the quality of the environment sought to be protected by, *inter alia*, the Compact, the Endangered Species Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Clean Water Act.⁶⁶ More specific and concretely, the Project causes judicially cognizable injury because: (1) it disfigures the views of the Heavenly mountains, surrounding forest, and Bijou Park Creek aspen grove which injures my aesthetic enjoyment of the Lakeview Heights Plan Area and impairs its enjoyment for future generations;⁶⁷ (2) peer-reviewed scientific literature submitted under the Project’s environmental review process, demonstrates the tower design injures local populations of endangered, threatened, or sensitive wildlife and I have a passionate “[d]esire to use or observe animal species, even for purely aesthetic purposes”;⁶⁸ (3) it discharges microplastic solid waste into the environment and into Bijou Park Creek and downstream waterways;⁶⁹ (4) exceedance of allowable coverage limits contributes to human-caused sediment which lowers the aesthetic clarity of Lake Tahoe; (5) environmental harm is a type of evil which violates my spiritual values through the desecration of the region’s sacred splendor—its value as a natural holy temple to worship god while witnessing his awesome powers—disconnects me from divinity⁷⁰; (6) whereas the economic vitality of the Lake Tahoe Region is innately dependant on its outstanding environmental quality and aesthetics, degradation causes me economic harm; and (7) I am a member of the Tahoe for Safer Tech, an unincorporated environmental association

⁶⁶ Compact’s judicial review provision is appropriate mechanism to review TRPA specific actions which proceed in violation of federal laws such as ESA, MBTA, & CWA (*cf.*, *Center for Biological Diversity v. Bernhardt*, 982 F.3d 723, 733 (9th Cir. 2020) (when two claims are inextricably intertwined between two statutes, and those statutes contain conflicting jurisdictional provisions, courts follow the more specific statute; NEPA, ESA, and the Marine Mammal Protection Act all lack independent judicial review provisions; claims arising under all three are therefore reviewable under the APA); *Bennett v. Spear*, 520 U.S. 154, 175 (1997) (“The APA, by its terms, provides a right to judicial review of all ‘final agency action for which there is no other adequate remedy in a court’”). APA has analog provision in Compact which is controlling as a more specific federal law (*see*, *City of South Lake Tahoe v. Tahoe Regional Planning Agency*, 664 F.Supp. 1375, 1377 (E.D. CA. 1987)).

⁶⁷ *Sierra Club v. Morton*, 405 U.S. 727, 734 (1972) (where “development ‘would destroy or otherwise adversely affect the scenery, natural and historic objects and wildlife of the park and would impair the enjoyment of the park for future generations.’ We do not question that this type of harm may amount to an ‘injury in fact’ sufficient to lay the basis for standing. . . .Aesthetic and environmental well-being, like economic well-being, are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process”); *Conservation Congress v. United States Forest Service*, 409 F.Supp.3d 861 (E.D. C.A. 2019) (A plaintiff satisfies the “injury in fact” to possess Article III standing in an environmental case where an individual shows an aesthetic or recreational interest in a particular place, or animal, or plant species and that interest is impaired by a defendant’s conduct); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 562-563 (1992) (“desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing”); *Lujan v. National Wildlife Federation*, 497 U.S. 871, 872 (1990) (“‘recreational use and aesthetic enjoyment’ are among the sorts of interests that [NEPA is] designed to protect”).

⁶⁸ *Id.* (desire to use or observe animal species, even for purely aesthetic purposes, is a cognizable interest for standing purposes).

⁶⁹ *California Sportfishing Protection Alliance v. Chico Scrap Metal Inc.*, 124 F.Supp.3d 1007 (E.D. C.A. 2015) (A facility’s discharges are subject to the Clean Water Act (CWA) if bodies of water are conduits for the discharges to seep into a navigable waterway and the discharges significantly affect the physical, biological, and chemical integrity of the navigable waterways; that water containing pollutants discharged from facility flowed into ditch, then into seasonal intermittent stream which flowed miles before discharging in ravine that was tributary of navigable waterway miles from facility, was sufficient to support environmental claim, under CWA, that facility discharged pollutants into navigable waterway).

⁷⁰ *Supra* note 65 (interest conferring standing to sue may reflect spiritual values).

1 which has members who own real property adjacent or near to the Project and are thus directly threatened by it.⁷¹ I've appended
2 Exhibit 6, my affidavit declaring concrete and particularized injury falling within the Compact's zone of interests.⁷²

3 2. Demonstration Of Injury And Standing From Due Process Violations

4 *A fortiori*, laws and regulations promulgated under the Compact themselves create interests protected by the Fourteenth
5 Amendment that refute TRPA at OSJ 14:16-24 and OSJ 15:14-15. A liberty interest protected by the Due Process Clause may
6 arise from an expectation or interest created by statutes or policies, or it may arise from the Constitution itself, by reason of
7 guarantees implicit in the word "liberty."⁷³ After all, the Due Process Clause of the Fourteenth Amendment was intended to
8 prevent government from abusing its power, or employing it as instrument of oppression.⁷⁴ Whenever TRPA promulgates
9 legislative rules⁷⁵ which carry the force of federal law, the public may presume that the law will be obeyed.⁷⁶ TRPA may not
10 violate its own regulations.⁷⁷ There is a liberty interest which is deprived whenever the TRPA violates its own ROP. TRPA
11 resorts to sophistry⁷⁸ to mislead this court that an agency may violate its legislative rules—without causing to a due process
12 violation—by citing federal caselaw⁷⁹ which actually pertains to internal interpretive guidelines which do not carry the force of
13 law.⁸⁰ It's simply untrue that TRPA may violate its unambiguous regulatory ROP without causing a due process violation.

14 Whether a TRPA pronouncement is interpretive or substantive is a legal question⁸¹ so court gives no agency deference.
15 TRPA's COO are substantive regulations. Notwithstanding, any so-called TRPA "standard practice" which is inconsistent with
16 or amends an existing legislative rule, cannot be interpretive, since it would impose new rights or obligations by changing an
17 existing law and such amendment must follow the applicable notice and public comment procedure requirements.⁸²

18 ⁷¹ *E.g.*, Tahoe For Safer Tech co-founder Benjamin Lebovitz, a co-appellant who personally testified at the Appeal Hearing, lives within a block of the
19 Project. He would be directly harmed via one or more of the aforementioned judicially cognizable mechanisms of injury. Environmental group's website
20 available at <https://www.tahoeforsafertech.org>.

21 ⁷² This supplements SOA and AR materials in accordance with the manner and degree of evidence required at successive stages of litigation.

22 ⁷³ *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005).

23 ⁷⁴ *Collins v. City of Harker Heights, Tex.*, 503 U.S. 115 (1992).

24 ⁷⁵ A "legislative rule" is issued by an agency pursuant to statutory authority and has the force and effect of law; An "interpretive rule" simply advises the
25 public of the agency's construction of the statutes and rules which it administers and lacks the force and effect of law (*PDR Network, LLC v. Carlton &*
26 *Harris Chiropractic, Inc.*, 588 U.S. —, 139 S.Ct. 2051, 2055 (2019); *see also, Azar v. Allina Health Services*, 587 U.S. —, 139 S.Ct. 1804, 1811 (2019);
27 *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 96-97 (2015); *Lane v. Salazar*, 911 F.3d 942, 949 (9th Cir. 2018); *Mora-Meraz v. Thomas*, 601 F.3d 933,
28 939-940 (9th Cir. 2010); *Miller v. California Speedway Corp.*, 536 F.3d 1020, 1033 (9th Cir. 2008).

⁷⁶ California Civil Code § 3548 (a "Maxim of Jurisprudence" is presumption that "[t]he law has been obeyed"); *see e.g., People v. Golston*, 58 Cal.2d 535
(1962) (in absence of showing to contrary it will be presumed that constitutional due process provision was obeyed).

⁷⁷ *Supra* note 12.

⁷⁸ We are way beyond the point that sophisticated counsel should have known better. We are probably at the point of intentional and blatant disregard
for controlling authority and case law.

⁷⁹ *James v. U.S. Parole Com'n*, 159 F.3d 1200, 1206 (9th Cir. 1998) (holding that alleged failure to fully comply with internal guideline did not amount to
due process violation, as provision was internal interpretive provision that did not have force of law).

⁸⁰ Defendant TRPA Combined Opposition and Cross-Motion, p.14, l.16; p.15, l.4; p.17, l.3.

⁸¹ *Mora-Meraz v. Thomas*, 601 F.3d 933, 939-940 (9th Cir. 2010).

⁸² Agencies are generally required to provide the public with adequate notice of a proposed rule followed by a meaningful opportunity to comment on the

3. Concepts Of Property And Liberty Related To Violations Of Due Process And Equal Protection Rights

The concepts of equal protection of the laws and due process both stem from the American ideal of fairness, and are not mutually exclusive, nor are the concepts always interchangeable, in that equal protection of the laws is a more explicit safeguard of prohibited unfairness than due process of law, but a discrimination may nevertheless be so unjustifiable as to be violative of due process.⁸³ The term “liberty” within the Fifth Amendment to the Federal Constitution extends to the full range of conduct which the individual is free to pursue and it cannot be restricted except for a proper governmental objective.⁸⁴ There is a due process right to notice and meaningful opportunity to be heard by an unbiased tribunal.⁸⁶ The ED’s impediments to hearing access subvert due process. The ED acts as gatekeeper when she obstructs petition processes for appeal to the GB in the first instance, and biases any granted appeal hearing when she rushes scheduling in violation of ROP regulations, as here. The lack of public notice diminishes the likelihood that any aggrieved persons will appeal for redress, will testify at hearing, and further deprives them of opportunity for public participation in environmental review process, and their right to be heard.

III. JUDICIAL REVIEW STANDARDS IN THIS CASE

A. Overview of Applicable Law

TRPA is an agency created by Congress under the Compact Clause of the U.S. Constitution,⁸⁷ operates “under aegis of federal law,”⁸⁸ and is empowered to adopt regulations which carry the force of federal law.⁸⁹ TRPA Compact is substantially consistent with that creating an independent quasi-federal agency whereas it is an agent of Congress established to carry into effect the legislative policies embodied in the “Compact.”⁹⁰ Its organic act is a more than supple device for dealing with interests confined within region, but is also means of safeguarding national interest⁹¹—such as to protect Tahoe Region as “National

rule’s content (e.g., 5 U.S.C. § 553(b)-(c); Exec. Order No. 12866, § 6(a), 58 Fed. Reg. 51735 (October 4, 1993) (providing for presidential review of agency rulemaking states that the public’s opportunity to comment, “in most cases should include a comment period of not less than 60 days”). *See also*, Charles H. Koch Jr., 1 ADMINISTRATIVE LAW AND PRACTICE 329-30 (2010 ed.).

⁸³ *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

⁸⁴ *Id.*

⁸⁶ *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965) (due process requires notice reasonably calculated to apprise interested parties of pendency of action and afford them an opportunity to present their objections and be heard at a meaningful time in a meaningful manner); *Goldberg v. Kelly*, 397 U.S. 254, 267, 271 (1970) (due process of law is opportunity to be heard during hearing at meaningful time and in meaningful manner by an impartial decision maker); *Greene v. McElroy*, 360 U.S. 474, 496-497 (1959) (rights of confrontation and cross-examination apply in all types of cases where administrative and regulatory actions are under scrutiny); *Ward v. Village of Monroeville*, 409 U.S. 57, 62-63 (1972) (due process requires “a neutral and detached judge in the first instance”). *See also*, *Arnett v. Kennedy*, 416 U.S. 134, 197 (1974); *Mathews v. Eldridge*, 424 U.S. 319, 325 n.4 (1976).

⁸⁷ *See*, *U.S. v. Morrison*, 529 U.S. 598, 607 (2000) (enacted statutes must be based on powers in Constitution).

⁸⁸ *Jacobson v. Tahoe Regional Planning Agency*, 566 F.2d 1353, 1358 (9th Cir. 1977).

⁸⁹ *See*, *Lake Tahoe Watercraft Recreation Ass’n v. TRPA*, 24 F.Supp.2d 1062, 1068 (E.D. CA. 1998); *City of South Lake Tahoe v. Tahoe Regional Planning Agency*, 664 F.Supp. 1375, 1377 (E.D. CA. 1987); *Stephans v. Tahoe Regional Planning Agency*, 697 F.Supp. 1149, 1152 (D. Nev. 1988).

⁹⁰ *Cf.*, *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 540 (2009).

⁹¹ *Hess v. Port Authority Trans-Hudson Corp.*, 513 U.S. 30, 40 (1994) (compacts are means of safeguarding national interest); *West Virginia ex rel. Dyer v. Sims*, 341 U.S. 22, 27 (1951).

Treasure.”⁹² The TRPA Compact is construed as a contract under the principles of contract law.⁹³ State sovereign power governs all contracts subject to sovereign’s jurisdiction, and will remain intact unless surrendered in unmistakable terms;⁹⁴ a State does not easily cede its sovereignty.⁹⁵

Land management interstate compacts are the constitutional cousin of the federal enclave and there is substantial overlap; states simply opt into ceding regional jurisdiction under express terms invoked through the Compact Clause inversely to the manner in which they opt out of aggregate cession under the Federal Enclave Clause.⁹⁶ Thus, TRPA preempts traditional state powers only where that result is the clear and manifest purpose of Congress.⁹⁷ Applying the “unmistakability doctrine” to the TRPA Compact means that—unlike federal agencies or enclaves administered under U.S. Const. Article II Sec. II—ambiguous, “mistakable,” statutory terms are not entitled to traditional agency deference.⁹⁸ Nor is TRPA’s interpretation of the Compact’s judicial review provisions⁹⁹—of which itself is not charged with administering¹⁰⁰—entitled to agency deference. Notwithstanding, once the TRPA Compact received approval of Congress, it was transformed into a law of the United States, preempting any state law that conflicts with the Compact.¹⁰¹

California did not in “unmistakable terms” surrender residents’ expansive rights secured under its State Constitution. California’s due process protections are, at times, broader than those imposed by the Fourteenth Amendment.¹⁰² California

⁹² Compact Art. I.

⁹³ See, *New York v. New Jersey*, 598 U.S. 218, 143 S.Ct. 918, 924 (2023) (interstate compacts are construed as contracts under the principles of contract law).

⁹⁴ *U.S. v. Winstar Corp.*, 518 U.S. 839, 871-872 (1996) (under unmistakability doctrine, sovereign power governs all contracts subject to sovereign’s jurisdiction, and will remain intact unless surrendered in unmistakable terms); see also, *Erie R. Co. v. Tompkins*, 304 U.S. 64, 78 (1938) (in federal courts, except in matters governed by Federal Constitution or by acts of Congress, law to be applied in any case is law of the state).

⁹⁵ *Supra* note 93 at 925 (background notion that a State does not easily cede its sovereignty may inform the interpretation of TRPA compact).

⁹⁶ See, *Kleppe v. New Mexico*, 426 U.S. 529, 542-543 (1976); *Paul v. U.S.*, 371 U.S. 245, 268 (1963); *Collins v. Yosemite Park & Curry Co.*, 304 U.S. 518, 528 (1938); *Swords to Plowshares v. Kemp*, 423 F.Supp.2d 1031, 1034 (9th Cir. 2005) (all generally holding jurisdiction obtained by consent or cession may be qualified by agreement or through offer and acceptance or ratification).

⁹⁷ *Department of Revenue of Oregon v. ACF Industries, Inc.*, 510 U.S. 332, 345 (1994) (Supreme Court will interpret statute to preempt traditional state powers only if that result is clear and manifest purpose of Congress); *BFP v. Resolution Trust Corp.*, 511 U.S. 531, 537, 544 (1994) (it is generally presumed that Congress acts intentionally... particularly where [it replaces] standard legal terminology with neologism; before federal statute will be construed to displace traditional state regulation in manner which radically readjusts balance of state and national authority, such a federal statutory purpose must be clear and manifest).

⁹⁸ Compare *Alabama v. North Carolina*, 560 U.S. 330, 344 (2010) (unless the text of an interstate compact directs otherwise, the Supreme Court does not review the actions of a compact commission on the deferential model of judicial review of administrative action by a federal agency) with, *Bowles v. Seminole Rock & Sand Co.*, 325 U.S. 410 (1945) and *Auer v. Robbins*, 519 U.S. 452 (1997).

⁹⁹ Compact. Art. VI(j).

¹⁰⁰ See, *Hecht Co. v. Bowles*, 321 U.S. 321, 330 (1944) (in construing statute setting up administrative agency and providing for judicial review of its action, court and agency are not to be regarded as wholly independent and unrelated instrumentalities, each acting in performance of prescribed statutory duty without regard to appropriate function of other in securing plainly indicated objects of statute); see also, *Metropolitan Stevedore Co. v. Rambo*, 521 U.S. 121, 138 n.9 (1997) (we do not defer to the Director’s interpretation here of the APA’s provision for allocating the burden of persuasion under the preponderance of the evidence standard, [because] [t]he APA is not a statute that the Director is charged with administering).

¹⁰¹ See, *Tarrant Regional Water Dist. v. Herrmann*, 569 U.S. 614, 627 n.8, 628 (2013) (citing *Virginia v. Maryland*, 540 U.S. 56, 66 (2003) (quoting *Cuyler v. Adams*, 449 U.S. 433, 438 (1981))); *Com. of Pennsylvania v. Wheeling & Belmont Bridge Co.*, 54 U.S. 518, 566 (1851) (bi-state compact, by the sanction of Congress, has become a law of the Union).

¹⁰² *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1050 (9th Cir. 2014); *Today’s Fresh Start, Inc. v. L.A. Cnty. Office of Educ.*, 57 Cal.4th

procedural due process protections require reasonable notice and an opportunity to be heard before a lead agency makes an adjudicatory land use decision that constitutes a substantial or significant deprivation of other landowners' property rights.¹⁰³

The zoning authority of local governments derives not from statutes such as the Compact, but from the state Constitution.¹⁰⁷ A conditional use permit grants an owner permission to devote a parcel to a use that the applicable zoning ordinance allows not as a matter of right, but only upon issuance of the permit.¹⁰⁸ A variance is a permit to build a structure or engage in an activity that would not otherwise be allowed under the zoning ordinance; it cannot, however, be granted to allow a use unauthorized by the zoning ordinance.¹⁰⁹ To quote the California Supreme Court¹¹⁰:

“[T]he adoption of zoning regulations is a legislative function, the granting of variances is a quasi-judicial, administrative one. If the judiciary were to review grants of variances superficially, administrative boards could subvert this intended decision-making structure. . . courts must meaningfully review grants of variances in order to protect the interests of those who hold rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare”
(*Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506 (1974)).

TRPA administrative action may not issue variances outrageously or systemically which carry the effect of changing or rezoning regional or local area plan.¹¹¹ The ED has effectively usurped a legislative function and subverted the intended decision-making structure, by approving excavation depths in exceedance of five feet which do not meet the criteria of TRPA regulations or long-term plans. Through the Governing Board’s planning laws, the local community had been assured community welfare which prevented the adverse development of gargantuan facilities¹¹² on neighboring properties which require significant foundations and whose foundations may leach unfairly leach lime and other chemicals into the surrounding water table.

B. Applicability of Standards

This case involves mixed questions of law and fact¹¹³ whereas the content within the AR is undisputed and ultimate

¹⁰³ 197, 212-213 (2013).

¹⁰⁷ *Id.*

¹⁰⁷ *Neighbors in Support of Appropriate Land Use v. County of Tuolumne*, 157 Cal.App.4th 997 (2007).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *See, West v. American Tel. & Tel. Co.*, 311 U.S. 223, 236 (1940) (the highest court of state is the final arbiter of what is state “law”, and its pronouncement is to be accepted by federal courts as defining state law).

¹¹¹ *Supra* note 45; *Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 531, 540 (1990) (general plan functions as “a ‘constitution,’ or perhaps more accurately a charter for future development”).

¹¹² This Macro-Cell Tower is 112 feet tall—approximately 12 stories—in a residential neighborhood with a two-story height limit.

¹¹³ *See, Google LLC v. Oracle Am., Inc.*, 593 U.S. —, 141 S. Ct. 1183, 1199 (2021) (a reviewing court should break a mixed question of law and fact into “its separate factual and legal parts, reviewing each according to the appropriate legal standard); *United States v. McConney*, 728 F.2d 1195 (9th Cir. 1984) (proposing an inquiry to determine whether *de novo* or clearly erroneous review is appropriate).

Compact and the rest of federal environmental law whereas National Environmental Policy Act ("NEPA") decisions which are authoritative¹²⁵ and are often evaluated under the arbitrary and capricious standard.¹²⁶ The "rational basis review" or "hard look review," typically applied under NEPA are just kinds of substantial evidence review. The administrative review clause of the Compact should be read under the strong presumption that Congress intended judicial review.¹²⁷

C. Deference To TRPA Is Often Unwarranted

Contrary to TRPA's assertions, court deference to purported agency expertise is not unlimited.¹²⁸ No deference is warranted to TRPA's interpretation of its unambiguous regulations, decisions which rest on misinterpretation of Court precedent, TRPA violation of statutes, or otherwise where TRPA had no authority to act. Nor is deference warranted where TRPA is merely advancing a litigation position that is not an official interpretation of its regulation, where it has radically inconsistent interpretations of law, or where courts have experience in the area and are fully competent to decide the issue.

IV. CONCLUSION

The Administrative Record has exposed but one instance of a severe and pervasive problem where democratic processes and environmental review under TRPA are closed and malfunctioning, controlled by special development interests. TRPA wants this court to make precedent that it is accountable to nobody, no matter the harms. Don't let it. I seek relief on behalf of myself and others and move for the court to uphold the MSJ and MSAR and its claims for relief and liability damages as also supported herein. I urge the court to order the tower be dismantled, put a moratorium on new towers sans an EIS and appoint a special master over TRPA if possible to ensure regulatory reform is legally proper and limits future abuses of discretion.



DATED:

October 20, 2023

Alan Miller, *Plaintiff, in propria persona*

P. O. Box 7526, South Lake Tahoe CA 96158

encompasses the agency's assessment of the evidence in the record and its application of that evidence in reaching a decision. In arbitrary and capricious review, the focus is on the agency's explanation or justification of its decision and whether that decision can be reasoned from the body of evidence).

¹²⁵ *Sierra Club v. Tahoe Regional Planning Agency*, 840 F.3d 1106, 1115 (2016). *See also*, Plaintiff's Reply And Opposition To Defendant TRPA's Opposition To Plaintiff's Motion To Supplement The Administrative Record p.6.

¹²⁶ *See, Barnes v. Fed. Aviation Admin.*, 865 F.3d 1266, 1269 (9th Cir. 2017); *Ka Makani 'O Kohala Ohana Inc. v. Water Supply*, 295 F.3d 955, 959 n.3 (9th Cir. 2002) (clarifying when standard applies). *See also, ForestKeeper v. La Price*, 270 F.Supp.3d 1182 (2017) (with respect to judicial review of agency decisions made pursuant to NEPA, summary judgment is governed by the arbitrary and capricious standard instead of the typical summary judgment standard that determines whether there are disputed issues of material fact); *City of Sausalito v. O'Neill*, 386 F.3d 1186, 1205-06 (9th Cir. 2004).

¹²⁷ *Block v. Community Nutrition Institute*, 467 U.S. 340, 351 (1984); *Bowen v. Michigan Academy of Family Physicians*, 476 U.S. 667, 674 (1986); *De Martinez v. Lamagno*, 515 U.S. 417, 419 (1995).

¹²⁸ *Supra* note 52.

EXHIBIT 6

Affidavit of Injury Falling within Compact's Zone of Interests

Affidavit

My name is Alan Miller and I have resided in the City of South Lake Tahoe since 1993. I came here because of my love for the natural environment, the near-pristine waters, the magnificent trees and forests, the mountains and their waterfalls and trees. I connect with nature through walks and hikes, bicycling, swimming in the natural waters, breathing the clean air and enjoying the night skies. My world is a world that is alive: not only the plants and animals, from whom I receive “messages” helpful to me in my daily life but the mineral kingdom, the sacred “four winds” and the nature spirits assisting the mother earth, the mother of us all. I know many people can’t understand the unseen, certainly not the desecraters and despoilers, how powerful it is, and how everything is connected to the sacred benevolence.

When I came to this basin there were no wireless facilities save for around the airport and a small number of community radio station antennas. Now the wireless towers are ubiquitous and increasing everywhere in the region, like an urban blight, and the 112-foot monopine macrotower Verizon Wireless installed at 1360 Ski Run in my city is just one egregious and disgusting example of how my environment is being degraded one tower at a time, with none escaping the poison.

There is a business I frequent on Ski Run Boulevard so I am frequently in the area and visiting friends in the neighborhood. The Bijou Park Creek is very unique, with its dense aspen groves, so colorful in the fall (and in the spring when the leaf-buds open). My late wife, poisoned by wireless, loved aspens for the way they sound in the wind. Me, too. I saw a bear there this summer and I’ve seen eagles over the Ski Run tower site, which stands adjacent. I question whether the aspens and all they support will be there for future generations, knowing towers are especially hard on aspen trees. It is depressing to consider they wouldn’t be.

The tower is on my route to and from the Heavenly Ski area, where I’ve spent many happy days over the years connecting with god and the nature I enjoy. I no longer patronize the ski area, so disgusted am I with its own wireless expansion for commercial profit on the public lands, with ski area employees in cahoots with the Tahoe Regional Planning Agency, which is a horrible thing for the environment, the plants, the animals, the people and the waters. I can’t connect spiritually with my god and nature in the same way there now; something intangible has been lost. Besides that, I quit going because every time I pass the Ski Run tower, with its in-your-face destruction of the mountain view, I am reminded of the unfettered wireless expansion at Lake Tahoe by the tower on my route, the toxic microplastic wastes being continually shed to the environment as I have witnessed at the Ski Run tower and other monopine macrotowers. and how my friend Monica and her family were driven to flee their beautiful home overlooking Lake Tahoe to preserve their health from continual microwave radiation after the tower was approved on the adjacent property by the feckless TRPA. I am concerned how the Ski Run tower and the tower across the street from where he lives will affect the health of my friend David, who suffers grave illness exacerbated by microwave poisoning. I am concerned that all this wireless expansion will keep . . . expanding until, with no planning or environmental review whatsoever, the environment at Lake Tahoe right to my front door has been further radically altered by powerful unseen forces that are malevolent.

The fact is the Ski Run tower could not have been built if TRPA and others had followed the laws. I feel like I live in a banana republic under TRPA and I DO NOT CONSENT. The environment I love is being destroyed by wireless microwaves with impunity by the very agency charged to protect the environment. TRPA is not the Tahoe Regional *Protection* Agency, it is more the Tahoe Regional *Political* Agency, and it distresses me greatly to see how money talks and BS walks at TRPA. It’s disgusting, reprehensible, and I have no faith in TRPA to protect the waters or environment of Lake Tahoe.

The money-changers and thieves are in the temple, with TRPA presiding over the development party as the corrupt high priests of a half-baked regulatory scientism, seemingly beyond the reach of the law. I believed in the Compact, as its purpose was to prevent damaging land development—such as this ill-placed 112-foot wireless antenna tower—and to protect Tahoe’s special and scenic areas through stringent planning standards and rigorous environmental review. I believed Tahoe’s environmental laws protected the environment by requiring public input during the environmental review process of projects—that the gathering of local knowledge, wisdom, and observations would result in better informed and higher quality environmental decisions. Now I feel betrayed and harmed by TRPA’s degradation of the environment; harm which will last for generations. For all this I grieve.

Under penalty of perjury, I attest these facts to be true and correct, without intent to deceive.



Alan Miller,

Dated: October 19, 2023

PO Box 7526, South Lake Tahoe CA 96158

1 Alan Miller
2 PO Box 7526
3 South Lake Tahoe CA 96158
4 (530) 542-0243
5 Plaintiff, in *propria persona*

**ORIGINAL
FILED**

OCT 20 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

10 ALAN MILLER,
11 Plaintiff,
12 v.
13 TAHOE REGIONAL PLANNING
14 AGENCY,
15 Defendant.

No. 2:22-cv-02113-KJM-AC

**MOTION FOR ADMINISTRATIVE
RELIEF TO EXCEED PAGE LIMITS**

Summary of Motion

18 Out of an abundance of caution not to violate Judge Claire's Standing Orders, Plaintiff
19 files this Motion to Exceed Page Limits (hereinafter "Motion") to submit a 20 page "Reply and
20 Opposition." The reasons for this motion are because: (1) there is genuine ambiguity as to
21 whether a 20 page or ten page limit applies to my "Reply and Opposition"; and (2) the complexity
22 of this administrative review case ordinarily commands at least a 20 page opposition in the
23 interest of justice. I was granted two extra pages by Judge Claire's order in response to the
24 Stipulation And Order To Extend Summary Judgment Deadlines (ECF 34) then presuming the ten
25 page requirement applied, and in the final analysis find it may not apply and that the motion can't
26 be rightfully accomplished in under 20 pages.

Ambiguity Compels Motion

Application of Judge Claire’s Standing Orders for Civil Cases (hereinafter “Standing Orders”) to the local and federal rules raised ambiguity in my instant case. The Local Rules use different words to describe pleadings than Fed. R. Civ. P. 7. In any case, Local Rule 261(d) — “Procedure In Actions For Review On An Administrative Record In Non-Social Security Cases,” promulgates:

“In actions, other than Social Security actions, which require the Court to review an administrative record, the following deadlines shall apply unless otherwise ordered...**Reply and Opposition.** Within 15 days after the filing of the defendant’s opposition and cross-motion, the plaintiff may file a reply and any opposition to the defendant’s cross-motion”

The Local Rules expressly state that the plaintiff may file “any opposition to the defendant’s cross-motion,” and imply such motion be titled Plaintiff’s “Reply and Opposition.” Pursuant to the “Standing Orders”:

“PAGE LIMITS: Initial moving papers in non-discovery matters, and oppositions to such motions, are limited to 20 pages. Replies are limited to 10 pages. Page limits do not include the index or table of contents, table of cases, or exhibits (if any). Documents exceeding these limits without advance leave of court, for good cause shown, will be stricken without further notice.”

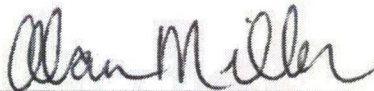
The “Standing Orders” expressly state that “oppositions” are “limited to 20 pages” and that “[r]epplies are limited to 10 pages.” A motion under Local Rule 261(d) is described as a “Reply and Opposition” making it plausibly susceptible to both page limit rules. It is a general maxim of jurisprudence that “[t]he greater should include the less” (*e.g.*, California Civil Code § 3536). Therefore when the motion contains both an opposition entitling it to 20 pages and a reply entitling it to ten pages, the applicable limit is 20 pages. It is only fair for a Plaintiff to be able to adequately oppose a defendant’s 20 page cross-motion potentially involving substantially different allegations with a 20 page opposition. After all, the Defendant also gets the last say with a ten page reply.

Complexity of Case

This case involves a 3,429 page administrative record and complex and arcane legal principles pertaining to Inter-state Compacts under the U.S. Constitution, administrative law, diversity jurisdiction, standards of review, and an extremely large body of agency regulations. It is in large part the complexity of these regulations that has obscured the astonishing facts and matters of law revealed in my Reply and Opposition, which enlarge the dimensions of the case, requiring at least 20 pages to brief adequately. It is far better and more efficient to allow the case to resolve justly at the District Court than on appeal. Based on limited research of other court practices and rules an allowance of 20 or more pages is not unusual for such a reply, especially considering the case complexities.¹

I am not seeking license to be wordy. I am a *pro se* Plaintiff and respectfully make this motion to accompany my Reply and Opposition asking for the court to advance its discretion on page limits so that nationally important matters of law and justice are served for the protection of the civil rights of the people and for the protection of Lake Tahoe, a national and global resource.

DATED: October 20, 2023



Alan Miller

P. O. Box 7526

South Lake Tahoe CA 96158

Plaintiff, in propria persona

¹ E.g., D. Nev. LCR 47-2 ("motions, and responses to motions are limited to 30 pages"); S.D. CA. LCR 7.1(h) ("Briefs or memoranda in support of or in opposition to all motions noticed for the same motion day must not exceed a total of twenty-five (25) pages in length"); N. Dist. CA. LCR. (generally promulgating that a brief or memorandum may not exceed 25 pages of text).

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 10/23/2023 11:36:53 PM
To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; Hayley Williamson <hayley.a.williamson@gmail.com>; John Marshall <jmarshall@trpa.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoeconomy.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>
Subject: TRPA Governing Board meeting - Public Comment 2 of 2 - October 25, 2023

Please confirm inclusion of this email as Public Comment for the Oct 25 2023 TRPA Governing Board Meeting

To TRPA Governing Board,

Although these comments are with regard to the Tahoe Basin Area Plan Amendments, there is MUCH, MUCH work to be done before this agenda item which is proposed for action in November or December.

With that in mind, I hope that the Governing Board takes the necessary time to familiarize yourselves with what has been happening so far with these TBAP Amendments and what are the continuing concerns the public has. Please take the time to consider public input and not just rely on staff summaries. It's been quite evident at meetings when this happens, and it's no wonder but irresponsible..... it is an overwhelming amount of information for the Board to digest and takes more than a few weekends.

In addition to the Public Comment 1 also submitted (which is mostly concerned with public input about proposed height/density and STR limits), the following needs to be asked of staff and clarified for the public:

- 1. Closing Loopholes - Clarification whether the proposed amendments that are meant to incentivize housing development would apply to projects (with mixed housing or mixed use) that have a "workforce housing development" component OR would they ONLY apply to projects that are 100% deed restricted projects?** We weren't able to obtain an answer from John Hester at the Placer County Board of Supervisors meeting on Oct 11th. More detailed clarifications need to be drafted to close loopholes allowing for use of these amendments when mixed use and **decide on what percentage affordable housing is required to qualify.**
- 2. Clarification of allotment numbers for each income "bucket" - affordable, moderate and achievable housing.** Substantiation of community NEED for anything more than affordable and moderate?
Ask for what/how the following Placer County Parking Enforcement Officer ([job posting](#)) would qualify to rent or purchase - it's a numbers game unfortunately **plenty of workers may qualify but not many will be able to afford** - We need to be realistic....Feasible rental calculations have not been presented to the public who are the ones that are supposed to benefit. I've had communication with Karen Fink (TRPA Housing and Community Revitalization Program Manager) about this and you should be asking the same questions
- 3. If 100% coverage of a lot is allowed, how are BMPs going to be implemented?** Currently buildings in Kings Beach which are too close are shedding water onto each other and there is no place for BMPs....a real mess!
- 4. Zero parking allowance** is unrealistic and if implemented then **local jurisdiction public parking plans/snow removal plans need to be IN PLACE for developers to reference required MOUs** for their projects AT THE VERY LEAST. It's been stated by TRPA themselves that **96% of current residents own autos.** Most workers/residents NEED their own vehicles either to get to work or to carry required materials for their jobs. The public transportation system is too slow, not frequent enough and doesn't cover all the areas people work. **This is NOT a city! Visitation to Tahoe is mostly based on automobiles as well.**
- 5. Have staff provide proof that the Addendum to the 2017 ratified EIR and Errata appendices are sufficient documentation to meet CEQA/NEPA RECENTLY strengthened analysis requirements** of the Attorney General's office which considers climate change effects, community evacuation safety and cumulative environmental evaluation. Some of the significant changes that have occurred since 2016 are below.

In addition to this, I point you to the CEQA October 2020 California Attorney General Guidance, "Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects", which discusses best practices for wildfire evacuation planning, roadway capacity evaluation and prudent public safety development project planning. **The guidelines state that "the addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire."**
<https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>
This is only ONE of the many changes that have happened since the EIR was completed for the 2012 Regional Plan and an update is badly needed. Proof of otherwise is due to the public.

Some of the other significant changes since 2016 NOT taken into consideration:

- **Demonstrated fire and winter evacuation safety perils due to lack of roadway capacity** caused by human overcapacity as demonstrated by the August 2021 Caldor and the January 2017 snowmageddon mass evacuation event. This includes wildfire evacuation tragedies since 2017 documented during the Paradise and Lahaina wildfires fires.
- The many **large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline**, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. (See Attachments B and C).
- Increased environmental and wildfire safety and evacuation impacts caused by **congestion on SR 267 and SR 28 from Brockway Summit through Kings Beach in both directions** and from the use of the East Shore Trail, placed in service in July of 2019.
- Substantially significant increases in the changing natural environment resulting from the **current pollution of Lake Tahoe from micro plastics, lead from cables,**

Cyno toxic algae, and invasive species and invasive species including the New Zealand mud snail proliferation.

- The **increase in tourism** from the Bay Area, and **Truckee, Reno, and Carson City population growth of which impacts on the basin have not been analyzed.** (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation).
- **Increase in Short-Term Rentals (STR's) with 3,400 active permits in eastern Placer County alone,** including cumulative addition of the Washoe County approval of Short-Term Rentals within Incline Village, NV (Approx 900+ are active).
- The **UC Davis State of the Lake Reports** since the certification of the 2016 EIR.

TRPA Governing Board, you have much to read up on, outline, analyze, ask questions of staff and make your own conclusions and proposals.

And please remember, you are making changes to an Area Plan which have profound effects on many communities and that may be irreversible.

Thank you for your time and consideration.

Sincerely,

Niobe Burden Austere
One of many concerned property owners, Tahoe Vista

(530)320-2100

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 10/23/2023 8:34:07 PM
To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; Hayley Williamson <hayley.a.williamson@gmail.com>; John Marshall <jmarshall@trpa.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoeconomy.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>
Subject: TRPA Governing Board Public Comment 1 of 2 - Meeting Oct 25 2023
Attachments: [Fivestory-Bayside.JPG](#)

Please confirm inclusion of this email as Public Comment for the Oct 25 2023 TRPA Governing Board Meeting and distribute

Previously sent to TRPA Advisory Planning Commission Oct 9 as well as TRPA staff

To TRPA Governing Board,

Although these comments are with regard to the Tahoe Basin Area Plan Amendments, there is MUCH, MUCH work to be done before this agenda item which is proposed to be in November or December.

With that in mind, I hope that the Governing Board takes the necessary time to familiarize yourselves with what has been happening so far with these TBAP Amendments and what are the continuing concerns the public has.

It's more than obvious to anyone closely following the presentations by TRPA staff to committees and the public regarding the proposed Regional Plan Amendments, a turning point has been reached and public input isn't being considered and questions are no longer being sufficiently addressed but rather limited if not stifled by time constraints. It's becoming obvious that TRPA's only goal is to steam-roll ahead with these amendments and get them approved by year end. They've even said so!

If one studies the TRPA survey results done at the end of September and reads the 681 free text comments from the **2-day** flash survey (link at bottom), it's clear that the **majority of respondents DO NOT WANT increased height. In Question 3** - a majority of 32.4% strongly disagree and 19% somewhat disagree for a **51.4% total disagreeing**. Yet **TRPA staff led the TRPA Regional plan implementation committee (RPIC) to believe, 2 days later, that it was "a surprising 50/50 split".....a misleading statement.**

For the agreed to reach 50%, the "neutral and not sure" respondents (which made up 10%) would need to be included with the agreed. The facts are 22.9% somewhat agree and 15.2% strongly agree for **38.1% total agreeing. See the graph for yourself!** No where in the question did it indicate that taller means 65' in town centers. Is this also misleading or an incomplete question?

Also, **Question 2** asking which would be the **BEST OPTION** to provide more housing Where **66% (605 of 915) indicated this option:**
Small multi-family buildings (up to 10 units) near town centers, in areas that already allow for multi-family housing

Not once did I hear this option mentioned by TRPA staff as preferred by the public to RPIC. Only the need for these amendments to increase height and density with parking reduced to zero in town centers and .75 parking/unit in multi family zones. Where do the home cleaners, construction workers and hospital employees park their necessary vehicles? **Parking management plans need to be put in place BEFORE any amendments that allow these projects to be considered** without parking, in town centers AND multi family zones. MOUs need to be based on something. Let's start with, where is a dedicated multi-story garage going to happen in Kings Beach?

Please REVIEW the survey for yourself and read the 681 comments. It's quite apparent that the public wants firstly and for immediate results over the next year or two, a limitation cap and phase down of STRs and incentive programs for owners to rent long term/seasonally their empty homes....or have a vacancy tax like other mtn resort areas. This could be an immediate partial solution until housing is available in 3-4 years. Additionally, (for example in Placer county) the TOT tax revenue can be made up with by revamping the STR permit fee structure to something that makes more sense, like a fee structure based on number of occupants advertised or number of bedrooms. East Placer County has some of the lowest permit fees for a mtn resort community in the country. Is this not also exasperating the lack of workforce housing?

Before any decision making moves forward the following illustrations should be made available at PUBLIC HEARINGS and Public committee meetings to see, and the following questions about the details of the proposed amendments addressed:

1. **First TRPA must have REALISTIC renderings of town center proposals of 65' (5-story) on their "Achievable Housing" webpage and for all future meetings** (see image below).

Here is an example of a 5 story building, this one includes realistic ground floor parking!



In addition, not one rendering in the TRPA materials or affordable housing webinar on Sept 19th has more than 4 stories, which is clearly deceptive information. Even the home page image on the **TRPA Achievable Housing website** explaining the proposed amendment changes is of the current "**Domus affordable housing project**" in Kings Beach that stands at 48'. Nothing on this webpage represents the proposed 65' 5 stories in fact (last checked 10/23). Have a look here - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

And you will notice on this same webpage that the **flash survey results from 1255 people I'm referring to in this email are only represented as a link with NO summary/or screenshots**. While a survey immediately following TRPA's Sept 19th housing webinar had 57 respondents, and they feature it as the primary public input with a screenshot of 30 respondents (barely the majority 53% with 14% needing more information) in favor of taller and denser building (here again, they do not mention HOW tall)

2. **TRPA must have a combined map of Town Centers AND Multi Family zones (in different colors) with township boundaries presented at PUBLIC HEARINGS** to give everyone a realistic idea of the areas affected. **This map should also have zoomed in renderings of each township area for the public to see where their property ownership lies. This map should be referred to in future live meeting presentations.**

3. TRPA must have a **chart explaining the intended allocation of bonus housing units in each township/ zone /county around the lake basin** (which was indicated in the RPIC meeting as a total of 10% of the population). Also stipulating the **allocation within each "Bucket"** of 1/2 affordable - 1/2 moderate and achievable. And finally, a chart with example rental amounts/sales prices indicated for each bucket in each county for each size unit.

4. **TRPA must clarify the calculation of each income level (affordable, missing middle/moderate, achievable) as % of AMI based on # in household** with current AMI information/its source. They also need to explain **why there is no income cap to qualify for "achievable" housing**, only a requirement to work for a local employer. How do you keep someone from just obtaining a local business license as an employer and qualifying? TRPA staff needs to explain what a recent posting - Placer County Parking Enforcement officer who makes \$29 will be able to afford - rental or otherwise. It is a game of numbers.

5. Will **mixed use projects** be able to utilize these beneficial ordinances if they **have a dedicated workforce housing component?** Commercial/retail and workforce? Workforce and TAUs/STRs or market rate units? **Or will these ordinances ONLY be allowed for 100% workforce housing developments? What percentage will be "deed restricted for sale" versus "affordable rental projects" which is most needed by the seasonal workers? What happens if the units don't sell as "missing middle or achievable" units? Who absorbs the developers shortfall if they are then forced to lower the sales prices? Will TRPA be subject to lawsuits?**

CLOSE THE LOOPHOLES - the devil is in the details so please be aware of what you are making decisions on.

6. **How will compliance be enforced?** - TRPA's track record for enforcing required workforce housing with previous development projects leaves much to be desired. Details how the Vail program works - 100% reporting versus what TRPA or the jurisdictions will be required to do? **Explain the audit of a 10% sample - will this sample be for each "bucket"?**

7. It's obvious from the flash survey that respondents believe STRs are contributing to a workforce housing shortage and they should be limited or banned. **Why won't TRPA take a more immediate approach** to help relieve the shortage of workforce housing NOW and **mandate a reduced cap on STR permits** like other mountain resort communities have recently done? For instance Placer county has had an average STR permit level of 3400 of the 3900 available for the past year. Why can't this be reduced to 2500 and through attrition be converted to long term/seasonal rental with an incentive campaign made available to possibly free up a chunk of housing units?

8. The flash survey also raises concerns about overtourism, environmental scenic thresholds, adequate evacuation studies and news of microplastics and invasive aquatic snails. Explain **how can TRPA substantiate approval of these amendments to the Regional Plan without an updated cumulative Environmental Impact Report** but base it on the ratified EIR for the 2012 Regional Plan? **How can a "Checklist" be sufficient to recognize and mitigate current environmental deterioration issues? There HAS BEEN A CUMULATIVE effect of building development and a substantial number of approved/not built projects since the last completed EIR for the Regional Plan, along with climate change, increased wildfire, pollution and invasive species...is this not obvious? I don't see how TRPA can justify CEQA and NEPA guideline compliance and not complete a current cumulative EIR before these amendments are approved? I do see possible lawsuits.**

Everyone's attention to and explanation thereof the details to these far encompassing amendments needs to be addressed for the public and will be asked at all upcoming meetings.

THE FLASH VOTE SURVEY -

I hope you will read the 681 free text comments (good bed time reading :D) to get a sense of the majority public input within the flash survey and ask your own questions.

It is available here - <https://www.flashvote.com/lake-tahoe-basin-nv-ca/surveys/regional-housing-09-23?filter=invited>

This month, Attorney General Bonta joined a Comment Letter in Support of Proposal to Strengthen Federal NEPA Regulations (Press Release Oct 3, 2023, [LINK Here](#)).

In their comment letter, the attorneys general supports CEQ's proposal and recommend additional changes to strengthen the rule, including:

- **Strengthening analysis of climate change effects in all types of NEPA review, including requiring consideration of climate change effects when conducting environmental reviews of proposed actions that do not require preparation of an environmental impact statement.**
- **Providing direction to agencies on how to evaluate cumulative disproportionate adverse effects on environmental justice communities.**
- Incorporating provisions of CEQ's previously published greenhouse gas emissions guidance.

Kindly,
Niobe Burden Austere
One of numerous concerned property owners on the north shore of Lake Tahoe

Niobe Burden Austere

(530)320-2100



From: Ellie <tahoellie@yahoo.com>
Sent: 10/23/2023 2:57:46 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: [BULK] Tahoe Regional Planning Agency 10-25-23 Governing Board General Public Comment for the Record
Attachments: [APC 10-11-2023 GB 10-25--2023 Gen Comment.docx.pdf](#)

Please accept this General Public Comment for the Tahoe Regional Planning Agency 10-25-23 Governing Board meeting for the Record, Thank you ~Ellie Waller

This was previously submitted to the TRPA Advisory Planning Commission on 10-11-23

One correction: The Placer County Tahoe Basin Area Plan TENTATIVE approval was to be made 10-16-23 but was continued to 10-31-23.

Also, when available you should view the video of the 10-16-23 Placer Board of Supervisors meeting to get an accurate impression of public comment.

TRPA Planning Commissioners and Governing Board members:

My opinion, many amendments to the 2012 (12-12-12) TRPA Regional Plan and some of the Area Plans amendments have not resulted in environmentally beneficial improvements, development on-the-ground and frankly poor decision-making by TRPA and the local jurisdictions with approvals that don't necessarily meet the criteria TRPA expected to paraphrase Executive Director, Julie Regan when South Lake Tahoe, Douglas County, Latitude 39 project <https://www.collaborativedesignstudio.com/latitude-39> was approved with a contentious Vehicle Miles Traveled (per-capita) analysis challenged. As well as not having an affordable housing requirement. Furthermore, the approval of the Incline Village, Washoe County, 947 Luxury condo project <https://nine47tahoe.com/>. It was stated by TRPA staff and the public that the affordable housing component probably won't get built even though land was dedicated by the developer for an affordable component. And a commercial component suspect allowing the project to qualify as mixed-use.

Non-Profits There are many non-profits and consultants (Tahoe Prosperity Center, Tahoe Fund, Mountain Housing Council, BAE, Cascadia, etc.) and most recently The Lake Tahoe Stewardship Plan <https://stewardshiptahoe.org/> providing TRPA and the local jurisdictions studies and suggestions without any viable environmental impact analysis being completed, just conjecture (The act of forming an opinion without definite proof; a supposition made to account for an ascertained state of things, but as yet unverified; an opinion formed on insufficient presumptive evidence; a surmise; a guess.) in my opinion

Tahoe Stewardship Plan Julie Regan, Devin Middlebrook, Jennifer Self, Jeff Cowen-TRPA, Amy Berry Tahoe- Fund, Erick Walker-USFS, Carol Chaplin-Lake Tahoe Visitors Authority, Steve Teshara-Tahoe Chamber, Heidi Hill-Drum- Prosperity Center: members just to name a few members.

This plan has many caveats that will affect the residents through proposed taxation, OFTEN called assessments not taxes. <https://stewardshiptahoe.org/wp-content/uploads/2023/06/Lake-Tahoe-Stewardship-Plan-6-19-23-FINAL.pdf> Info below from the plan and link.

Sales Tax Increment Financing Districts (TIFs) One example of a funding source derived from a reallocation of the growth in a preexisting public funding revenue stream is the Tax Increment Financing (TIF) mechanism. First introduced in 1952, property tax increment financing was designed to create a virtuous cycle of investment. **Property TIF is a tool used by municipal governments to stimulate economic development in a targeted geographical area. Property TIFs are used to finance redevelopment projects, infrastructure or other investments using the growth, or “increment” of property tax revenue.** When a TIF district is established, the baseline amount of tax revenue is recorded using the “baseline” amount of revenue currently received. Over time, the amount of property tax revenue grows, increasing actual tax receipts above the established baseline. While the baseline amount of tax revenue continues to fund existing services, the additional amount in tax revenue above the baseline is used to invest in capital improvements within the designated area. The success of property TIF districts lead to some states implementing a sales TIF mode. **Who decides the additional projects to be funded? The residents do not necessarily know where to find information or are adequately noticed when it's a Tourism Association, for example, deciding or stakeholder groups advising that do not have concerned residents in that group.**

Property and Business Improvement Districts (PBIDs) Another funding mechanism that utilizes a new assessment to generate revenue is a Property and Business Improvement District (PBID). Similar in structure to a TID, PBIDs are a stable funding source designed to provide special benefits to payors. **Unlike TIDs, PBID assessments are levied on real property rather than businesses.** PBIDs are often used to create a funding stream for the installation of trash cans, litter removal, and general maintenance for assessed property owners within a designated geographic boundary. Owners within the PBID work together to implement significant improvements, provide needed services, and improve the area. **Operations of PBIDs are governed by the property owners funding the PBID. The amount of a PBID assessment is determined, within particular legal guidelines, by property owners at the formation of the district.** The assessment may be calculated using a variety of factors such as valuation, lot size, building square footage, parcel frontage along a particular street, or parcel use. Certain types of property can be exempt from all or part of the assessment if they do not benefit from the district services. Funds raised through the assessment must be spent for the benefit of the properties paying the assessment. Like TID revenue, funds raised through a PBID cannot be diverted to other government programs. **Typically, a PBID is managed by an existing nonprofit corporation or one specifically formed to manage the district. The property owners forming the PBID decide the composition of the nonprofit's board of directors.** Not all property owners are provided detailed information before signing up or do not understand the legalese (A style of writing or speaking heavily emphasizing the abstruse technical vocabulary of the law, to the point where a speech or document may be incomprehensible to non-specialists.) assigned to the PBID. A non-profit board will be acting as a non-elected, quasi-governmental (supported by the government but managed privately) entity, in my opinion.

Voluntary Districts Both TIDs and PBIDs are examples of compulsory levies.

If enough of the business or property owners meet the legal threshold of consensus to form a TID or PBID in a certain geographical area, **then all businesses or properties proposed for assessment within the district will be required to pay the assessment.** In some cases, the implementation of such a compulsory levy may not be viable. In such a case, funding may be generated through the creation of a voluntary district. **Voluntary districts are ones in which businesses that wish to be included opt-in through an agreement with the managing entity, e.g. a City or a private non-profit corporation, to receive specified services.** Unlike other compulsory funding mechanisms, not all businesses within the designated geographic area are included - only those who opt-in to pay the charge, and only those paying the charge receive the additional services. **The businesses who wish to be included in the district typically contract with a designated non-profit to manage the assessment funds collected by the businesses.** If businesses can swiftly come to consensus about district parameters, such as the services and the amount of the assessment that will be levied, voluntary districts can provide the benefit of a quicker formation process as opposed to a TID or a PBID because voluntary districts do not require local jurisdiction approval. Furthermore, voluntary districts are subject to few, if any, government regulations, and can be less expensive to form as they typically only require drafting of the agreements. Although voluntary districts offer advantages over compulsory levies, they also have disadvantages. Unlike TIDs and PBIDs, which require that services benefit and are provided to only those paying the assessment, there is an argument that benefits of a voluntary district inevitably spill over to

those that did not opt-in to the district. Furthermore, voluntary districts may not create the same “level playing field” that a compulsory district creates.

The voluntary structure of the levy means that some may not be paying even though they benefit from the programs. Voluntary districts may also require more time and effort for collection. However, a well-crafted voluntary agreement may help with mitigating these risks. We have seen voluntary districts work quite well in smaller geographical zones where gaining a consensus, or even unanimity, of payors is achievable. **Again, in my opinion, it is never really clear who benefits, oversight is negligible, definition as an assessment versus a tax, etc. Again, how does a non-elected, quasi-governmental non-profit ascertain the wants and needs of a specific TID or PBID and what the entire community benefits?**

Achievable Housing definition and achievable housing polices to possibly be adopted

The TRPA Tahoe Living Working Group and Regional Plan Implementation Committee, and Local Government & Housing Committee members do not always accept and apply some of the concerns from public input.

https://www.youtube.com/watch?v=vJ_TR5hinY8 **September 27, 2023. ALL should listen and if you were a participant re-listen about the housing issues**

TRPA Local Government & Housing Committee June 14, 2023

<https://www.trpa.gov/wp-content/uploads/Local-Government-Housing-Committee-1.pdf>

Public Comment should be read by all

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-1-5.pdf>

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-2-5.pdf>

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-3-3.pdf>

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-4-3.pdf>

The Tahoe Living Working Group Working Group Meeting #7 Friday, April 21, 2023

<https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>

<https://www.trpa.gov/wp-content/uploads/Cascadia-TRPA-Zoning-and-Affordability-Slides-Final-042423.pdf>

Mountain Housing Council

<https://www.mountainhousingcouncil.org/faceoff-why-not-both/> **“Mountain Housing Council (MHC) coined the term achievable local housing in 2016** to help define the range of needs in our region” **“What’s Achievable Housing? The Mountain Housing Council of Tahoe Truckee put forth a policy recommendation in 2018** to expand the defined range of housing needs to include households earning between 80% and 195% of Area Median Income, in addition to those with very low or low income levels up to 80% of AMI.”

Truckee is not Tahoe and outside the TRPA jurisdiction. Some of the reports have risen to the level of TRPA adopting a definition of “achievable housing” Chapter 90 TRPA Code of Ordinances. 1.8.24. Ordinance No. 2018-03, adopted 10/24/2018, Chapter 90: Section 90.2

(Accessory Dwelling Unit, Achievable Housing, Affordable Housing, Development Right, Moderate Income Housing, and Residential Units of Use) Achievable Housing.

CHAPTER 90: DEFINITIONS 90.2 Other Terms Defined Page 90-3

Page 630 of 681 of Code of Ordinances document

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county's area median income (AIM) (moderate income households and below); or
2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years. The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: Bonus Unit Incentive Program.

Achievable deed-restrictions issued before June 26, 2023 may utilize this definition or the definition of "achievable" in effect from December 20, 2018 to June 26, 2023

One-size does not fit all

1) North, South, East and West Lake Tahoe are very different when proposing zoning changes, height and density, affordability of housing, etc. come into play. Area Plans can adopt lesser standards but many refer to TRPA maximums with total disregard of public opinion. Most recently, if you weighted comment on these changes the opposition resonates. Of course, public versus developers and developers' representatives always come into play.

2) TRPA and the local jurisdictions will tell you we need relaxed zoning and scenic standards, more density, stream-lined permitting, etc. to make it feasible for developers and home-owners. There are plenty examples of these requests being applied with less than stellar results. This begs the question: How many entitlements are needed? I say too many have already been granted and still projects like the Tahoe City (Placer Tahoe Basin Area Plan provided many changes, entitlements, land purchase etc.) have not broken ground or the Community Enhancement (CEP) program, that preceded the TBAP, which produced zero projects under prescriptive requirements. The Domus Affordable Housing NOW project didn't meet the CEP criteria but received additional coverage entitlement and relaxed vegetation requirements. No play area for children, not enough parking, and no commercial component.

3) South Lake Tahoe Micro-transit <https://ss-tma.org/> program that crosses state lines that **doesn't provide equal service area** as a mitigation for the Douglas County NV, Tahoe Blue Event Center. "Our mission is to support the economic vitality of the South Shore community of Lake Tahoe the South Shore Transportation Management Association provides support and a unified leadership voice for public/private partnerships. We advocate for and improve mobility with innovative solutions to meet resident and visitor transportation needs by fostering collaboration, education and sustainable funding."

Many recent articles in national and regional news about Lake Tahoe issues that beg the question what is TRPA and the local judications actually accomplishing with ever-changing plans? Please read entire article

1). <https://www.sfgate.com/renotahoe/article/lake-tahoe-robot-hazardous-waste-cleanup-18406175.php>
By [Suzie Dundas](#) Updated Oct 5, 2023

It's no secret that [Lake Tahoe](#) has a [trash problem](#), and local nonprofit [Clean Up the Lake](#) has pulled more than [61,000 pounds](#) of debris from the lake since 2018.

In summer 2023 alone, the organization used the robot to pull nearly 5 tons of hazardous materials from the lake, including about 1 ton of alcohol bottles containing lead and cadmium. The rest included hundreds of action cameras and at least five camera drones with lithium batteries, plus a 16,000-pound electric boat.

A research team in July studying water in Emerald Bay found that Lake Tahoe's lead levels surpassed the EPA-approved limit by more than [2,500 times](#), partially due to deteriorating lead-based telecom cables on the lake floor.

2). <https://www.sfgate.com/renotahoe/article/invasive-species-of-snail-found-in-lake-tahoe-18383662.php>
Very uncommon: New invasive species found in Lake Tahoe. They may not sound threatening, but the exotic invader could devastate Lake Tahoe's ecology By [Suzie Dundas](#) Sep 23, 2023

In an announcement that will come as a disappointment to conservationists, a Tahoe environmental organization [announced on Thursday](#) that invasive New Zealand mudsnails, or NZMS, were recently found in the weeds along [Lake Tahoe's](#) shoreline.

The snails likely made their way to Tahoe's shores on the bottom of non-motorized boats. "We don't know specifically, but they were all but certainly introduced by people, probably as stowaways on someone's recreational gear.

Though Tahoe began a robust program for [inspecting motorized watercraft](#) like jet skis and pontoon boats in 2008, non-motorized vessels are not required to undergo inspection before getting on the water (though free inspections are available at [three area watercraft inspection stations](#))

3) <https://www.sfgate.com/renotahoe/article/lake-tahoe-locals-cost-of-living-18256593.php> [Suzie Dundas](#) July 26, 2023 S—t hit the fan': Tahoe's young people may not come back.

Truckee residents Ryan and Kaleigh O'Rear moved to the [Lake Tahoe](#) area in 2017, and soon decided to make it their permanent home. They focused on their ultimate goal of buying a house, deciding to live in a mobile home park to save money and working hard to get jobs that gave them disposable income. Kaleigh paid off her student loans; Ryan gave up the dream job in ski patrolling that first brought them to Tahoe, taking instead a municipal job with a pension. They raised their annual income to be well into the six-figure range.

Tahoe Regional Planning Agency Advisory Planning Commission 10-11-23 and Governing Board 10-25-23
“General Public Comment” Ellie Waller for the record

“We wanted to buy in a place with no homeowners associations so you can build a house that isn’t going to take you 10 years and cost a million dollars,” says Ryan. But expensive requirements like multiple design reviews and square footage minimums made that plan unfeasible.

“Like, it has to be a raw-timber frame in a fire zone,” he added. “Are you f—king kidding me?”

After years of trying to make it work, the two resigned from their roles in hospitality and air traffic control and moved in with Ryan’s parents in Sebastopol.

4). <https://ktla.com/news/california/how-a-fodors-jab-served-as-a-wake-up-call-for-lake-tahoe/> How a Fodor’s jab served as a wake-up call for Lake Tahoe by: SCOTT SONNER and HAVEN DALEY Associated Press Posted: Jul 21, 2023 <https://apnews.com/27b95c563fd04e2f846cc2534aacbc8d> video included in this article

How a Fodor’s jab served as a wake-up call for Lake Tahoe. Lake Tahoe tourism officials were surprised, and a bit miffed, when a respected international travel guide put the iconic alpine lake straddling the California-Nevada line on its list of places to stay away from this year because of the harmful ecological effects of overtourism.

But with an influx of visitors and new full-time residents due to the COVID-19 pandemic already forcing local leaders to revisit the decades-old conversation about overcrowding, “Fodor’s No List 2023” may have served as a wake-up call that some sort of change is necessary.

“I can’t go to my own beaches anymore,” said Susan Daniels, 70, a lifelong resident of Kings Beach, California, whose parents met at a Tahoe-area ski resort in 1952. That includes her favorite, Sand Harbor, which lies just across the Nevada border and is known for its turquoise water and rock formations. “I cannot go to Sand Harbor, where I grew up, unless I get in line at 7 in the morning.”

5) <https://www.sfgate.com/renotahoe/article/2023-fourth-of-july-tahoe-beach-trash-doubled-18187491.php#:~:text=Careless%20and%20lawbreaking%20visitors%20to,on%20the%20fragile%20alpine%20ecosystem.>

Visitors left 8,000 pounds of trash on Tahoe beaches July 4. Another holiday, another record-breaking amount of holiday trash By [Suzie Dundas](#) July 6, 2023

“Careless and lawbreaking visitors to [Lake Tahoe](#)’s beaches left more than 8,000 pounds of trash behind July 4 — more than twice as much as last year. The shocking figure reveals the growing negative impact tourism is continuing to wreak on the fragile alpine ecosystem.”

6) <https://www.sfgate.com/renotahoe/article/sierra-nevada-mountains-towns-18347750.php?sid=6090973b420c3f15bb046c21&stn=nf>

Lake Tahoe is crowded. Try these Sierra and Gold Country towns instead. You’ll be rewarded for exploring just a bit further By [Amy Copperman](#), Special to SFGATE Oct 5, 2023

“In late 2022, Fodor’s released its “[no-travel](#)” list for 2023. [Lake Tahoe](#) appeared near the top, thanks to [overcrowding](#) that’s led to [horrible traffic](#) and associated air pollution (the fragile ecosystem is so overrun that the famous clear blue of the lake is threatened.) Yet even with [many other places in the Sierra to check out](#), people have kept flooding Tahoe.”

7) <https://www.unr.edu/nevada-today/news/2023/lake-tahoe-microplastic>

"Microplastics, small fragments of fibers from clothing, packaging, and other plastic residue have invaded freshwater lakes and watersheds globally and in alarming quantities, according to new research published in the scientific journal *Nature* under the title 'Plastic debris in lakes and reservoirs.' Lake Tahoe, known for its purity and high level of legal protection had the third highest concentration of plastic of 38 lakes tested around the world and higher than in the surface water at the ocean's gyres where the floating islands of debris emblematic of the world's plastic pollution crisis collect."

8) <https://www.sacbee.com/article252783413.html> Updated July 27, 2021 8:02 AM

"The Lake Tahoe region is in crisis. Historic real estate prices and a lack of housing options are forcing local sheriff's deputies and firefighters to commute an hour or more into the basin, threatening response times to emergencies."

"The Lake Tahoe region is in crisis. Historic real estate prices and a lack of housing options are forcing local sheriff's deputies and firefighters to commute an hour or more into the basin, threatening response times to emergencies." "Lake Tahoe is both a destination and a home, one of the nation's most beautiful tourist spots only 90 miles from Sacramento. Now, an exodus of low- and middle-income workers and renters, displaced by landlords selling their properties in a booming real estate market, has had a ripple effect that imperils the economy that affects 15 million people who flock there annually in the summer for hiking and water and in winter for skiing and snowboarding. "We already knew we had a crisis, and now, I don't know the adjective to use, it's a tragedy to me," said Placer County Supervisor Cindy Gustafson, who represents the North Lake Tahoe area. "What's happening right now, it's an emergency."

Confusion

I'm not sure what is going on at the regional level that TRPA is responsible for as stated in TRPA goals, policies and ordinances 2012 (12-12-12) Regional Plan Update adopted and amended, most current threshold analysis, Rules of Procedures, etc.

Or at the local jurisdictions level where area plans have been adopted and amended and proposed to be further amended.

My opinion, there are too many non-profits' documentation in circulation and the public doesn't know what is being utilized by TRPA or local jurisdictions and what supporting environmental impact analysis proves 1) there isn't any new growth (TRPA out of date cumulative accounting 2019 on-line), 2) local nexus impacts never analyzed, 3) vacation home rental various impacts (water, VMT, traffic, density, capacity, etc.) never analyzed, 4) pilot programs versus actual programs being implemented, 5) proposed height changes that will violate scenic thresholds, etc.

NOW TRPA and other agencies are seeking the next round of Lake Tahoe Restoration Act dollars through upcoming legislation.

<https://www.govinfo.gov/content/pkg/CRPT-118srpt55/html/CRPT-118srpt55.htm>

SEC. 10. AUTHORIZATION OF APPROPRIATIONS. Authorization of Appropriations.--There is authorized to be appropriated to carry out this Act \$ 415,000,000 [for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.] to remain available until September 30, 2034.

<https://www.congress.gov/congressional-report/117th-congress/senate-report/85/1>

<https://www.congress.gov/bill/117th-congress/senate-bill/1583>

<https://www.congress.gov/bill/118th-congress/house-bill/1274/all-actions?overview=closed&s=1&r=3#tabs>

This was touted as necessary at the recent Lake Tahoe Summit in August 2023. The 27th annual Lake Tahoe Summit which was held on August 9, 2023, at the Kings Beach Recreation Area

This year's summit will highlight Tahoe's Environmental Improvement Program, a successful bipartisan, bi-state collaboration among local, state, federal, and private entities. It will also examine the challenges that lie ahead in the face of climate change and increasingly unpredictable weather whiplash, as well as the growing demands on regional infrastructure.

With so many issues rising to the level of importance how does TRPA and the local judications continue to spend millions and millions and millions of dollars with so many unresolved issues?

Lastly, BUT SHOULD BE ON YOUR RADAR SCOPE: The upcoming requested approval (October 16, 2023 Placer Board of Supervisors) of the Placer County Tahoe Basin Area Plan needs MUCH SCRUTINY.

It will fall upon you as advisory and governing board members to further evaluate if the correct level of environmental analysis has been applied and accomplishes the required mitigations for the proposed changes and can adequately and accurately make findings necessary to approve the Placer County Tahoe Basin Area. As stated above, some of the plans and studies from non-profits and consultants DO NOT PROVIDE ADEQUATE ENVIRONMENTAL ANALYSIS (my opinion) TO APPROVE THE PROPOSED AMENDMENT PACKET THAT IS STATED TO REPLACE AND REPEAL THE CURRENT PLACER COUNTY TAHOE BASIN AREA PLAN.

Furthermore, don't be fooled into believing Placer County listened to the public about keeping current height restrictions as Placer staff and District Supervisor Gustafson are actively participating and encouraging TRPA to increase height, density, zero parking requirements, etc.

The currently proposed housing and height increases in the pipeline with the Tahoe Living Housing committee do not apply during this proposed amendment but will surely come forward by Placer in another proposed amendment along with Placer's suggestion to relax scenic standards among other requests.

From: Ellie <tahoellie@yahoo.com>
Sent: 10/23/2023 3:46:00 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>;
Subject: Tahoe Regional Planning Agency 10-25-23 Governing Board General Public Comment

Please distribute this public comment to Governing Board members and appropriate staff. Thank you, Ellie Waller

I thanked Placer staff for getting this to me in a timely manner. I strongly urge you to take the time to listen to the public comment on the Tahoe Basin Area Plan before the December 13 2023 which you will be hearing.
Staff presentation for TBAP starts approx 3:30 in the video.

----- Forwarded Message -----

From: Sophie Fox <sfox@placer.ca.gov>
To: Ellie <tahoellie@yahoo.com>
Cc: Megan Wood <mwood@placer.ca.gov>
Sent: Monday, October 23, 2023 at 03:07:12 PM PDT
Subject: RE: [EXTERNAL] When will the Placer County Bord of Supervisors You-tube 10-16-23 be available?

Hi Ellie,

Here's the link: <https://www.youtube.com/watch?v=Ej142m1fkD4&list=PL3xCcAHtINxdYppnfGmZGul-Fr607QFMI>

Sophie Fox

District 5 Chief of Staff

From: Ellie <tahoellie@yahoo.com>
Sent: Monday, October 23, 2023 2:47 PM
To: Cindy Gustafson <cindygustafson@placer.ca.gov>
Cc: Megan Wood <MWood@placer.ca.gov>
Subject: [EXTERNAL] When will the Placer County Bord of Supervisors You-tube 10-16-23 be available?

When will the Placer County Bord of Supervisors You-tube 10-16-23 be available?

Please send me the link when available

Thank you

Kindly, Ellie Waller

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From: Pamela Tsigdinos <ptsigdinos@yahoo.com>
Sent: 10/22/2023 2:02:42 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public Comment for TRPA governing board and staff
Attachments: [TRPA.TahoeMountainNews.Oct.2023.pdf](#)

Please distribute the article titled **TRPA: Stop Endangering Tahoe's Future** from the *Tahoe Mountain News*' October issue to TRPA's governing board and staff, and include it in the public comments.

Thank you,
Pamela

~~



Photo provided by P. Tsigdimos

Tahoe tourist traffic dangerously congesting and narrowing Hwy 28 toward Hwy 50.

TRPA: stop endangering Tahoe's future

This month's guest column is on behalf of a consortium of Tahoe environmental organizations.

As if operating in a parallel universe, TRPA acknowledges threats from climate change, aquatic invasive species and wildfire while at the same time pushing for increased building height and density with little to no parking for new structures, modifying thresholds for scenic standards and exemptions to groundwater interception. Why? To entice developers and pack more people into a basin already straining under the weight of some 25 million visitors.

Adding insult to injury, TRPA and NDOT want to reduce Highway 50 (Spooner Summit to Stateline) from four to two lanes with a large bike, multi-use path and occasional turning lanes. Who bikes in the winter? Or to Costco? TRPA has long promoted this folly. If these agencies truly cared about evacuating people or road safety, they would not promote lane reductions on a major highway corridor that, among other things, would delay emergency vehicle response time.

At a TRPA governing board meeting, El Dorado County Sheriff's Deputy Greg Almos and Tahoe Douglas Fire Chief Scott

Lindgren pulled no punches describing today's wildfire and evacuation challenges. "Our west shore is very vulnerable. There's only one way in and out and getting people out to the South and North—depending on the time of year—is challenging," Deputy Almos said.

"We have a long way to go to protect the Tahoe Basin and our citizens with fuel reduction and evacuation planning," Chief Lindgren added. "Nobody's worried about fire until there's smoke in the air, but we need to be thinking about it year-round 24/7/365 and making sure we're planning appropriately. We got lucky during the Caldor Fire. We got a break in the weather; we had some really good, aggressive firefighting, and we got a break in the topography. It all aligned and stopped at the right time, but it could have been a lot worse for us."

In a moment of candor, TRPA board member Shelly Aldean raised the lack of visitor preparedness for wildfires. "Educating residents is one thing," she said, but "educating visitors coming up for the day is entirely different." Aldean turned to TRPA COO John Hester: "If somebody's

on the beach with their family and there's a conflagration a few miles away—you alluded to an alert app—can you actually contact people about an emergency within a certain geographical area, somebody visiting for the day?"

Hester equivocated, "That's something we could work on."

Bingo. Did everyone hear that? There's no evacuation system to alert hundreds of thousands of visitors hiking, biking, or camping around Tahoe's vast, mountainous terrain or parked, often illegally, along narrow two-lane roads.

And here's a "Fun Fact" from the Tahoe Fund concerning forest management: there are 750,000 combustible burn piles around the Tahoe Basin waiting to be cleared. In what world is that fun?

What else is not fun? Watching TRPA representatives and the Placer Planning Commission downplay and ignore residents' concerns about dangerous congestion and development-fueled wildfire. Following several hours of respectful, enlightening public comment, the commission voted unanimously to amend the

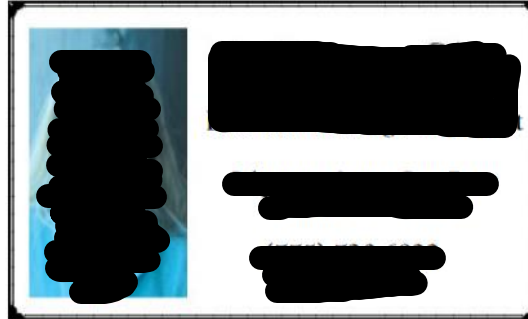
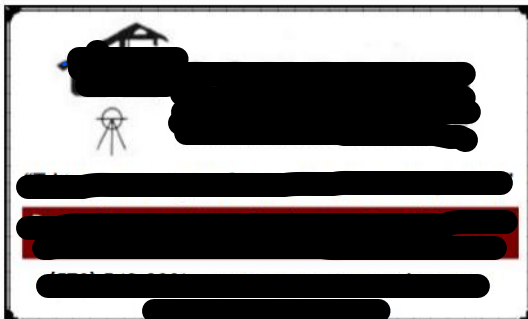
Tahoe Basin Area Plan. A journalist contacted a North Tahoe Public Utility District board member who told him, "There is not enough infrastructure for fire hydrants if too many projects are developed all at once."

As for Washoe County's touted "evacuation exercise?" It in no way resembled a real-life evacuation. Some Incline Village residents were told to "evacuate" to the recreation center. At a Placer County Office of Emergency Services Kings Beach town hall (attended by TRPA governing board chair and Placer County Supervisor Cindy Gustafson), there were more evacuation questions than answers.

Let's not sugarcoat it. While Nevada and California "build relationships" toward a unified, cross-jurisdictional command structure, confidence remains low about how agencies with differing software and communication modes will function under duress.

Is it any wonder those affiliated with Sierra Club Tahoe Area Group, North Lake Tahoe Preservation Alliance, Friends of the West Shore, TahoeCleanAir.org, Tahoe East Shore Alliance, and Tahoe Neighborhoods Group oppose new, ill-conceived, urban development plans as climate-driven fire dangers increase?

It makes zero sense to reduce lanes and add more buildings and people to Tahoe when local fire chiefs, deputies, and TRPA officials admit we don't have reliable systems and plans in place to ensure the safety of those already here. The risks are obvious, which is why it's so frightening Tahoe's policy makers are eager to add fuel to an already precarious tinderbox. Failed TRPA policies that favor tourism over the environment and development over conservation must end.



From: wintmobile@aol.com <wintmobile@aol.com>
Sent: 10/13/2023 11:00:35 PM
To: Emily Setzer <ESetzer@placer.ca.gov>; SWydra@placer.ca.gov <SWydra@placer.ca.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; SHollow@placer.ca.gov <SHollow@placer.ca.gov>; ADashiel@placer.ca.gov <ADashiel@placer.ca.gov>; Shirlee Herrington <sherring@placer.ca.gov>; Planning@placer.ca.gov <Planning@placer.ca.gov>; Sophie Fox <sfox@placer.ca.gov>; Cindy.Gustafson <cindygustafson@placer.ca.gov>; BoardClerk@placer.ca.gov <BoardClerk@placer.ca.gov>
Cc: Cindy.Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; jdiss.trpa@gmail.com <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoeconomy.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>; BOSFive@edcgov.us <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>;
Subject: TBAP Proposed Amendments - Public comment for the 10/16/23 BOS meeting

Dear Placer County Board of Supervisors:

This is to express my opposition to the proposed amendments to the Tahoe Basin Area Plan. The changes will dramatically reshape the basin in an adverse way by increasing the population and density. Please reject the plan outright or return it to County staff for a new EIR/S analysis to address the following:

1. **Reduced fire evacuation safety:** More people, more cars, more wildfire, hampered emergency response! These need to be studied on a street by street basis in light of the devastating Maui fire, Camp Fire in Paradise, CA, and other fast-moving fires. The South Shore had advance notice for evacuation in advance of the Caldor Fire, while visitation was low due to the unhealthy smoke at that time, yet roads were still clogged. Imagine if the fire were rushing in the Basin with little advance notice as happened in the Camp Fire!
2. **Options for affordable/workforce housing:** There is community concern that more units will be built for luxury & visitor housing as justification for a small amount of affordable housing. We do not need more high-end housing and these amendments do nothing to stop it. There are other options for affordable/workforce housing that should be analyzed to determine the most efficient way to provide such housing, such as controlling Short Term Rentals (STRs), providing subsidized housing (building only for affordable housing), utilizing land trusts & other options. Placer should determine other housing solutions that are consistent with the current zoning & these should be presented to the public, since their communities will be affected.
3. **Increased regional traffic congestion:** Many roadways, particularly in the town centers have constant congestion. Increased density will only exacerbate the problems, which were not accounted for in TRPA's last regional analysis in 2012.
4. **Parking needs:** Need to keep the current parking requirements. To do otherwise is unrealistic. Working families have 2 cars. If parking is not provided, people will park anywhere & everywhere. The winter (with all the snow) will cause more difficulties in trying to find a place to park.
5. **Impacts to scenic views:** The increase in the scale and height of buildings will decrease the scenic view currently enjoyed by residents & visitors and impact the quaint attractive atmosphere of West & North Shores.
6. **Cumulative impacts:** There are about 12 large projects currently in the pipeline that will affect the community - impacts such as traffic, emergency evacuation, scenic views etc. need to be identified and analyzed to determine the total impact from all these projects.

Please do not approve this plan as proposed. Please **require that a new EIR/S be issued to identify, analyze and mitigate impacts based on current 2023 conditions**. CEQA requires a new EIR/S since there have been significant changes since the last comprehensive analysis was done by TRPA in 2012.

Jerry Winters
6770 Springs Ct.
Tahoma, Ca. 96142

From: Hannah Glass <hannahmtl@gmail.com>
Sent: 10/12/2023 7:32:51 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Proposed amendments

Hello,

I am writing to express concern about proposed amendments to Tahoe area building to increase height, density, reduce setbacks and parking requirements. I am concerned about environmental impact of increased density, as well as worsening traffic to an already crowded area and safety in case of need for evacuation.

Please consider the health and safety of current residents and the beautiful land and water we seek to preserve; do not approve the proposed amendments.

Hannah Glass
755 McKinney Creek Rd

From: Aaron <renotahoesky@gmail.com>
Sent: 10/12/2023 6:08:46 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Emily Setzer <ESetzer@placer.ca.gov>; Stacy Wydra <SWydra@placer.ca.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; SHollow@placer.ca.gov <SHollow@placer.ca.gov>; Andrea Dashiell <ADashiel@placer.ca.gov>; Shirlee Herrington <sherring@placer.ca.gov>; Placer County Planning <Planning@placer.ca.gov>; Sophie Fox <sfox@placer.ca.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; BoardClerk@placer.ca.gov <BoardClerk@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; Brooke Laine <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>;
Subject: Public Comment Agenda Item 3 Placer County BOS Meeting 10-16-23

For submission of public comment under Agenda Item 3. Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments.

I have already opposed this item multiple times and supplied ample logical reasons. Nothing has changed and I still wholeheartedly oppose it for the same reasons that are falling on deaf ears. It's sad that people are not understanding sustainability and wealth inequality. It is sad that good intentions to fix problems like sustainability/affordable housing-wealth inequality, time and again leads to making it worse. It's sad that some don't even have good intentions and instead are spreading manipulative messaging for selfish reasons. If you want to sit in the big chair making decisions for the health of our future, you need to make bold moves toward fixing wealth inequality. Not more of the same sustainability mantra and comparing us to wealth funneling community examples elsewhere in the nation.

Sincerely,
Aaron Vanderpool

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 10/12/2023 1:22:20 PM
To: Emily Setzer <ESetzer@placer.ca.gov>; Stacy Wydra <SWydra@placer.ca.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; SHollow@placer.ca.gov <SHollow@placer.ca.gov>; Andrea Dashiell <ADashiel@placer.ca.gov>; Shirlee Herrington <sherring@placer.ca.gov>; Placer County Planning <Planning@placer.ca.gov>; Sophie Fox <sfox@placer.ca.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; BoardClerk@placer.ca.gov <BoardClerk@placer.ca.gov>
Cc: Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoeconomy.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>; Brooke Laine <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>;
Subject: Public Comment Agenda Item 3 Placer County BOS Meeting 10-16-23
Attachments: [Public Comment Conservation Groups Placer BOS Mtg 10-16-23 Agenda Item 3.pdf](#) , [Attachment A - Fire Dept Retired Professionals Letter - Opposition to TBAP.pdf](#) , [Attachment B - Flawed Traffic Data and Assumptions.pdf](#) , [Attachment C - Pages from TBAP EIR Final Roadway Evacuation Analyses.pdf](#) , [Attachment D - Questionable Growth Management Data.pdf](#) , [Attachment E - Achievable Housing Technical Information.pdf](#) , [Attachment F - Significant Changes - New Information Since 2016 Certified EIR.pdf](#) , [Attachment G - Comments From Former TRPA Planners.pdf](#)

On behalf of the four signatory Conservation groups listed below, please make the attached public comment as well as the attachments, part of the record and the minutes in connection with the October 16, 2022, Placer County Board of Supervisors Public Hearing – Agenda Item 3. Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments.

- Sierra Club Tahoe Area Group
- Friends Of The West Shore
- Preserve North Tahoe Inc
- Tahoe Sierra Clean Air Coalition

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451



Date: October 12, 2023

RE: Public Comment - October 16, 2022, Placer County Board of Supervisors Public Hearing – Agenda Item 3.
Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments

EEPEP = Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP)

EIR = 2016 Placer County Certified Environmental Impact Report, adopted January of 2017 by the TRPA

EIR ADDENDUM or ADDENDUM = Current Placer County proposed EIR addendum

LOS = Loss of Service

PROPOSED CHANGES = Proposed Placer County amendment to the Placer Tahoe Basin Area Plan

TRPA = Tahoe Regional Planning Agency

TBAP = Placer County Tahoe Basin Area Plan

THE COUNTY = Placer County

Dear Placer County Board of Supervisors:

The following comments are provided by the undersigned Conservation Groups concerning the TAHOE BASIN AREA PLAN (TBAP) proposed AMENDMENTS (PLN22-00490) AND ADDENDUM # 1 to the previously certified December 6th, 2016, by Placer County and adopted January 25, 2017, by TRPA, TAHOE BASIN AREA PLAN ENVIRONMENTAL IMPACT REPORT (EIR)

Per the information provided below, including Attachments A, B, C, D, E, F and G, the County must provide a subsequent EIR to the TBAP.

Pursuant to CEQA Guidelines § 15164, an addendum can be prepared to a previously certified Final EIR by a Lead Agency or a Responsible Agency when changes or additions are needed, but these changes or additions must not trigger conditions requiring preparation of a subsequent EIR. Addendums are only appropriate for inclusion of minor technical changes or additions, which is not the situation in this case. § 15164 states that an addendum can be used “if some changes or additions are necessary but **none of the conditions** described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (emphasis added) As this letter will show, at least

one of the conditions in § 15164 has most definitely occurred.

https://www.califaep.org/docs/CEQA_Handbook_2023_final.pdf

CEQA was enacted in 1970 to ensure that public agencies consider the potential environmental impacts of their decisions before making them. CEQA was enacted to protect California's unique and diverse environment by ensuring that projects (policies) are carefully evaluated for the potential impact on the environment. CEQA also promotes transparency and public participation in the decision-making process.

CEQA was designed to help ensure careful environmental analysis for potential significant impacts.

Section 15162 states the following basis for triggering a subsequent EIR: "New Information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, show any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR.
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The proposal approving changes under an EIR Addendum is improper due to the significant number of changes that occurred that were not analyzed within the 2017 EIR. A subsequent EIR should be developed. The Addendum's conclusion that the proposed TBAP amendments "would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant impacts beyond those analyzed in the previously certified EIR certified in 2016" is not substantiated by facts or evidence and is therefore an arbitrary and capricious conclusion not compliant with CEQA. **Additionally:**

1. The County failed to provide substantial evidence to reach the conclusion that the proposed TBAP amendments "would not result in new significant environmental effects or a substantial increase in the

severity of previously identified significant impacts beyond those analyzed in the previously certified 2016 EIR and adopted 2017 EIR”.

2. The forty-three policy changes and eighteen regulation changes as part of the TBAP amendments are cumulatively substantial and cannot be approved without a substantive cumulative impact analysis and subsequent environmental review under CEQA.
3. The 2017 EIR and proposed EIR Addendum fails to consider, discuss, and analyze “collective” (cumulative) area wide effects from proposed increased height, density, coverage and increased human capacity. This includes cumulatively substantial adverse environmental effects, as well substantial effects on residents and visitors during wildfire evacuation and therefore runs counter to CEQA, § 21002.1.(d) i.e. USE OF ENVIRONMENTAL IMPACT REPORTS; POLICY (d) i.e. the lead agency shall be responsible for considering the effects, both individual and collective, of all activities involved in a project. (See **Attachments A and H**).

Based on significant new data driven and substantial evidence discussed in **Attachment B** (Flawed Traffic Data and Assumptions), the 2017 EIS information contained on page 3.1.33 including Table 3-4 and page 3.1.34 of **Attachment C** relating to ease or timing of emergency evacuation, is most likely significantly inaccurate. **This demonstrates a significant adverse impact on wildfire evacuation and emergency access.**

As an example, Table 3-4 on page 3.1.4 of the 2017 TBAP EIR (**Attachment C**) uses an evacuation estimation of 13,563 vehicles and states:

*“A typical travel lane of a two-lane highway can accommodate on the order of **1,800 vehicles per hour**. Dividing the total vehicles by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours.”*

Because the remaining development potential is” modest”, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Based on new data driven evidence provided in **Attachment C**, it is apparent that the roadway capacity can easily slip to approximately 632 vehicles per hour in either direction. Under this scenario, using the TBAP EIR calculation process, the time to undertake evacuation would significantly increase from 3.77 hours in either direction, to approximately 10.73 hrs. in either direction. (13,563 vehicles / 632 vehicles per hour = 21.46 hrs. / 2 in each direction = 10.73 hours in each direction).

Based on the retired fire professional's expert *opinions* expressed within signed **Attachment A**, we do not agree with the following bullet item comments contained in the 2017 EIR (**Attachment C**). Further, the comments below are controversial, speculative, subjective and agenda driven and not based on substantial data:

- In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.
- As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes.
- The Placer Operational Area East Side Emergency Evacuation Plan ... addresses all elements of emergency response and evacuation.
- The proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area.
- Placer County maintains a **comprehensive** emergency evacuation plan.
- There is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.
- The vehicle evacuation, **assuming** that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity.

4. The County must provide a corrected accounting that includes a discussion of the topics and entitlements as described in **Attachment D**, including an analysis of their environmental impacts with updated numbers, before more TBAP or TRPA Regional Plan amendments go forward.
5. Placer County's growth management cap discussions, mentioned throughout the TBAP, are not based on substantial evidence. The TRPA Cumulative Accounting Dashboard fails to adequately describe

TRPA's cap on development. The document has numerous omissions and inconsistencies and obfuscates the real facts (**See Attachment D**).

The Addendum to the EIR seems to say that the inspiration for the changes to the Tahoe Basin Area Plan is the lack of development under the existing plan. It seems clear that the purpose of the project is to increase development which inevitably brings more travel and more travel-related impacts (air quality, GHG, energy, VMT etc.).

The TBAP language is, "In this case, no changes are proposed to the regional growth control system. Therefore, the total development potential within the plan area would not be affected by the amendments."

Placer County is changing the plan and causing more growth than occurs under the current plan. The allusion to future project review is not sufficient. These impacts of the plan must be analyzed when the plan is adopted.

County narrative about how these changes would help achieve already adopted goals is pointless. The impacts do not disappear because the project serves existing goals.

6. The 2017 EIR, proposed Code changes and proposed EIR Addendum, **run counter to CEQA**, Chapter 1: Legislative Intent, by failing to identify critical population capacity thresholds within Town Centers and adjacent mixed-use areas, and prevent such critical thresholds from being reached. Critical population centers in this case represent dense town centers and adjacent mixed-use areas which serve as critical "**choke points**" during a wildfire evacuation. (**See Attachments A**).

CEQA 21000, Chapter 1 (d) *The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and **SAFETY** of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.*

Resident and visitor populations within each of the more densely populated town centers and mixed-use areas individually and cumulatively represent **significant concentrated populations**.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that the entire TBAP **built** environment,

including concentrated town centers and mixed-use areas are, per the California State Fire Marshal, classified as a **Very High Fire Hazard Severity Zones (VHFHSZ)**, and within or adjacent to the “**Wildland Urban Interface Defense Zone**”.

https://osfm.fire.ca.gov/media/nl1ndqjj/fhsz_county_sra_11x17_2022_placer_2.pdf

Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control significantly and adversely impacting wildfire evacuation and emergency access. This then requires prudent up to date best practice life safety wildfire evacuation planning for all locations within the TBAP area, including dense town center and mixed-use areas. **(See Attachments A & B).**

7. The EIR failed to analyze and discuss the significant adverse evacuation impacts and emergency access from planned “road diet” lane reductions and the additionally planned single lane roundabout at the intersection at SR 267 and Hwy 28.
8. The EIR addendum failed to include any discussion whatsoever of the significantly cumulative environmental and safety effects from increased traffic from the now international destination, and National Scenic Byway East Shore Trail.

The trail was placed in service after the 2017 EIR in June 2019. This represents a significant new circumstance which may impact the environment and wildfire evacuation within the TBAP planning area. This, as East Shore trail visitors access and egress the new trail from one of only three highway options, one of which includes the planning area from Brockway Summitt along Hwy 267 and SR 28 both East and West impacting the more densely populated Kings Beach Town Center. Densely populated Town Centers represent potential “choke points” during wildfire evacuation **(See Attachment A)**.

In connection with the East Shore Trail, the County failed to analyze, discuss, or include a discussion regarding the cumulative environmental effects from increases in greenhouse gas emissions (GHG), Vehicles Miles Traveled (VMT), and sediment deposits due to increased roadway particulates, as well as the cumulatively significant adverse effects on wildfire evacuation and emergency access. This, in connection with significant increases in vehicles accessing and egressing Hwy 267 and 24 including through the Kings Beach town center.

9. The County failed to consider new information of critical and substantial SAFETY importance, pertaining to wildfire evacuation planning since the 2017 EIR, including the October 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”.

<https://oag.ca.gov/system/files/attachments/pressdocs/Wildfire%20guidance%20final%20%283%29.pdf>

The California AG Guidance information discussing best practices for wildfire **evacuation** planning was not known and could not have been known with the exercise of reasonable diligence at the time the 2017 EIR was certified as complete.

10. The County failed to provide substantial evidence to make the following conclusions regarding Wildfire Risks and evacuation: **(See Attachment A)**.

- *“While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.”*
- *“...” operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact” (Area Plan EIR pg. 18-23).*
- *“...the TBAP “could result in a modest increase in the number of visitors in the plan area, and thus, the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”*

11. A new environmental analysis is required for the Tahoe Basin Area Plan because Placer County failed to properly vet “achievable” housing deed restrictions with the public and the term remains poorly defined. “Achievable” is a construct made up in 2018. In the Placer County’s Tahoe Basin Area Plan, the 2016 EIR and the 18-page 2023 Addendum to the previously certified Environmental Impact Report fail to adequately describe the “achievable” concept and its environmental impacts **(See Attachment E)**.

12. The additional discussion items below continue to demonstrate the need for a subsequent cumulative impact EIS. This includes a required analysis based on substantial data concerning the cumulative impact of the proposed TBAP changes.

Additional Discussion (also see Attachment G for comments from former TRPA Planners)

There have been substantive changes in growth since the 2016 Certified EIR including since covid (2020), which have not been addressed by your staff, including new substantive information, and changed environmental conditions since the 2016 certified EIR.

The following proposed changes could result in a significant impact and have not been thoroughly analyzed based on substantial data:

- No parking minimums for commercial, multi-family, and retail, significantly impacting town centers including neighborhoods and businesses.
- Increased density for multi persons per acre zoning from 25 persons per acre to 62 persons per acre,
- Conversions of CFA to multiple family and TAU's to mimic TRPA programs.
- Inclusion of all housing types in plan areas where they were not all considered previously.
- Requested modification of TRPA thresholds related to scenic standards.
- Exemptions to groundwater interception,
- Reduction of rear setbacks between commercial and residential properties,
- Streamlining or allowing "by right" projects involving housing, hotels, retail, and other uses eliminates public review.

The amendments allow luxury single family condominium projects into Town Centers with an affordable component, reduction of lot sizes to accommodate smaller and denser building sites, tiny homes, ADU's and Junior ADU's.

The changing natural environment resulting from the current pollution of Lake Tahoe from micro plastics, lead from cables, Cyanobacteria toxic algae (Harmful Algal Blooms), and invasive species, were not considered/mitigated in the eighteen-page amendment package or addressed in the certified EIR.

The newest concern as reported by TRPA September 23, 2023, is the New Zealand Mud snails never seen in Tahoe until now.

The addition of new projects not previously planned/named in the 2016 EIR are also significant and need to be evaluated cumulatively.

The amendment package should have included a current traffic analysis post covid, analyzing the SAFETY and environmental impacts of growth and gridlock resulting from summertime July and August construction (new since 2017). This then resulting in unsafe wildfire evacuation due to level of service (LOS) F impacts for more days of the year than initially represented, which could have significant impacts on quality of life, including Idling cars which produce pollutants adversely impacting the environment as well as adverse safety wildfire evacuation effects (See Attachments B and C).

The increase of tourism from the Bay Area, Truckee growth, and doubling of Reno and Carson City population all have impacts on the basin that have not been analyzed. (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation), and a proliferation of Short-Term Rentals (STR's) 3,400 active permits in eastern Placer County alone, are changes from 2016 conditions.

There is no one project that is part of the amendments however, the amendments enable many projects to be allowed either "by right" or with streamlining virtually eliminating environmental review which is contrary to the County stating that *"the TBAP Amendments would require future projects within the plan area to be reviewed pursuant to CEQA and TRPA requirements through a project specific environmental review which would include required mitigation measures for any significant environmental effect."* How can a project be reviewed through

CEQA if the County deems it is exempt from review and allowed “by right”? Hotels, motels, restaurants, building materials and hardware stores, repair services etc. currently require public notice and CEQA review. Under the amendments many of these uses would not have any or a very scaled down review.

Placer County is relying on an “*Envision Tahoe*” report obtained by the Tahoe Prosperity Center (TPC) as a basis for the TBAP amendments to conclude that impacts will not be significantly increased by the actions it is taking. This claim is unsupported by substantial evidence based on the potential changes and impacts as referenced above.

TPC relied on old data (2020) and disputable conclusions. The Sacramento firm, ICS, LLC, the third party that they hired is primarily a PR and crisis management firm. There is little mention of Tahoe’s environment in the report. The amendments are also driven by the *Economic Sustainability Needs Assessment* and the *Resort Triangle Transportation Plan*, as the County has not achieved the growth and redevelopment that they would like to see within our communities.

The County must also complete a cumulative impacts analysis that includes the above effects as well as the large number of projects that are slated for development and have not been included in the 2016/2017 EIR. These include but are not limited to: i.e., Tahoe Inn, Cal-Neva redevelopment, 39 Degrees, Neptune Investments, Kings Beach Lodge, Jasons, Ferrari/Laulima, Dollar Creek Crossing, Boatworks Redevelopment, Palisades, and Martis Valley West. (**Attachment F**).

In addition, there should be a complete review and accounting of the mitigation measures that have not been completed from past projects and required as part of the 2017 EIR in order to implement the existing TBAP before any new amendments are allowed.

Furthermore, basing these amendments on an economic study, whose conclusions are entirely subjective and provide little if any evidence for its claims, is unacceptable, particularly due to its effects on Lake Tahoe, a nationally treasured lake.

LAND USE

CEQA requires that all affected stakeholders should be represented in any public participation process. The amendments were proposed with no input from the 35 original plan team members who spent four years crafting the TBAP. These developer and tourist driven amendments are the result of the County consulting with a handful of people representing tourism, and developers including the (North Lake Tahoe Resort Association, The North Tahoe Business Association, The Downtown Association, The Prosperity Center) leaving the entire rest of the community out of the process.

In a general plan process, the entire community is involved. Stakeholder groups may include: • Community and neighborhood groups • Environmental groups, School districts, charter schools, and county offices of education • Transportation commission’s • Utilities and public service providers. The Planning Commission approved the amendments August 10th, with no regard to the 60 business, environmental groups, and community members, or the North Tahoe Public Utility District (NTPUD) board member that told the commissioners that infrastructure is limited in the Kings Beach grid with not enough fire hydrants and that more analysis is needed before the

TBAP amendments should be approved. Amendment that would create smaller lots and denser conditions. What is the point of public input if it is ignored?

Land use patterns are proposed to be changed by TBAP amendments by adding different types of housing where they did not exist before. i.e., housing in industrial areas and adding multi-person zoning into areas previously zoned for multiple family dwellings. Reduction of lot sizes results in more compact development and changes to the built environment. There was no explanation of why certain areas in the TBAP did not originally include all types of housing in each community to begin with. The inclusion of multi person comes with a density increase- from 25 persons to 62 persons per acre in all areas allowing multiple family and employee housing from Kings Beach to Tahoma. This increase with no parking minimums has not been analyzed but is based on a weak argument that it is compatible in scale to multiple family development density allowances. The parking and traffic impacts would be quite different in a comparison analysis of both housing types.

No minimum parking requirements for commercial and other housing, retail and hotel projects will most likely cause further unsafe congestion, traffic, and air quality impacts to not only densely populated town centers but also our surrounding residential neighborhoods as it is unrealistic to expect that people will not have cars, especially our workers. i.e., the plumbers, electricians, construction workers, teachers, hospital workers, as well as ski area employees etc. As stated previously people will park their cars in neighborhoods and on the street.

Palisades reports that 50% of their 3,000 employees have cars. 100% of their professional employees have cars. TRPA reports in their own housing initiatives that 66 % of the employees have 1 car and that 4 % do not have cars. Dollar Hill Apartments has 17 affordable 350 sf to 625 sf apartments and 25 parking spaces which the manager says is not enough and car shifting during winter months is a daily activity.

LAND COVERAGE:

According to the Placer County addendum- "The Area Plan EIR concluded that the TBAP's effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers resulting in environmental gains, and that it would not adversely effect the development pattern or land uses within the plan area and the TBAP would preserve open space and accelerate the pace of SEZ restoration with the plan areas".

Where is the evidence that more open space has been preserved and that accelerated SEZ restoration has resulted from either the existing TBAP or will happen with the proposed amendments? There is no requirement that entitlements and land coverage transfers come from outside Town Centers or that SEZ land be restored. Additionally, by reducing setbacks how does this preserve open space? In fact, the built environment will appear more congested with smaller lot sizes allowing 15-unit acre densities. Open space preservation? This is not explained but is a subjective comment not based on accounting.

PIECEMEILLING

Placer County says that piecemealing is not occurring because the amendments are not specific projects however, this first step voted in by Placer County leads the way for the Tahoe Regional Planning Agency (TRPA) to solidify their proposed new development code changes that will forever change the character and quality of life of our nature based, charming, rustic, and artistic communities. To retract the building heights and mass out of the amendments and allow it to come back later through TRPA code changes is also completely disingenuous

even though there is no specific project at this time driving the changes. It also creates piecemeal planning issues for Placer County and TRPA in the future when developers come in one at a time to request changes for more height and more mass.

SHORT TERM RENTALS

The impacts from 3,900 Short Term Rental permits have not been individually or cumulatively analyzed in previous environmental documents. The TRPA Basin Carrying Capacity identifies in their cumulative impact studies the remaining entitlements for residential units and tourist accommodation units yet the conversion of single-family dwellings to tourist accommodation or short-term rentals with all of the ensuing impacts of traffic, excessive noise, parking conflicts, neighborhood impacts, and reductions in available workforce housing, has not been analyzed. If each STR needed a TRPA Tourist Accommodation Allocation (TAU) then the TRPA carrying capacity in the Tahoe Basin would be far exceeded.

Short-Term Rentals have also impacted on the workforce housing resulting in a potential loss of up to 600 homes for families based on studies worldwide stating that 10-15% of the STR's would be rented to the workforce if they were reduced or did not exist. Pew Charitable Trusts and the Harvard Business Review (HBR) have published research showing a correlation between the number of short-term rentals and the quantity of affordable housing units decrease. The effect of STR's has also been to increase rents by as much as 20% and increase housing prices up to 14% as it is big business to rent homes short term.

The Town of Truckee has 1,550 STR's for a population of 20,000 people, and there is a mandatory waiting period of a year before an entitlement can be applied for. This eliminates the investment as the only reason for home purchase and the amount of STR's is far lower than other locations around the lake thus offering opportunities for the workforce to rent second homes).

Breckenridge, Boulder, and Aspen seem to have the most forward thinking-community conscience driven programs of all the mountain communities. Basically, the STR's are capped based on zones. 1). Tourism Zone 2). The Downtown Core 3). Residential Areas. The residential STR cap in a neighborhood is 10%. Fees are assessed based on number of bedrooms, and ALL the revenue generated by fees like our TOT taxes is earmarked for specific workforce housing related programs and STR impacts.

AQUATIC INVASIVE SPECIES, CYANOBACTERIA – HARMFUL ALGAL BLOOMS, and MICROPLASTICS

Lake Tahoe is an EPA-designated Tier III Outstanding National Resource Water (ONRW) whose renowned high-quality waters are supposed to be protected from degradation by resource agencies in the Tahoe Basin. Nonetheless, these agencies' efforts to address the decline and degradation of the lake's near-shore water quality with mitigation fees and stormwater infiltration systems have been ineffective in stabilizing, let alone reducing the degradation. Lake Tahoe is being loved to death and the agencies, including Placer County, are prioritizing prosperity over their duty to protect and maintain the high-water quality and the ONRW status by following the Prosperity Center's guidebook for growth without regard for the environmental impacts from that growth. Only since 2023 have scientists started looking at near-shore water quality, including algal growth, which reached record levels around the lake in 2022. As recently stated by the Director of Tahoe Environmental Research Center (TERC), Geoffrey Schladow, regarding the 2023 State of the Lake Report, scientists have only just started a 5-prong monitoring strategy in 2023 to study Lake Tahoe's near-shore water quality.

Aquatic Invasive Species (AIS)

As mentioned above, New Zealand mud snails have now been discovered in Lake Tahoe, most likely from recreationists. Kayaks and paddle boards are among the watercraft that do not undergo inspection. Other potential sources are fishing gear according to this news article: [Infestation of Highly Invasive Species Threatens Lake Tahoe's Ecosystem \(msn.com\)](#). The California Department of Fish and Wildlife state that the “subsequent spread is likely due to recreational activities. Mud snails easily attach to boots, waders, clothing, shoelaces, watercraft, aquatic vegetation, and gear, and can easily go unnoticed due to their very small size. As a result, they are commonly transported by unsuspecting anglers, boaters, other water recreationists, or even wildlife, including harvested fish. Mudsnailed also disperse through floating freely or on algal mats, or by surviving passage through fish guts.” Other than inspections for large boats, there is very little else that undergoes AIS inspections in the Basin. Leaving inspections up to the anglers, kayakers, other water recreationists, besides boaters, is what has led to this invasion.

Other invasive species that have become increasingly problematic since 2017 are the invasive Asian clams, non-native bivalves that have now spread around the lake since they were first discovered in 2002. The clams excrete waste that increases concentrations of nutrients spurring blooms of cyanobacteria, or harmful algal blooms (HABs), to grow. The cyanobacteria blooms in themselves are on the rise as well.

In addition, the invasive aquatic weeds have been spreading from the Tahoe Keys throughout the Lake because of increased recreational boating that spreads the weeds throughout the lake. The warm, stagnant, nutrient-filled waters of the Keys’ man-made lagoons are a breeding ground for the invasive weeds with its surrounding community of lush green lawns adding fertilizer to the lagoons. In 2022, aquatic herbicides were allowed for the first time ever in Lake Tahoe without demonstration that non-chemical methods would work as required by the Lahontan Water Board’s Basin Plan, which is one of the basis for an ongoing lawsuit by the Sierra Club.

Cyanobacteria

The toxic soup at the Keys is also a breeding for cyanobacteria blooms. The blooms grow when the nutrients in the water are high. When the weeds die and decompose, nutrient concentrations soar, causing these toxic blooms. Although a problem in many lakes (see article [here](#)), these toxic blooms are increasing throughout the lake due to climate change and added nutrients to the lake from increasing wildfires (see article [here](#)). Additionally, β -N-methylamino-L-alanine (BMAA), which is produced by cyanobacteria and microalgae such as diatoms and dinoflagellates, has also been found in waters throughout Lake Tahoe. Much more research than is currently being done is needed regarding BMAA, which is linked to [Lou Gehrig’s Disease \(ALS\) and other neurological diseases such as Parkinsons disease](#).

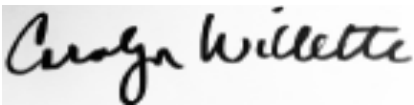
Microplastics

One of the most surprising and worrisome recent findings in Lake Tahoe is the report that Lake Tahoe has the third highest concentration of microplastics of thirty-eight lakes studied in twenty-three countries. In fact, this study found that Lake Tahoe has an even higher level of microplastics than the ocean trash heap - Los Angeles Times (latimes.com). Sierra Sun’s 2020 report cites 8,000 pounds of garbage have been pulled out of Lake Tahoe and Donner Lake over the last 2 years. Sources of the plastic include everything from vehicle tire dust and garbage left on the beach to polypropylene sandbags. “[Polypropylene sandbags are one example](#) of what could be adding to the microplastics in Lake Tahoe. Tarps made of the same material are also commonly used around

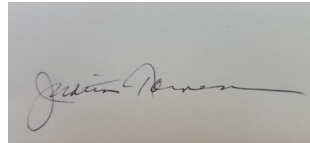
the lake to cover boats, kayaks and protect things from the wind and the sun's rays, the exact thing that speeds up the deterioration of the plastic." See the following reports: <https://www.sierrasun.com/news/the-fate-of-plastics-in-lake-tahoe/> <https://tahoe.ucdavis.edu/microplastics> and <https://www.latimes.com/california/story/2023-07-14/lake-tahoe-troubling-concentrationmicroplastics>

This is no doubt the result of the huge amount of waste that is dumped into Lake Tahoe from the recreational boating public and the enormous amounts of waste left in throughout the basin, including on our beaches by the 25 million tourists (Tahoe Transportation District (TTD) and Nevada Dept of Transportation statistics) that come to Lake Tahoe, many of whom recreate along the lake's shoreline. TERC has only started sampling microplastics since the summer of 2020. These recent findings of the levels of microplastics in the Lake is a great cause for concern about the environmental effects these plastics will have on the lake ecosystem. Therefore, any proposal to increase density, height and coverage that will inevitably bring more people into the Basin must be analyzed in Subsequent EIR at a minimum.

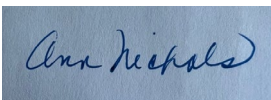
The discovery of the New Zealand Mudsnaills, other invasive species threats, growing widespread cyanobacteria and other near-shore algal blooms, and microplastics in Lake Tahoe are either new threats to Lake Tahoe or are threats that have grown worse over the past 6 years and, therefore, pose significant changes since 2017 that require thorough analysis in a subsequent EIR. To quote the Best Practices guidance, "[t]he CEQA Guidelines require an analysis of "any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected." Certainly, adding additional development that will have the effect of bringing more and more people to the Basin to vacation and recreate will exacerbate the worsening invasive species problem in Lake Tahoe and poses a significant environment effect that requires analysis in a subsequent EIR.



THE SIERRA CLUB TAHOE AREA GROUP



FRIENDS OF THE WEST SHORE



NORTH TAHOE PRESERVATION INC



TAHOE SIERRA CLEAN AIR COALITION

ATTACHMENT A

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Letter From Retired or Former Fire Department Professionals and Volunteers

TBAP = The Placer County Tahoe Basin Area Plan

EIR = the 2016 Certified Environmental Impact Report adopted in 2017

EIR Addendum = the current Placer County proposed EIR addendum to the TBAP made public at the August 10, 2023, Placer County Planning Commission Meeting

EEPEP = Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP)

LOS = Loss of Service

Dear Placer County Board of Supervisors,

Based on our individual and combined emergency fire and life safety response experience, we oppose the 2023 TBAP changes and associated EIR addendum for the following reasons:

1. The adoption of the amendments and supplemental EIR will most likely result in increased wildfire evacuation impacts throughout the approx. 19.5-mile long TBAP plan area, and most predominantly in “denser” more concentrated **town centers and mixed-use areas**. This, due to cumulatively proposed concentrated increases in building density, coverage, and planned eventual building height, as well as reduced parking and setbacks. This then, resulting in increases in concentrated human population (residents and visitors, including tourists), within town centers and mixed-use areas, functioning within an already unsafe overcapacity roadway and often LOS F roadway intersection environment.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that the entire TBAP geographical area, including dense concentrated town centers and mixed-use areas exist within the “**Wildland Urban Interface Defense Zone**”, and per the California State Fire Marshal, the entire geographical area is classified as a **Very High Fire Hazard Severity Zones (VHFHSZ)**. Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control significantly impacting wildfire evacuation and emergency access. This then requires prudent up to date best practice life safety wildfire evacuation planning for all locations within the TBAP area, including dense town center and mixed-use areas.

2. Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent **significant concentrated populations**.

Therefore, it is prudent and reasonable that life safety wildfire evacuation planning and conclusions, throughout the 19.5-mile planning area, including separately, within each concentrated town center and mixed-use areas, be analyzed, discussed, and implemented based on substantial evidence, including best achievable data, and the best available wildfire evacuation planning practices and tools.

This, to help determine, based on up-to-date data, whether or not the amendments further contribute to a significant impact on wildfire evacuation and emergency access. This includes conducting an evaluation of potential significant impacts to population safety, under a variety of potential wildfire behavior scenarios.

The current EIR, EIR Addendum and the EEPEP fail to adequately analyze or evaluate the approximate total population capacity, including individually within each concentrated town center and mixed-use area. This includes failure to provide the best achievable data driven reasonable wildfire evacuation scenarios.

This includes the failure to provide evacuation scenarios including discussions regarding the impact of increased population density on senior citizens, disabled persons, visitors who may have relied on public transportation to enter and traverse the Area, those on foot and sleeping in public facilities, all of which place EMS medical demand on emergency resources once injured or debilitated.

NEXT

Photos of Paradise Fire (Camp Fire) victims and location where each victim died.

<https://www.kcra.com/article/these-are-the-victims-of-camp-fire/32885128>

3. Increased concentrations within town center and mixed-use environments will, most likely serve as wildfire evacuation “**choke points**.” This as increased and concentrated town center and mixed-use population vehicles and foot traffic compete in a “**sudden surge**,” impacting already over capacity evacuation roadways, thereby further and significantly impacting the current evacuation assumptions and timing beginning on page 3.1-32 in the EIR addendum including Table 3-4 (**Attachment C**).

The EIR and EIR addendum fail to analyze, identify, and discuss the potential increased wildfire evacuation impacts, caused by these concentrated “choke points” and “sudden surge” conditions, individually and cumulatively. This includes failure to discuss or provide a variety of wildfire evacuation choke point scenarios that may result in loss of evacuation time as discussed on Page 3.1-3 of the supplemental EIR.

This includes the failure to discuss wildfire emergency evacuation scenarios, where traffic surge gridlock may take place resulting in panic among residents and visitors who feel they have no choice but to flee into nearby Lake Tahoe Waters (Example: Lahaina Town Center).

<https://nypost.com/2023/08/11/hawaii-residents-flee-into-dangerous-ocean-to-escape-wildfires-video/>

4. The EIR, EIR addendum and EEPE fail to provide substantial discussion based on current best practices and data driven wildfire evacuation scenarios, throughout the entire 19.5 mile length of the TBAP area, including concentrated town center and mixed-use of which would serve to inform planners, the public and first responders of any potential significant increase in wildfire evacuation impacts within **each** of the projected more concentrated redevelopment **existing town centers and mixed-use areas**.

Page 8 and 9 of the EIR Addendum States, “the analysis found that the total development potential would not increase, but it would be more concentrated in Town Centers and mixed-use areas than it is presently and would be consistent with the Regional Plan.”

Page 11 of the EIR Addendum States: “The amendments would encourage more concentrated redevelopment of existing Town Centers, which could result in a higher proportion of residential, commercial, and tourist uses being concentrated within Town Centers. While concentrated development could result in site-specific degradation of LOS, the Area Plan EIR already assumed that the TBAP would result in highly concentrated development within Town Centers (See Area Plan EIR pgs. 10-13 through 10-15 and Appendix G-1). Thus, the proposed amendments would result in changes that are consistent with the assumptions underpinning the LOS analysis in Area Plan EIR. For this reason, the proposed amendments would be consistent with the Area Plan EIR LOS analysis.

5. The EIR, EIR addendum and EEPE **fail to discuss** or analyze the following **significant** new and best available, **best practice evacuation guidance information** (not known to Placer County since the 2015 EEPE and the 2017 EIR but **known to Placer County Staff** during their construction of the 2023 EIR Addendum). This new information is contained in the 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects” of which can serve to assist planning staff, emergency services and the public to determine whether or not the currently proposed amendments, EIR and EIR Addendum will have a significant impact more accurately on wildfire evacuation and emergency access:

NEXT

A List of significantly relevant 2020 Calif Atty General Life Safety Best Practices, which the EIR, 2023 EIR Addendum and 2015 EEPE have failed to discuss, and analyze:

- Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn.
 - This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.
 - Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.
- A. Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
 - B. Assessment of the timing for evacuation.
 - C. Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - D. Evaluation of the project's impact on existing evacuation plans.
 - E. Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
 - F. Traffic modeling to accurately quantify travel times under various likely scenarios.
 - G. Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - H. Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.
 - I. Local jurisdictions should consider whether any increase in evacuation times for the local community would have a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impact.
6. Additionally, page 3.1-2 of the EIR (**Attachment C**) states "Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour."

In the interest of prudent life safety wildfire evacuation planning, the above statement should not relieve the County from utilizing the now best available California Attorney General Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects when it comes to **evacuation planning** discussed below. This includes the prudent development of a variety of concentrated town center and mixed-use planning scenarios to help inform planners, the public and emergency responders regarding potential options during a wildfire evacuation including identification of significant impacts the amendments will have on wildfire evacuation.

7. The EIR failed to analyze and discuss the significant adverse evacuation impacts and emergency access from planned "**road diet**" lane reductions and the additionally planned single **lane roundabout** at the intersection at SR 267 and Hwy 28.

NEXT

8. Section 3.1-32 of the Attached EIR EMERGENCY EVALUATION ANALYSES (**Attachment C**) stated a planning distance of approx. 15 miles from end to end however, mapping tools indicate the planning distance to be 19.5 miles leaving out 4.5 miles of significant planning area between the Stateline at North Shore and the Placer County line in Tahoma, CA. (Via SR 28 and Hwy 89). This additional 4.5 miles needs to be analyzed since it represents a key distance when it comes to accurately analyzing evacuation times.
9. The content of Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP) (**Attachment A**) does not provide the best available, best practice evacuation planning elements based on current CA Atty General Best Practices, and was apparently, except for a few geographical comment changes, cut and pasted from the 2008 version. This means that the bulk of the content of this document was created 9 years prior to the 2017 TBAP and **15 years prior** to the currently planned TBAP addendum (**Attachment B**).
10. The 2015 EEPE states: The primary roads in the area, Interstate 80 (1-80) and State Highways 28, 89 and 267 comprise the major evacuation routes. Depending on the location and movement of the incident, the Unified Command designates which is or are to be used for evacuation and which for emergency vehicle ingress and egress. When necessary, surface streets will also be designated for evacuees and for emergency vehicle traffic. A map of the major road networks is at Attachment A.

In this case, the EEPEP, EIR and EIR supplement fail to discuss, list, or clearly indicate the “surface streets” that may potentially be designated “for evacuees and for emergency vehicle ingress.” These surface street designations should be identified in advance based on an “evaluation of the capacity of highway and street roadways to accommodate project and community evacuation and simultaneous emergency access.” This, as suggested by the CA Attorney General Best Practices.

11. Beginning on page 3.1-32, of the Final 2017 EIR EMERGENCY EVACUATION ANALYSIS (**Attachment C**), the EIR fails to discuss the new, current, and significant best practice planning opportunity information as it relates to wildfire evacuation and fire resource access. Nor does this EIR, EIR Addendum or the EEPEP discuss variety of reasonable **scenarios**, the absence of which removes the possibility to discuss life safety evacuation alternatives which may enhance informed planning decisions during a variety of evacuation scenarios. These include but are not limited to planning scenarios factoring in various wind speeds, day, or night occurrences, uphill or downhill wildfire spread, and auto collisions impacting evacuation times.
12. Conclusions made in EIR Addendum 3.1-32 “**assumes that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity**”, under current conditions the area could be evacuated in 3.77 to 4.2 hrs.

Based on our emergency response experience we consider these assumptions to be **counter to reality**, and misleading when it comes to providing accurate planning information to assist with resident and visitor life safety planning opportunities in connection with a wildfire evacuation and as related to discussions regarding fire evacuation impacts and emergency access.

This, since it is common knowledge that early “traffic surge”, initial and ongoing panic, dense and debilitating smoke, nighttime impacts, loss of cell phone service, as well as downed electrified power lines, of which lines commonly result in power loss and also cause multiple other fires in the area, are common factors in limiting traffic capacity to egress points. This includes downed energized and non-energized power lines that are often observed strung across roadways in high wind conditions.

Body Cam Footage – Evacuation from Paradise

<https://abc7news.com/camp-fire-video-bodycam-of-evacuations/4850913/>

All of these factors can cause immediate and long-term auto collisions, of which can cause injury and death within minutes and skew the projected evaluation times as discussed on Page 3.1-34 (**Attachment C**).

The EIR, EIR Addendum and the EEPEP fail to discuss common alternative scenario assumptions more closely relating to the **reality** of emergency wildfire evacuations in wind and slope wildfire evacuations. These realities, demonstrated in the following links connected with the Paradise and Caldor wildfire evacuations. **NEXT**

- CAPRDIO – July 11, 2019 – Camp Fire Evacuation Notifications – From the ignition source, approx. 7 miles from Paradise, winds of 40 miles per hour shot embers along the ground and through canyon, and within 90 minutes, the eastern side of Paradise began to burn, according to Butte County dispatch recordings, which CapRadio reviewed to better understand how agencies responded that morning.
<https://www.caprдио.org/articles/2019/07/11/emergency-alert-will-you-be-notified-if-a-wildfire-is-heading-toward-your-town/>
- Caldor Fire Evacuation – Mercury News August 31, 2021
<https://www.mercurynews.com/2021/08/30/its-out-of-control-caldor-fire-prompts-south-lake-tahoe-evacuation-traffic-gridlock/>

SIGNITURE PAGES TO FOLLOW

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum
Letter From Retired or Former Fire Department Professionals

Signed:

X



Printed Name:

X

DOUGLAS ESTILL

Lake Tahoe Community:

X

TAHOMA, CA

Retired Fire Professional Title and Agency:

X

FOSTER CITY FIRE DEPT - FIREFIGHTER

Date:

9-14-23

Signed:

X



Printed Name:

X

Paul J Siegel

Lake Tahoe Community:

X

TAHOMA, Ca

Retired Fire Professional Title and Agency:

X

Fire Fighter/Paramedic City of Mountain View Ca.

Date:

9-14-23

Signed:

X



Printed Name:

X

James Scott

Lake Tahoe Community:

X

Tahoma CA

Retired Fire Professional Title and Agency:

X

Foster City Fire Dept - Battalion Chief

Date:

9-14-23

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum
Letter From Retired or Former Fire Department Professionals

Signed:

X *Larry Schluer*

Printed Name:

X LARRY SCHLUE

Lake Tahoe Community:

X MEERKS BAY

Retired Fire Professional Title and Agency:

X ENGINEER, SACRAMENTO FIRE DEPT.

Date: 9/20/23

Signed:

X *Julie L. Hutchinson*

Printed Name:

X Julie L. Hutchinson

Lake Tahoe Community:

X Tahoe

Retired Fire Professional Title and Agency:

X Battalion Chief - CAL FIRE

Date: October 4, 2023

Signed:

X *Doug Flaherty*

Printed Name:

X DOUG FLAHERTY

Lake Tahoe Community:

X INLINE VILLAGE, NV

Retired Fire Professional Title and Agency:

X FIRE MARSHALL CITY OF SAN LUIS OBISPO, CA AND CITY OF ORANGE, CA
BATTALION CHIEF, CITY OF ORANGE, CA

Date: OCT, 8, 2023

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum
Letter From Retired or Former Fire Department Professionals

Signed:

X *Jerrold H. Cook*

Printed Name:

X *Jerrold H. Cook*

Lake Tahoe Community:

X *Tahoe Pines*

Retired Fire Professional Title and Agency:

X *Apparatus Operator / Sacramento Fire Dept.*

Date: *10-8-23*

Signed:

X

Printed Name:

X

Lake Tahoe Community:

X

Retired Fire Professional Title and Agency:

X

Date:

Signed:

X

Printed Name:

X

Lake Tahoe Community:

X

Retired Fire Professional Title and Agency:

X

Date:

PLACER COUNTY
OFFICE OF EMERGENCY SERVICES

M E M O R A N D U M

To: Honorable Board of Supervisors

From: David Boesch, County Executive Officer
by: John McEldowney, Program Manager of Emergency Services

Date: November 17, 2015

Subject: 2015 Update to the Placer Operational Area Eastside Emergency Evacuation Plan

ACTION REQUESTED

Adopt a Resolution Enacting the 2015 Update to the Placer Operational Area Eastside Emergency Evacuation Plan.

BACKGROUND

This is a plan for the conduct of a physical evacuation of one or more communities in the unincorporated area on the eastern side of Placer County. This plan is necessitated by a larger incident, most probably a forest fire or flood. For the purposes of this plan, the "eastern side" comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit. The dense forests, rugged terrain, and the scarcity of roads in the area are problems that present difficulties for first responders and residents alike. These problems would complicate any emergency evacuation operation.

Whereas the potential exists for severe winter storms, mass casualty incidents or floods on the eastern side, forest fire remains the greatest single threat to communities. For all but the wettest of months, homes and businesses in wildland-urban interface areas are particularly susceptible to fire damage and destruction. During fire season, the combination of dense forests, heavy fuel loads, low humidity, potential for high winds and the steep terrain in the Sierra Nevada's can rapidly turn even small fires into lethal, major disasters. Despite a record of very successful evacuations in the past, the limited number of roads in the area always makes evacuations problematic. The need to quickly execute a rapid evacuation of residents, businesses, and even pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike.

This plan prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit cooperating agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human caused incident on the east side of Placer County.

Before the Board of Supervisors County of Placer, State of California

Resol. No: _____

In the matter of: **Adoption of the 2015 Update to the
Placer Operational Area Eastside Emergency
Evacuation Plan**

The following Resolution was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, Placer County and its incorporated communities are exposed to numerous natural and manmade hazards, including flood, drought, wildfire, and severe weather. These hazards pose threats to lives, property and the economy; and

WHEREAS, the Eastside Emergency Evacuation Plan ("EEEP") creates an operational framework for potentially reducing losses from natural and manmade hazards; and

WHEREAS, the EEEP is for conduct of a physical evacuation of one or more communities in the unincorporated area on the eastern side of Placer County that is necessitated by a larger incident, most probably a forest fire or flood; and

WHEREAS, the EEEP prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit cooperating agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human caused incident on the east side of Placer County; and

WHEREAS, the EEEP applies to an evacuation of one or more communities, due to a disaster or incident response affecting all public jurisdictions on the eastern side. This plan also applies to evacuations necessitated by incidents that start in the Tahoe National Forest or the Lake Tahoe Basin Management Unit that threaten County areas; and

WHEREAS, portions of this plan and agency responsibilities delineated herein are applicable for requests for mutual aid from adjacent Counties impacted by similar incidents or events; and

WHEREAS, the EEEP complies with the Placer County Emergency Operations Plan (EOP), the California Emergency Plan and legal authorities in the California Emergency Services Act, and is developed by authority of Placer County Code, Chapter 2, Article 2.88 and Chapter 9, Article 9.32; and

WHEREAS, the need to quickly execute a rapid evacuation of residents, businesses, and pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Placer hereby approves and adopts the 2015 Update to the Placer Operational Area Eastside Emergency Evacuation Plan and authorizes the execution of the letter of promulgation, both of which are attached hereto as Exhibit "A".

NOW BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon adoption.

PLACER OPERATIONAL AREA
EAST SIDE
EMERGENCY EVACUATION PLAN

1. GENERAL

This is a plan for conduct of a physical evacuation of one or more communities in the unincorporated Placer County area on the eastern side of the County that is necessitated by a larger incident, most probably a forest fire or flood. For the purposes of this plan, the "eastern side" comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit. The dense forests, rugged terrain, and the scarcity of roads in the area – problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.

Whereas the potential exists for severe winter storms, mass casualty incidents or floods on the eastern side, forest fire remains the greatest single threat to communities. For all but the wettest of months, homes and businesses in wildland-urban interface areas are particularly susceptible to fire damage and destruction. During fire season, the combination of dense forests, heavy fuel loads, low humidity, potential for high winds and the steep terrain in the Sierra Nevadas can rapidly turn even small fires into lethal, major disasters. Despite a record of very successful evacuations in the past, the limited number of roads in the area always makes evacuations problematic. The need to quickly execute a rapid evacuation of residents, businesses, transients, and even pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike.

Therefore, in order to meet this planning challenge, the Placer County Sheriff's Office (PCSO), Nevada County Sheriff's Office (NCSO), Town of Truckee, the five eastern Fire Protection Districts/Departments, California Highway Patrol (CHP), USDA Forest Service (USFS), American Red cross (ARC), Placer County Office of Emergency Services (PCOES), Nevada County Office of Emergency Services (NCOES) and other state and federal contributing agencies developed this plan to help increase preparedness, and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the County. While focusing on fire-induced evacuations, the plan remains applicable to all evacuations in general.

2. PURPOSE

This plan prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit contributing agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human-caused incident on the east side of Placer County.

3. ASSUMPTIONS

- a. An evacuation order is given coincident with first response/initial attack.
- b. Evacuation of the entire eastern side of the County is not required.
- c. Most, but not all, of the roads and pre-designated shelter and evacuation centers on the eastern side are available for use.
- d. Mutual aid resources for all disciplines are available.
- e. There will be limited County emergency management organization support in the initial stages of an incident.

4. SCOPE

This plan applies to an evacuation of one or more communities due to a disaster or incident, response to which affects all public jurisdictions on the eastern side. It also applies to evacuations necessitated by incidents that start in the Tahoe National Forest or the Lake Tahoe Basin Management Unit that threaten County areas. Portions of this plan and agency responsibilities delineated herein are applicable for requests for mutual aid from adjacent Counties impacted by similar incidents or events.

For planning purposes, "evacuation" begins upon the order of the Incident Commander and concludes upon IC release of the area to general reentry. Evacuee support and damage/safety assessment activities occurring after completion of the initial evacuation but prior to general reentry are more correctly the subject of incident specific plans. However, some activities are referred to in this plan for clarity in illustrating the relationship between "incident command" as exercised by first responders and "emergency management" as exercised by the County through the Emergency Management Organization (EMO).

5. AUTHORITIES AND REFERENCES

This Plan complies with the Placer County Emergency Operations Plan (EOP), the California Emergency Plan and legal authorities in the California Emergency Services Act, and is developed by authority of Placer County Code, Chapters 2 and 9.

6. CONCEPT OF OPERATIONS

- a. **Initial Response:** Initial response to a disaster or incident occurring on the eastern side is by local, state and federal resources using Unified Command methodology. Upon assessment of the incident and in consultation with other responding agencies, Incident Command (IC) makes the decision that the incident has the real potential of becoming too great to handle or is actually beyond the capability of available resources, and therefore orders an evacuation. The IC directs that notifications be made, and directs promulgation of evacuation notices throughout affected areas via emergency notification systems and television and

radio stations. As the incident is both multi-jurisdictional and multi-disciplinary, the

IC requests OES response to provide incident emergency management. Subsequently, OES activates those members of the Emergency Management Organization (EMO) needed to support the evacuation and the greater incident, and ensures either an incident EOC on the eastern side or the EOC in Auburn is made operational.

The following functions are normally present in typical evacuation scenarios:

- ***Evacuation Alerts, Warnings and Orders:***

Dissemination of evacuation alerts, warnings and orders are the responsibility of law enforcement. The Placer County Sheriff's Office (PCSO), assisting law enforcement, and other personnel as available commence evacuation notifications using all means such as door to door visits, and use of handheld, vehicular and helicopter mounted public address systems. The IC notifies dispatch as well to disseminate instructions and warnings via the emergency notification system (Everbridge) and assigns Incident PIO to provide the same evacuation instructions to the media (listed at Attachment B) for emergency broadcast.

- ***Evacuation Emergency Medical Services (EMS)***

Emergency medical services for an evacuation are provided by all fire protection districts through engine-company Advanced Life Support (ALS) and the Truckee (TFPD) and North Tahoe Fire Protection Districts (NTFPD) ambulance service. Ambulance Mutual Aid is requested through the single ordering point established by the IC. The Placer County Medical/Health Operational Area Coordinator (MHOAC) receives requests for medical mutual aid and, if unable to fill the request locally, will forward it to the Regional Disaster Medical Health Coordinator (RDMHC) for action. Requests for aerial evacuation are made from the ICP to dispatch. NTFPD and TFPD also provide Advanced Life Support (ALS) medical transport, i.e., ambulance evacuation/transportation of the medically fragile from health care facilities or homes.

- ***Evacuation Emergency Public Information***

Public information about the evacuation will be disseminated at the direction of the IC, most often through the Incident PIO. In the event of a fast-moving fire or other life-threatening situation, the Incident PIO, a member of the Tahoe PIO Team or a member of the Auburn PIO Team should be assigned to begin notifications. Using IC guidance, this person will draft, obtain approval and then disseminate the message to critical media. (Attachment B).

Once the County EOC is operational, public information officers from all agencies establish a Joint Information Center (JIC) in which advisories, warnings, traffic updates, press releases, etc. are written, edited, assembled, and, after approval of the IC, released to the public and the media. The JIC also collects and disseminates information gathered from government agencies, businesses or schools regarding evacuation centers (locations where evacuees can get information on the evacuation) and emergency shelters (with overnight provisions), pet disposition, provision of security in evacuated areas, etc. Radio and television stations interrupt regular programming to broadcast emergency instructions as appropriate. Residents and visitors will be encouraged to also monitor instructions provided over the air, on car radios, on-line, or social media. Lastly, the EOC will maintain an emergency evacuation information message on the Public Information hotline at (530) 886-5310 in Auburn, and (530) 584-1590 on the eastern side, as well as on the County website.

- ***Evacuation and Reentry***

In Unified Command, the decision to evacuate or to prioritize evacuations of multiple areas is made after consultation between Incident Commanders. Execution of the actual evacuation order is by PCSO, with assistance from all other responding law enforcement, if and as available. Individuals will be strongly encouraged to evacuate, however those who refuse evacuation will be allowed to shelter-in-place. During enforcement of the evacuation, law enforcement will encourage family, friends and neighbors to assist any who require assistance (medically fragile, aged, etc). Volunteers, if available, may also be employed to assist those needing help to include assisting those without vehicles get to evacuation bus stops when and if Tahoe Area regional Transit (TART) or Tahoe Truckee Unified School District (TTUSD) or other buses or means of public transport are used.

To facilitate a rapid and effective evacuation, the IC will identify all directly threatened and potentially threatened areas for evacuation. Evacuation centers and emergency shelters for the evacuees have been pre-coordinated and contact information determined (Attachment A). Upon consultation with OES and American Red Cross, Unified Command will select the emergency shelters and evacuation centers to be used. The decision is based on the threat and the probability that the facilities and routes of ingress and egress will remain out of danger. Pending OES arrival at the incident, the senior County representative coordinates with ARC and HHS to ensure designated facilities are put into operational order.

Reentry during active response: The Incident Commander is the sole authority for allowing individual reentry into any secured incident area, either on an unlimited or escorted basis, during active response operations. Most often requests for reentry are by homeowners wishing to recover pets or family items, but, as law enforcement maintains incident site security for any

and all incidents, any IC decision on reentry is made after full consultation with law enforcement.

Reentry after active response: Although not the main focus of this plan, upon transition from initial or extended response to remediation of the incident area, general reentry will only be allowed after completion of safety and damage assessments by numerous agencies such as DPW-Roads, Environmental Health, Building Department, and law enforcement/fire forensic investigators, etc. The Damage/Safety Assessment Teams determine the state of damage and threats to public safety from unstable structures such as fire/flood damaged and now unsupported chimneys and walls as well as from other threats such as damaged or weakened roadways, downed lines or fire weakened trees or telephone/power poles. Environmental Health as an example has the responsibility for determining the presence of hazardous materials resulting from burned structures or of contaminants left by receding floodwaters, etc. These assessments will determine, prior to any IC decision, that the area is safe or hazards are clearly marked allowing for unrestricted access by the general public.

- ***Incident Command and Emergency Management***

Tactical employment of fire, law and emergency medical resources, as well as the decision to warn, or evacuate or shelter-in-place is the purview of the IC, and is executed from the Incident Command Post (ICP). Evacuation orders issued during an active emergency response are coordinated under the direction of Incident Commanders acting in Unified Command. It is imperative that all agencies affected by the response, or having critical infrastructure affected or potentially affected by the incident, or which act solely in a support role, initially respond and send representation to the ICP. All agencies should self-refer to the ICP whenever possible rather than waiting on a request to do so.

Note: Attachment E is a guide for both fire and law incident commanders who are considering or ordering an emergency evacuation. The Attachment contains general information on the technical aspects of ordering an evacuation as well as a check list for incident commanders.

Upon the opening of an incident Emergency Operations Center (EOC) by the County, the IC may release some of agency representatives to the EOC. The senior County representative on-scene or OES meets with the Unified Command to better understand the direction the incident is taking and ascertain the best location for an incident EOC, and potentially, an incident base. With that information, the senior County representative also consults with ARC to ensure any requested County support or facility owner/manager concerns are addressed to facilitate the opening and operation of shelters and evacuation centers.

Once alerted, the local Emergency Management Organization (EMO) reports to and works from the incident EOC to provide emergency management and County coordinated support. Upon arrival on-scene, OES assumes direction of active emergency management of the incident from the incident EOC. The EMO maintains communications with the Auburn EOC (if activated) as well as with regional and state agencies, assisting agencies, and the ICP. It coordinates non-tactical matters such as emergency care and shelter, animal services, provision of DPW traffic control assets, damage and safety assessments, evacuation centers and Local Assistance Centers used during recovery, etc. It is through the EMO that the decision to issue a proclamation of local emergency is made and information needed for preparation is provided. Locations that can potentially be used for an incident EOC have been pre-designated and are listed at Attachment D.

- ***Traffic Control***

CHP is primarily responsible for traffic control, however, other agencies such as the Sheriff's Office and the Department of Public Works can and often do assist on an as-needed basis. Potential issues include access and egress for emergency vehicles and evacuees alike, and minimizing or preventing unauthorized traffic entering the affected area. The Unified Command establishes evacuation priorities, and CHP further designates the supporting routes. Placer County Department of Public Works (DPW) and CAL TRANS support traffic control with traffic control implements and personnel, as requested.

The primary roads in the area, Interstate 80 (I-80) and State Highways 28, 89 and 267 comprise the major evacuation routes. Depending on the location and movement of the incident, the Unified Command designates which is or are to be used for evacuation and which for emergency vehicle ingress and egress. When necessary, surface streets will also be designated for evacuees and for emergency vehicle traffic. A map of the major road networks is at Attachment A.

- ***Transportation***

Once students and school sites are secured, school or Tahoe Area Regional Transit (TART) buses may be utilized for evacuations, if required. This may be a viable option during severe winter storms when roads are not passable to normal vehicular traffic. Other buses besides those mentioned above, if available in the area, will also be considered for use. Contact information for buses is at Attachment B.

There may also be instances where boats could be used for ferrying evacuees

across or down the lake due to lakeside road destruction or landslides that close the roads. The U.S. Coast Guard Station Lake Tahoe may be contacted for assistance in coordinating this resource.

- **Resources and Support**

Discipline-specific mutual aid for fire, law enforcement and emergency medical services is requested through the single resource ordering point at the ICP. Requests for additional or other resources such as animal services, public works, Red Cross, etc. are requested through (1) agency or OES representatives at the ICP, (2) Dispatch, or (3) once established, through the incident EOC. Requests unable to be filled locally are processed and forwarded by the activated EOC to the State Regional EOC (REOC) for fulfillment by regional, state, or federal resources.

- **Communications**

Responders, mutual aid resources and contributing agencies use existing radio communications systems on frequencies coordinated through PSAPs. Additional mobile communications support is available and is requested either through Dispatch or directly from the Communications Coordinator in the EOC. Cellular and satellite phones, as available with local agencies and personnel as well as with responding and supporting agencies, are used as local service and prevailing weather allows. Amateur radio operators, living or working on the eastern slope and in the Auburn area are also available and will be requested by OES to support any major incident involving an evacuation. Requests for Government Emergency Telecommunications Service (GETS), used to prioritize emergency communications traffic when local communications are overwhelmed, are requested by Incident Command or by the EMO Communications Coordinator.

- **Care and Shelter**

The Division of Human Services in the Department of Health and Human Services (HHS) coordinates mass care shelters as delineated in the Emergency Operations Plan (EOP). The American Red Cross (ARC) normally opens and operates one or more pre-designated shelters and evacuation centers (Attachment C), but County staff responsibility remains with Human Services. Shelters will be selected based on near- and long-term site security (based the direction of movement of fire or flooding, etc.) and ease of access.

The Medical/Health Operational Area Coordinator is a position jointly held by the Public Health Officer and the Executive Director of Sierra-Sacramento Valley EMSA (S-SV), responsible during an evacuation for assessing immediate medical needs, coordinating medical evaluations and all other

tasks assigned by the Health and Safety Code. Mental health counseling of evacuees is coordinated by the Adult System of Care Division of HHS.

- **Animal Services**

Shelters to accommodate pets/domestic animals (hereinafter “pets”) will be set up by Animal Services. However, care and evacuation of pets remains the responsibility of the pet owner. Animal Services coordinates emergency evacuation and care of pets when owners are precluded from entering an area or if pets have had to be abandoned due to the incident or the owner’s absence. Pet volunteer organizations may also be available to assist in sheltering. Pets evacuated will be transported to designated areas and held in more permanent custodial care until the incident is resolved or the animal(s) is/are claimed by owners. Local facilities will be designated and promulgated to the public by Animal Services at the time of the incident. Owners able to transport their own pets or animals during an emergency, but who still require temporary shelter, will be directed by Animal Services via traffic control, road signage or public service announcements to emergency holding areas.

- b. **Extended Response:** Unified Command continues in the field in response to the incident. The EMO operates from an incident EOC on the eastern side or from the EOC in Auburn depending on the needs of the incident. The principal focus of extended response concentrates on those activities necessary to ensure rapid reentry and comprise, among other things, damage and safety assessments and preparation and coordination with local, state and federal officials for set up and operation of Local Assistance Centers/Disaster Recovery Centers.

7. Evacuation Responsibilities by Agency

As an evacuation is only one aspect of a larger incident, all Departments and agencies listed below retain responsibility for completing EOP-listed tasks in addition to these evacuation-specific responsibilities.

A. Eastern Side Special Districts

1) Fire Protection Districts/Fire Departments

- Provide Advanced Life Support (ALS) emergency medical services, i.e., engine company ALS
- Provide ALS transport (NTFPD and TFPD only)
- Assist law enforcement with alerts, warning and evacuations as available
- Provide technical fire and geographic area expertise to Unified Command

2) Tahoe Truckee Unified School District

- Open and support use of requested school(s) for use as emergency shelters or evacuation centers.
- Provide school buses to assist in incidents/evacuations, as requested.

B. Placer County Agencies**1) Placer County Deputy CEO – Tahoe**

- Senior County representative at incident pending arrival of Program Manager, OES, or designee.
- In consultation with OES and the IC and considering the physical characteristics of the incident, select location for Incident EOC. Coordinate sites for emergency shelters/evacuation centers and ensure their operational status.
- Serve as Incident EOC Director pending arrival of OES, and direct EMO members of County staff on eastern side to report to EOC.

2) Office of Emergency Services (OES)

- Provide County emergency management support of the evacuation as part of a larger, more significant incident such as forest fire, flood, etc.
- Activate the Emergency Management Organization in Auburn or at the Incident EOC on the Eastern Slope, as appropriate. This includes County Public Information Lead/Team if activation hasn't already occurred
- Coordinate with Local, State (CalOES, CALFIRE, CHP, CAL TRANS, etc.) and federal agencies as well as other public and private entities, if deployed, for support and to provide current incident operational information.
- Consider long-term ramifications of the evacuation and begin planning for return of evacuees.
- Begin planning and coordination for incident recovery.

3) Placer County Sheriff's Office (PCSO)

- Alert and warn all persons and businesses to be evacuated, including the use of the emergency notification system, as required.
- Implement evacuation – notify residents and businesses, and certify areas as clear of inhabitants, transients, those using recreational facilities, etc.
- Provide mobile communications support for the evacuation, as requested.
- Provide Search and Rescue team support as requested to support the evacuation or evacuees.

4) Public Information Officer (PIO)

- Coordinate and prepare advisories, warnings, updates and evacuation orders for broadcast to responding agencies, school authorities, media, and the public.
- Include evacuation information in Joint Information Center (JIC) operations and provide it to media, the public, and other jurisdictions.

5) Department of Health & Human Services (HHS)**◆ Human Services Division**

Provide or coordinate with ARC and other agencies for the opening and operation of shelters for evacuees.

♦ **Adult System of Care**

Provide or coordinate mental health services for evacuees

♦ **Environmental Health**

- As a member of Damage and Safety Assessment Teams, provide technical, environmental health expertise to IC for determining advisability of allowing reentry into evacuated areas during active response operations.
- Coordinate or provide testing of evacuated areas for hazardous materials, environmental health hazards and infectious diseases.

♦ **Animal Services**

- Provide or arrange transport and care of abandoned pets and those unable to be transported by their owners.
- Coordinate and manage holding areas for pets of evacuees for those unable to care for their pets or those in emergency shelters

6) Department of Public Works - Tahoe

- Assist evacuation with traffic closure level analysis and traffic control equipment, as requested
- Provide evacuation support (vehicles, personnel, etc.) as requested.
- Assist with maintaining County road access as requested in matters such as clearing downed trees, snow and mudslide removal and flood affect abatement.
- Participate in Safety and Damage Assessment Teams, as needed.

7) Planning Department – Tahoe

Land Use Manager for Tahoe Area is second in order of seniority among Placer County agency heads on the eastern side.

8) Building Department – Tahoe

Participate in Safety and Damage Assessment Teams, as needed

9) Facility Services Department

Participate in Safety and Damage Assessment Teams, as needed

C. State Agencies

1) California Highway Patrol

- Provide evacuation traffic control.
- Determine primary and alternate evacuation routes.
- Assist PCSO, as requested, in alerting, warning and evacuations.

2) California Department of Transportation (CALTRANS)

Assist CHP as requested with traffic control

3) California State Parks

Provide disposition and status of visitors and staff in park facilities before, during and after an evacuation.

D. USDA Forest Service

Provide disposition of visitors and staff in forests before, during and after an evacuation.

E. Other Agencies**1) American Red Cross**

Open and operate emergency shelters or evacuation centers, as necessary, and coordinate local volunteer support of the shelters.

2) Sierra-Sacramento Valley Emergency Medical Services Agency (S-SV)

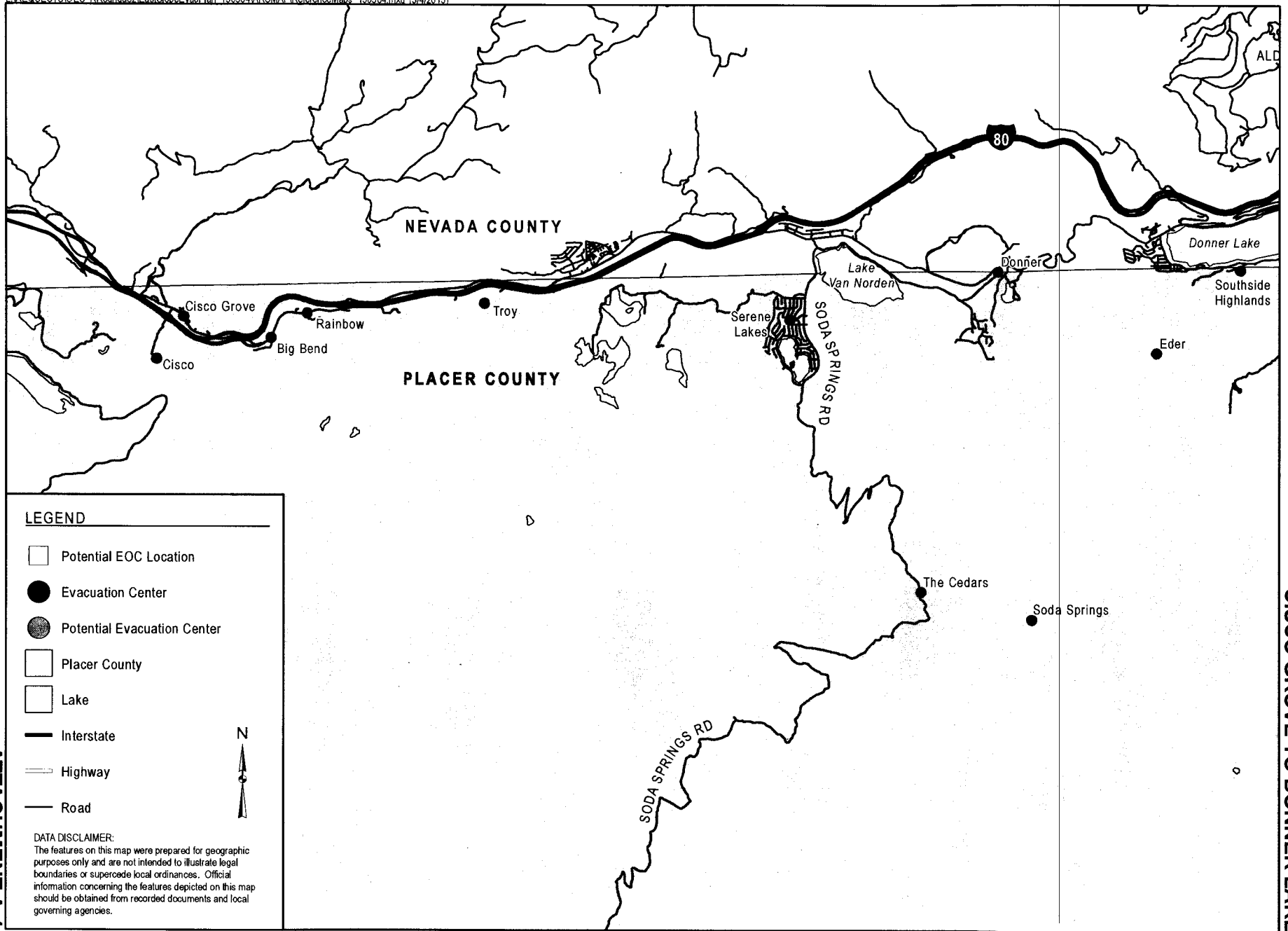
In conjunction with the Placer County Public Health Officer, execute all Medical Health Operational Area Coordinator tasks regarding provision of medical care for evacuees, coordination of medical and health resources, etc. per provisions of the Public Health and Safety Code, Sections 1797.150-153.

3) Out of County Mutual Aid Providers

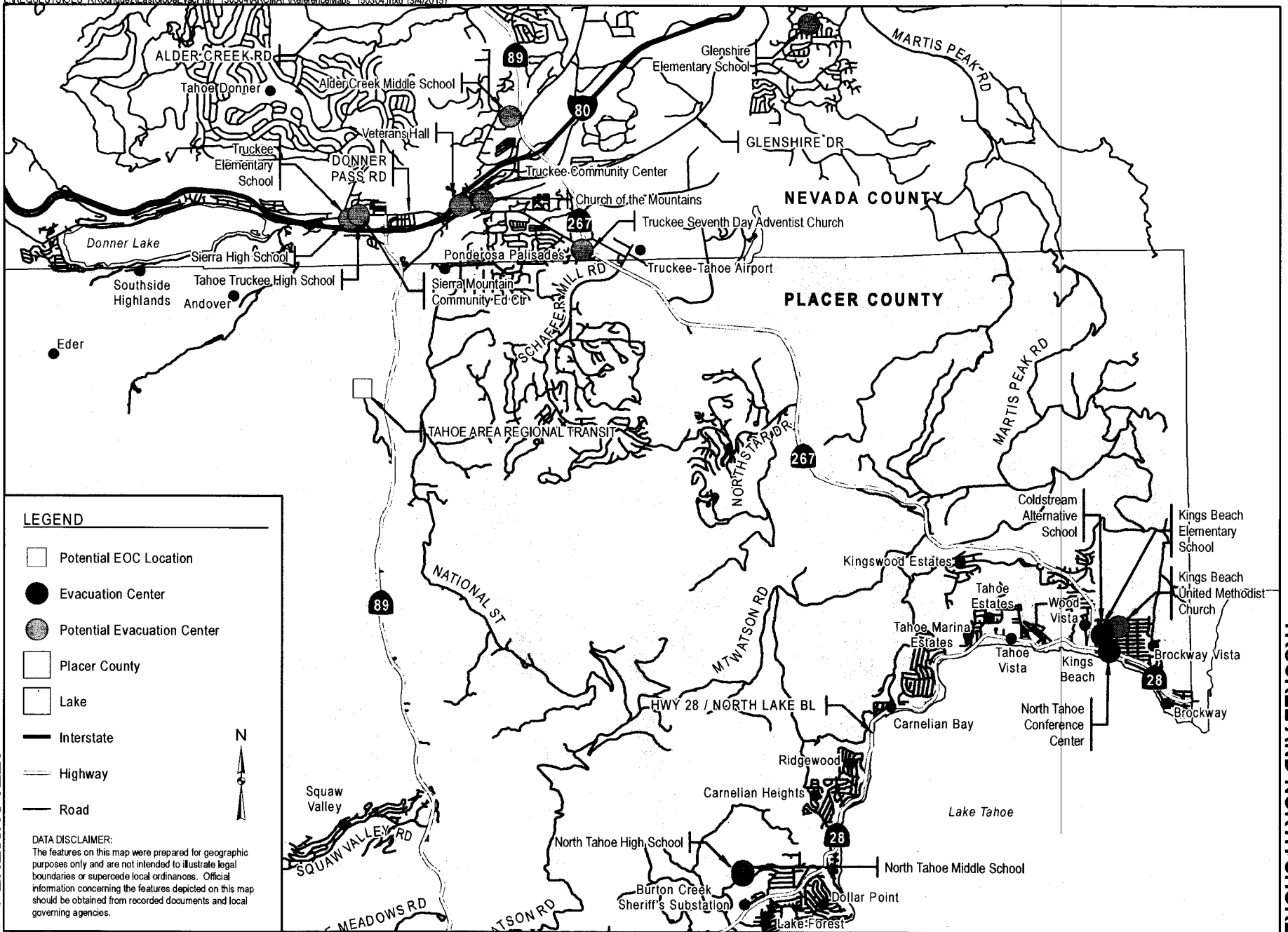
Law enforcement, fire and emergency medical services mutual aid providers in Nevada and El Dorado Counties and the State of Nevada are requested to maintain familiarity with this plan to provide mutual aid as requested.

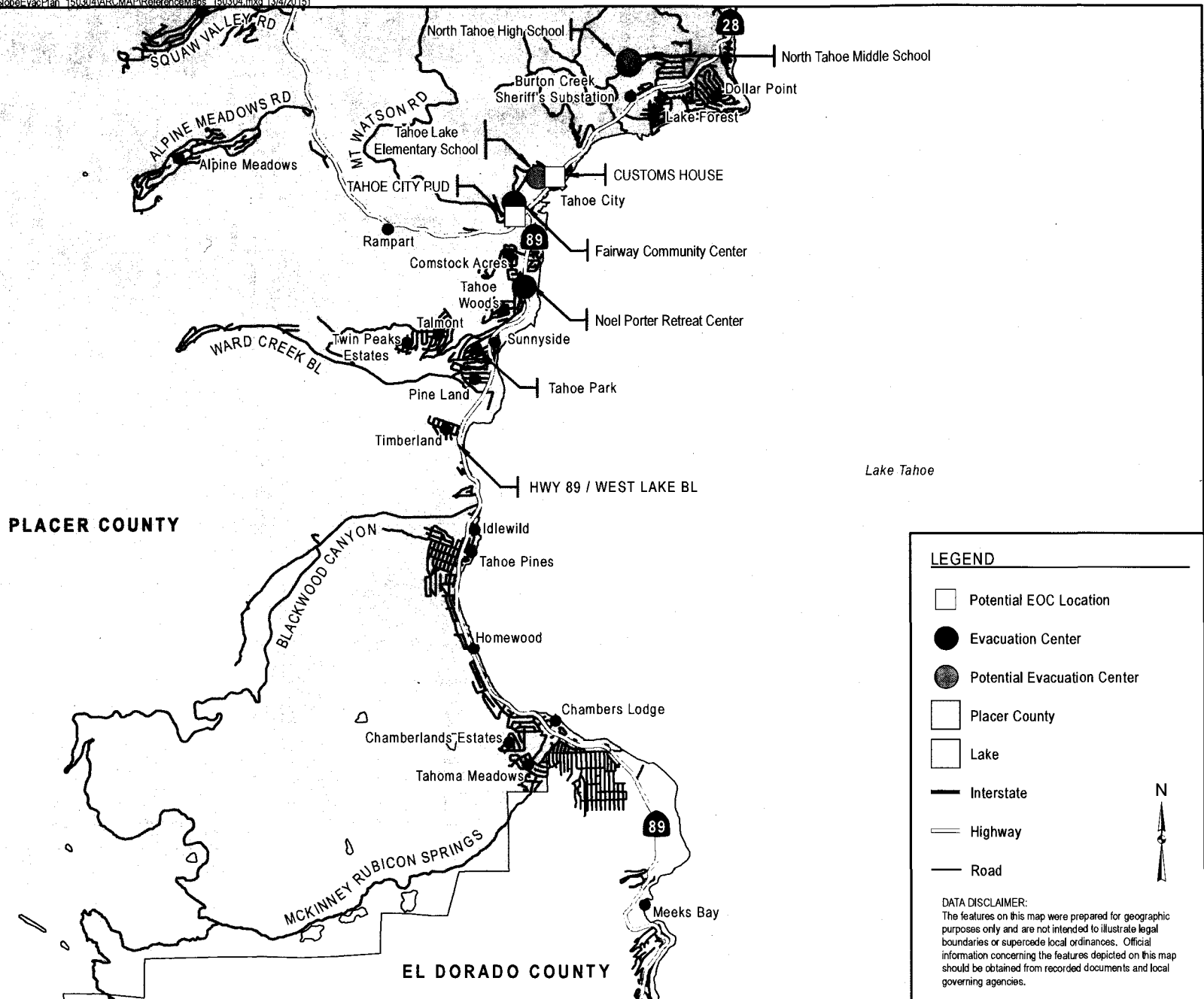
Attachments:

- A.** Maps: Road Networks and Key Emergency Facility Locations
- B.** Important Phone Numbers/Contact Information including Media
- C.** Contact Information for Shelters and Evacuation Centers
- D.** Alternate EOC Locations
- E.** Immediate Emergency Evacuation Guidelines for Incident Commanders



CISCO GROVE TO DONNER LAKE





ATTACHMENT B - EMERGENCY CONTACT INFORMATION

(All Numbers are (530) except as noted)

<u>AGENCY</u>	<u>OFFICE</u>	<u>Emergency/ After Hours/Weekends</u>
American Red Cross (ARC) - Tahoe	916-993-7070	391-8234
Alpine Springs County Water District	583-2342	866-696-9608
CA Dept. of Fish & Game (DF&G)	916-358-2882	888-334-2258
CAL FIRE - Truckee FFS BC - Troy Adamson Dispatch: ECC-Grass Valley	582-9471 477-0641(ofc)	477-5761
CA State Parks - Tahoma	525-7232	916-358-0333 (Dispatch)
CALTRANS - District 3	582-7500	582-7550 (Dispatch)
CHP - Truckee Area	582-7500 (Public)	582-7550 (Dispatch)
Lake Tahoe Basin Mgmt. Unit-North	543-2600	642-5170 (ECC-Camino)
Meeks Bay FPD (El Dorado County) Office Chief - Tim Alameda	525-7548 525-7548	581-6335 448-4365
North Lake Tahoe FPD (Nevada)	775- 831-0351	775 - 831-0587
North Tahoe Fire Protection District Chief: Mike Schwartz	583-6911	583-6911 x 605 448-2524
North Tahoe Public Utility District Office GM: Cindy Gustafson	583-3796 546-4212	546-4212 546-4212
Northstar Community Service District Fire Dept Fire Chief: Mark Shadowens Gen Mgr.	562-1212 562-0747 x101	562-1212 308-1241
Placer County (Contact all through Sheriff's Dispatch if unable to call direct)		
Placer County Fire	889-0111	477-5761 (ECC-Grass Valley)
CEO Rep-Tahoe: Jennifer Merchant	546-1952	308-1243
OES	886-4600	
Emergency Operation Center (Auburn)	866-5300	<u>(DURING ACTIVATION ONLY)</u>
OES Duty Officer	886-4600	886-5375 (Dispatch)
PIO -Tahoe: Robert Miller	889-4080	308-2013
HHS - Tahoe	546-1900	

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Environmental Health	581-6240	
Animal Services	546-4260	308-1017 or 886-5375 (Dispatc
Sheriff's Office - Auburn Dispatch	886-5375	
Sheriff's Office - Tahoe	581-6300	
Tahoe Dispatch	886-5375	
Tahoe- Capt.: Denis Walsh	581-6312	
Public Works - Tahoe	581-6230	
Liberty Utilities	800-782-2506	
Reg'l Emer Mgr.: Blaine Ladd	721-7363	
Squaw Valley Fire Department	583-6111	
Chief: Pete Bansen	583-6111	523-6025
Duty Officer	583-6111	
Squaw Valley Pub Service District	583-4692	866-411-6917 (On Call)
General Manager: Mike Geary	583-4692 x 211	587-5223
Tahoe Area Regional Transit	550-1212	308-1020
Transit Manager Frank Silva	550-1212	308-1020
Tahoe City Public Utility District	583-3796	546-1215
GM: Cindy Gustafson	583-3796	546-1215
After Hours Answering Service		546-1215
Tahoe National Forest	265-4531	477-5761 (ECC-Grass Valley)
Tahoe-Truckee Sanitation Agency	587-2525	587-2525 ()
Tahoe-Truckee Unified School District	582-2500	
Superintendent Dr.Rob Leri	582-2555	626-523-1267
Placer County - continued		
Truckee		
Town Mgr.: Tony Lashbrook	550-7700	582-2901
PIO: Alex Terrazas	550-7700	265-7880
Police Dispatch	550-2320	265-7880
Truckee Donner PUD	587-3896	
Truckee Fire Protection District	582-7850	
Chief: Bob Bena		308-2703
Truckee Tahoe Airport District	587-4540	
Truckee Sanitary District	587-3804	
US Coast Guard	583-4433	583-0911
US FS - Tahoe National Forest	265-4531	
US FS - Lake Tahoe Basin Mgmt. Unit	543-2600	

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**Washoe County Sheriff's - Incline
Office
Dispatch**

**775 - 328-4110
775 - 765-9276**

**Water Quality Ctl Board-Lahontan
Admin Officer**

**542-5400 542-5400
542-5428 542-5400**

Media Contacts: (All numbers are 24x7)

Sierra Sun Newspaper	583-3488	
KTHO radio - South Lake Tahoe	543-0590	
KTKE radio - Truckee	587-9999	550-0371
KRLT radio - South Lake Tahoe	775-580-7130	775-586-9399
KKTO radio - Tahoe City/Reno	916-278-8900	
KUNR radio- Reno/Truckee	775-682-6064	775-784-1867
KOH radio AM - Reno (EAS)	775-325-9178	775-789-6700
KTVN - TV Reno	775 - 858-2222	775-861-4290
KOLO - TV Reno	775 - 858-8888	

**Cable Television Carriers
Southern link Communications
Charter**

**587-6100
775-348-2772**

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ATTACHMENT C
EMERGENCY SHELTERS AND EVACUATION CENTERS

Kings Beach

North Tahoe Event Center

8318 North Lake Boulevard
Kings Beach 96143
564-4212 Office
564-4212 After Hours
POC: William Selter/ Chief Engineer

Kings Beach Elementary

8125 Steelhead
Kings Beach 96143
546-2605 Office
530-546-2605 After Hours
POC: Kyle Mohagen/ Principal

Kings Beach United Methodist Church

8425 Dolly Varden Avenue
Kings Beach 96143
546-2290 Office
775-831-4200 After Hours
POC: Sandy Barnstead/ Pastor

Tahoe City:

Noel Porter Retreat Center

855 Westlake Boulevard
Tahoe City 95145
583-3014 Office
386-2834 After Hours
POC: Jenny Liem/ Executive Director

North Tahoe Middle School

2945 Polaris Road
Tahoe City 96145
581-7050 - Office
386-4310 After Hours
POC: Theresa Rensch/ Principal

North Tahoe High School

2945 Polaris Road
Tahoe City 96145
581-7000 Office
362-2438 After Hours
POC: Joann Mitchell/Principal

Tahoe Lake Elementary School

375 Grove Street
Tahoe City 96145
583-3010 Office
582-2577 After Hours
POC: Mark Button/Head of Facilities

Fairway Community Center

330 Fairway Center
Tahoe City, CA 96145
583-3796 Office
546-1215 After Hours Answering Service
POC: Cindy Gustafson /General Manager
546-1215 After Hours (TCPUD)

ATTACHMENT C (CONTINUED)

Truckee:

Alder Creek Middle School

10931 Alder Drive
(530) 582-2750 - Office
(530) 550-9557 - Hien Larson
(530) 626-1403 - Steve Scott
(530) 308-7711 - Mark Button

Glenshire Elementary School

10990 Dorchester Drive
(530) 582-7675 - Office
(530) 587-2712 - Kathleen Gauthier
(530) 308-7711 - Mark Button

Sierra High School

11661 Donner Pass Road
(530) 582-2640 - Office
(530) 373-9409 - Greg Wohlman
(530) 308-7711 - Mark Button

Church of the Mountains

10069 Church Street
(530) 587-4407 - Office
(530) 550-9964 - Jeff Hall (Pastor)

Truckee Seventh Day Adventist Church

11662 Brockway Road
(530) 587-5067 - Office

Tahoe Truckee High School

11725 Donner Pass Road
(530) 582-2600 - Office
(530) 279-4683 - Logan Mallonee
(530) 786-7083 - John Carlson
(530) 308-7711 - Mark Button

Truckee Elementary School

11911 Donner Pass Road
(530) 582-2650 - Office
(530) 562-6211 - Valerie Simpson
(530) 308-7711 - Mark Button

Truckee Community Center

10046 Church Street
(530) 682-7720 -Office

Veterans Hall

10214 High Street
(530) 682-7720 - Office
(530) 582-5970 - Steve Randall

Sierra Mountain Comm Ed Ctr (TTUSD)

11603 Donner Pass Road
(530) 582-2640 - Office
(530) 308-7711 - Mark Button

ATTACHMENT D

POTENTIAL EOC LOCATIONS

* Primary location

(All phones are Area Code 530)

Custom House (Conference Room)*

775 North Lake Blvd

Tahoe City

581-6200 Office

581-6204 Fax

886-5375 After Hours/Dispatch

Tahoe Area Regional Transit

870 Cabin Creek Road

Truckee

550-1212 Office

550-0266 Fax

308-1020 After Hours

Tahoe City PUD

221 Fairway Drive

Tahoe City

583-3796 Office

583-1475 Fax

546-1215 After Hours Answering Service

Attachment E

Immediate Emergency Evacuation Guidelines

To be used by first-arriving fire and law enforcement on a threat to health and public safety causing consideration of an immediate emergency evacuation

1. **Identify map control features and event condition trigger points for directly affected or potentially affected areas.**
 - **Control features** are grid lines or map symbols for such things as schools, churches, hospitals, railroads, or other easily identifiable objects or landmarks.
 - **Trigger points** - are resource, weather or incident specific conditions that once arrived at are cause for immediate action. Examples are nearness of a fire to a structure or landmark, increasing wind speeds at a fire, approach of a rain storm, or the lack of needed resources. Any one of these can cause either an Evacuation Order to be issued or an Evacuation Warning to be changed to an Evacuation Order.
2. **Law enforcement and fire Incident Commanders collaborate and issue, through Dispatch, an evacuation warning, order or shelter in place order:**
 - **Evacuation Warning:** To warn the residents and the public in a potentially threatened area being considered for evacuation (Advise both the public and the media, and use map grids or control features to identify the limits of the area).
 - **Evacuation Order:** To evacuate areas under immediate threat (use map grids or control features to identify the specific area).
 - **Shelter In Place Order:** To direct residents to remain in place (issued due to hazardous conditions such as narrow roads, poor visibility, toxic gases, etc.)
3. **Use Traffic Control Points (TCP) and Closure “levels”:**
 - **Level 1** - Residents only; Escorts may be required.
 - **Level 2** - Closed to all traffic except fire, law, emergency medical services, and critical resources, e.g., public works, power, telecommunications, etc. Escorts may be required.
 - **Level 3** - Closed to all traffic except fire and law.
 - **Level 4** - Closed to all traffic. Area blocked or not safe even for fire or law.

Examples of warning or evacuation orders:

- **“An Evacuation Warning has been issued for the Alpine Meadows Subdivision as a Potential Threat Area.** No closures are in affect at this time, however if the fire reaches Secret Town Canyon, an **Evacuation Order** will be issued and **Level 1** road closure implemented. Affected area is grids A3, A4 B3, B4, C3, and A5 of the Compass Map 2002 Placer County Street and Road Atlas.”
- **“An Evacuation Order has been issued for the Sunnyside/Timberland area as an Immediate Threat Area.** **Level 3** road closure is in affect (closed to traffic except fire and law). Affected area is all area south of Ward Creek Boulevard/Pineland Drive and north of Blackwood Canyon Road. Two TCPs are set up on West Lake Boulevard – one at Pineland Drive and one at Blackwood Canyon Road ”

EVACUATION CHECK LIST

- ☐ Use standardized map symbols and grid identifiers if possible
- ☐ Determine and consider direction of spread/threat
- ☐ Notify and update dispatch (PCSO, ECC – Grass Valley or Camino)
- ☐ Notify Duty Chief
- ☐ Request PCSO Sergeant (or higher) for evacuation, if not already present
- ☐ Establish Incident Command Post (ICP) with law, fire, others
- ☐ Request County OES and PIO resources
- ☐ If evacuation is significant, form Evacuation Branch and designate director
- ☐ Assess threat with other ICs and request appropriate fire and law resources
- ☐ Establish evacuation task force of fire/rescue, medical (ambulance) and law enforcement to evacuate non-ambulatory civilians in the threat area.
- ☐ Establish resource staging area(s)
- ☐ Determine threatened areas and road closure level
- ☐ Request dispatch use emergency notification system (Everbridge (Placer County), CodeRED (Nevada County), Nixle (Town of Truckee), etc.) to notify affected area, if necessary
- ☐ Identify trigger points and action to be taken when reached
- ☐ Establish traffic control points (use CAL TRANS, DPW, etc., if available)
- ☐ Establish evacuations routes
- ☐ Identify and establish evacuation centers
- ☐ Identify and establish potential “safe haven” locations
- ☐ Contact Media for information dissemination (use PIO if at scene, if not utilize dispatch). Instruct media to inform the public to call 911 if unable to evacuate.
- ☐ Establish MCI or Medical Group, as needed
- ☐ Notify Red Cross or appropriate agency
- ☐ Consider logistics, e.g. food, water, sanitation, blankets, shelters, counselors
- ☐ Request animal evacuation groups, if necessary
- ☐ Consider transport (school or public buses) for large groups (campers, church groups, senior citizen centers, etc.)
- ☐ Request DPW or CALTRANS keep roads physically cleared of obstacles and wrecks
- ☐ Assess feedback from command staff and field; Assess future incident potential
- ☐ Brief public officials, politicians, media, etc. as required/requested

Distribution:

American Red Cross
Alpine Springs County Water District
CA Department of Fish & Game
CAL FIRE – NYP Ranger Unit
CAL FIRE – Truckee FFS
CA Highway Patrol (CHP)
CA State Parks – Tahoma Office
CA Transportation (CALTRANS) – District 3
Meeks Bay Fire Protection District
Nevada County:

- Sheriff's Office
- Office of Emergency Services
- Town of Truckee

North Lake Tahoe Fire Protection District (Nevada)
North Tahoe Fire Protection District
North Tahoe Public Utilities District
Northstar Community Service District
Placer County:

- County Executive Office including
 - Asst Dir, Emergency Services
 - County Executive Officer Rep at Tahoe
- Facility Services
- Health and Human Services (HHS) including
 - Adult System of Care
 - Animal Services
 - Environmental Health
 - Human Services
- Office of Emergency Services (OES)
- Planning Department including
 - Tahoe Office
- Public Information Officer (PIO)
- Public Works including
 - Senior Engineer – Tahoe
 - Tahoe Area Regional Transit
- Sheriff's Office including
 - Field Operations and Auburn Dispatch
 - Tahoe Captain

Liberty Utilities
Squaw Valley Public Service District
Tahoe City Public Utility District
Tahoe-Truckee Sanitation Agency
Tahoe-Truckee Unified School District
Truckee – Town
Truckee Donner Public Utility District
Truckee Fire Protection District
Truckee Sanitary District
Truckee Tahoe Airport
US Coast Guard – Tahoe

Distribution (Continued)

US Forest Service

- Lake Tahoe Basin Management Unit
- Tahoe National Forest – Truckee

Washoe County, Nevada Sheriff's Office – Incline

Letter of Promulgation
East Side Emergency Evacuation Plan
2015 Update

The preservation of life and the protection of property and the natural environment are the responsibilities of government, primarily of public safety agencies and supporting individuals, units and organizations. Therefore, due to the high likelihood of a catastrophic wild fire or other disaster occurring in one or more of the communities of eastern Placer County, the *East Side Emergency Evacuation Plan* was developed. The plan helps ensure higher survivability by coordinating individual agency plans and the County Emergency Operations Plan for evacuations brought on by a larger disaster or emergency incident. Since the onset of an incident is often very chaotic, a well-coordinated and vetted plan such as this is critical to reducing confusion, speeding the response, and ensuring the safety of the evacuees and responders alike.

The *East Side Emergency Evacuation Plan* was written in cooperation with numerous public safety and public service agencies in Placer County and Nevada County. It deconflicts evacuation plans of public safety agencies and removes some uncertainty or confusion often present when time is truly of the essence.

On _____, 2015, the Placer County Board of Supervisors adopted Resolution No. _____ thereby formally approving and adopting the 2015 Update to the East Side Emergency Evacuation Plan.

All public safety individuals and first-responder agencies, potential mutual aid providers, and concerned citizens are encouraged to read this plan, be familiar with its concepts and be prepared to help when disaster strikes.

Kirk Uhler
Chair, Board of Supervisors

Jennifer Montgomery
Supervisor, District 5

Date: _____

Dated: _____

**PLACER OPERATIONAL AREA
EAST SIDE
EMERGENCY EVACUATION PLAN**

1. GENERAL

This is a plan is for conduct of a physical evacuation of one or more communities in the unincorporated Placer County area on the eastern side of the County that is necessitated by a larger incident, most probably a forest fire or flood. For the purposes of this plan, the “eastern side” comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit. The dense forests, rugged terrain, and the scarcity of roads in the area – problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.

Whereas the potential exists for severe winter storms, mass casualty incidents or floods on the eastern side, forest fire remains the greatest single threat to communities. For all but the wettest of months, homes and businesses in wildland-urban interface areas are particularly susceptible to fire damage and destruction. During fire season, the combination of dense forests, heavy fuel loads, low humidity, potential for high winds and the steep terrain in the Sierra Nevadas can rapidly turn even small fires into lethal, major disasters. Despite a record of very successful evacuations in the past, the limited number of roads in the area always makes evacuations problematic. The need to quickly execute a rapid evacuation of residents, businesses, transients, and even pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike.

Therefore, in order to meet this planning challenge, the Placer County Sheriff’s Office (PCSO), the five eastern Fire Protection Districts/Departments, California Highway Patrol (CHP), USDA Forest Service (USFS), American Red cross (ARC), the County Office of Emergency Services (OES) and other state and federal contributing agencies developed this plan to help increase preparedness, and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the County. While focusing on fire-induced evacuations, the plan remains applicable to all evacuations in general.

2. PURPOSE

This plan prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit contributing agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human-caused incident on the east side of Placer County.

3. ASSUMPTIONS

- a. An evacuation order is given coincident with first response/initial attack.
- b. Evacuation of the entire eastern side of the County is not required.
- c. Most, but not all, of the roads and pre-designated shelter and evacuation centers on the eastern side are available for use.
- d. Mutual aid resources for all disciplines are available.
- e. There will be limited County emergency management organization support in the initial stages of an incident.

4. SCOPE

This plan applies to an evacuation of one or more communities due to a disaster or incident, response to which affects all public jurisdictions on the eastern side. It also applies to evacuations necessitated by incidents that start in the Tahoe National Forest or the Lake Tahoe Basin Management Unit that threaten County areas. Portions of this plan and agency responsibilities delineated herein are applicable for requests for mutual aid from adjacent Counties impacted by similar incidents or events.

For planning purposes, "evacuation" begins upon the order of the Incident Commander and concludes upon IC release of the area to general reentry. Evacuee support and damage/safety assessment activities occurring after completion of the initial evacuation but prior to general reentry are more correctly the subject of incident specific plans. However, some activities are referred to in this plan for clarity in illustrating the relationship between "incident command" as exercised by first responders and "emergency management" as exercised by the County through the Emergency Management Organization (EMO).

5. AUTHORITIES AND REFERENCES

This Plan complies with the Placer County Emergency Operations Plan (EOP), the California Emergency Plan and legal authorities in the California Emergency Services Act, and is developed by authority of Placer County Code, Chapters 2 and 9.

6. CONCEPT OF OPERATIONS

- a. **Initial Response:** Initial response to a disaster or incident occurring on the eastern side is by local, state and federal resources using Unified Command methodology. Upon assessment of the incident and in consultation with other responding agencies, Incident Command (IC) makes the decision that the incident has the real potential of becoming too great to handle or is actually beyond the capability of available resources, and therefore orders an evacuation. The IC directs that notifications be made, and directs promulgation of evacuation notices throughout affected areas via emergency notification systems and television and radio stations. As the incident is both multi-jurisdictional and multi-disciplinary, the

IC requests OES response to provide incident emergency management. Subsequently, OES activates those members of the Emergency Management Organization (EMO) needed to support the evacuation and the greater incident, and ensures either an incident EOC on the eastern side or the EOC in Auburn is made operational.

The following functions are normally present in typical evacuation scenarios:

- ***Evacuation Alerts, Warnings and Orders:***

Dissemination of evacuation alerts, warnings and orders are the responsibility of law enforcement. The Placer County Sheriff's Office (PCSO), assisting law enforcement, and other personnel as available commence evacuation notifications using all means such as door to door visits, and use of handheld, vehicular and helicopter mounted public address systems. The IC notifies dispatch as well to disseminate instructions and warnings via the emergency notification system and assigns Incident PIO to provide the same evacuation instructions to the media (listed at Attachment B) for emergency broadcast.

- ***Evacuation Emergency Medical Services (EMS)***

Emergency medical services for an evacuation are provided by all fire protection districts through engine-company Advanced Life Support (ALS) and the Truckee (TFPD) and North Tahoe Fire Protection Districts (NTFPD) ambulance service. Ambulance Mutual Aid is requested through the single ordering point established by the IC. The Placer County Medical/Health Operational Area Coordinator (MHOAC) receives requests for medical mutual aid and, if unable to fill the request locally, will forward it to the Regional Disaster Medical Health Coordinator (RDMHC) for action. Requests for aerial evacuation are made from the ICP to dispatch. NTFPD and TFPD also provide Advanced Life Support (ALS) medical transport, i.e., ambulance evacuation/transportation of the medically fragile from health care facilities or homes.

- ***Evacuation Emergency Public Information***

Public information about the evacuation will be disseminated at the direction of the IC, most often through the Incident PIO. In the event of a fast-moving fire or other life-threatening situation, the Incident PIO, a member of the Tahoe PIO Team or a member of the Auburn PIO Team should be assigned to begin notifications. Using IC guidance, this person will draft, obtain approval and then disseminate the message to critical media. (Attachment B).

Once the County EOC is operational, public information officers from all agencies establish a Joint Information Center (JIC) in which advisories, warnings, traffic updates, press releases, etc. are written, edited, assembled

and, after approval of the IC, released to the public and the media. The JIC

also collects and disseminates information gathered from government agencies, businesses or schools regarding evacuation centers (locations where evacuees can get information on the evacuation) and emergency shelters (with overnight provisions), pet disposition, provision of security in evacuated areas, etc. Radio and television stations interrupt regular programming to broadcast emergency instructions as appropriate. Residents and visitors will be encouraged to also monitor instructions provided over the air, on car radios, or on-line. Lastly, the EOC will maintain an emergency evacuation information message on the Public Information hotline at (530) 886-5310 in Auburn, and (530) 584-1590 on the eastern side, as well as on the County website.

- ***Evacuation and Reentry***

In Unified Command, the decision to evacuate or to prioritize evacuations of multiple areas is made after consultation between Incident Commanders. Execution of the actual evacuation order is by PCSO, with assistance from all other responding law enforcement, if and as available. Individuals will be strongly encouraged to evacuate, however those who refuse evacuation will be allowed to shelter-in-place. During enforcement of the evacuation, law enforcement will encourage family, friends and neighbors to assist any who require assistance (medically fragile, aged, etc). Volunteers, if available, may also be employed to assist those needing help to include assisting those without vehicles get to evacuation bus stops when and if Tahoe Area regional Transit (TART) or Tahoe Truckee Unified School District (TTUSD) or other buses or means of public transport are used.

To facilitate a rapid and effective evacuation, the IC will identify all directly threatened and potentially threatened areas for evacuation. Evacuation centers and emergency shelters for the evacuees have been pre-coordinated and contact information determined (Attachment A). Upon consultation with OES and American Red Cross, Unified Command will select the emergency shelters and evacuation centers to be used. The decision is based on the threat and the probability that the facilities and routes of ingress and egress will remain out of danger. Pending OES arrival at the incident, the senior County representative coordinates with ARC and HHS to ensure designated facilities are put into operational order.

Reentry during active response: The Incident Commander is the sole authority for allowing individual reentry into any secured incident area, either on an unlimited or escorted basis, during active response operations. Most often requests for reentry are by homeowners wishing to recover pets or family items, but, as law enforcement maintains incident site security for any and all incidents, any IC decision on reentry is made after full consultation with law enforcement.

Reentry after active response: Although not the main focus of this plan, upon transition from initial or extended response to remediation of the

incident area, general reentry will only be allowed after completion of safety and damage assessments by numerous agencies such as DPW-Roads, Environmental Health, Building Department, and law enforcement/fire forensic investigators, etc. The Damage/Safety Assessment Teams determine the state of damage and threats to public safety from unstable structures such as fire/flood damaged and now unsupported chimneys and walls as well as from other threats such as damaged or weakened roadways, downed lines or fire weakened trees or telephone/power poles. Environmental Health as an example has the responsibility for determining the presence of hazardous materials resulting from burned structures or of contaminants left by receding floodwaters, etc. These assessments will determine, prior to any IC decision, that the area is safe or hazards are clearly marked allowing for unrestricted access by the general public.

- ***Incident Command and Emergency Management***

Tactical employment of fire, law and emergency medical resources, as well as the decision to warn, or evacuate or shelter-in-place is the purview of the IC, and is executed from the Incident Command Post (ICP). Evacuation orders issued during an active emergency response are coordinated under the direction of Incident Commanders acting in Unified Command. It is imperative that all agencies affected by the response, or having critical infrastructure affected or potentially affected by the incident, or which act solely in a support role, initially respond and send representation to the ICP. All agencies should self-refer to the ICP whenever possible rather than waiting on a request to do so.

Note: Attachment E is a guide for both fire and law incident commanders who are considering or ordering an emergency evacuation. The Attachment contains general information on the technical aspects of ordering an evacuation as well as a check list for incident commanders.

Upon the opening of an incident Emergency Operations Center (EOC) by the County, the IC may release some of agency representatives to the EOC. The senior County representative on-scene or OES meets with the Unified Command to better understand the direction the incident is taking and ascertain the best location for an incident EOC, and potentially, an incident base. With that information, the senior County representative also consults with ARC to ensure any requested County support or facility owner/manager concerns are addressed to facilitate the opening and operation of shelters and evacuation centers.

Once alerted, the local Emergency Management Organization (EMO) reports to and works from the incident EOC to provide emergency management and County coordinated support. Upon arrival on-scene, OES assumes direction of

active emergency management of the incident from the incident EOC. The EMO maintains communications with the Auburn EOC (if activated) as well as with regional and state agencies, assisting agencies, and the ICP. It coordinates non-tactical matters such as emergency care and shelter, animal services, provision of DPW traffic control assets, damage and safety assessments, evacuation centers and Local Assistance Centers used during recovery, etc. It is through the EMO that the decision to issue a proclamation of local emergency is made and information needed for preparation is provided. Locations that can potentially be used for an incident EOC have been pre-designated and are listed at Attachment D.

- ***Traffic Control***

CHP is primarily responsible for traffic control, however, other agencies such as the Sheriff's Office and the Department of Public Works can and often do assist on an as-needed basis. Potential issues include access and egress for emergency vehicles and evacuees alike, and minimizing or preventing unauthorized traffic entering the affected area. The Unified Command establishes evacuation priorities, and CHP further designates the supporting routes. Placer County Department of Public Works (DPW) and CAL TRANS support traffic control with traffic control implements and personnel, as requested.

The primary roads in the area, Interstate 80 (I-80) and State Highways 28, 89 and 267 comprise the major evacuation routes. Depending on the location and movement of the incident, the Unified Command designates which is or are to be used for evacuation and which for emergency vehicle ingress and egress. When necessary, surface streets will also be designated for evacuees and for emergency vehicle traffic. A map of the major road networks is at Attachment A.

- ***Transportation***

Once students and school sites are secured, school or Tahoe Area Regional Transit (TART) buses may be utilized for evacuations, if required. This may be a viable option during severe winter storms when roads are not passable to normal vehicular traffic. Other buses besides those mentioned above, if available in the area, will also be considered for use. Contact information for buses is at Attachment B.

There may also be instances where boats could be used for ferrying evacuees across or down the lake due to lakeside road destruction or landslides that close the roads.

- ***Resources and Support***

Discipline-specific mutual aid for fire, law enforcement and emergency

medical services is requested through the single resource ordering point at the ICP. Requests for additional or other resources such as animal services, public works, Red Cross, etc. are requested through (1) agency or OES representatives at the ICP, (2) Dispatch, or (3) once established, through the incident EOC. Requests unable to be filled locally are forwarded to the Regional EOC (REOC) for fulfillment by regional and state resources.

Numerous public and private sector resources are also available to assist in evacuations or emergencies and are delineated in the Tahoe-Truckee Area Emergency Resource List, January 2007 (published separately).

- ***Communications***

Responders, mutual aid resources and contributing agencies use existing radio communications systems on frequencies coordinated through PSAPs. Additional mobile communications support is available and is requested either through Dispatch or directly from the Communications Coordinator in the EOC. Cellular and satellite phones, as available with local agencies and personnel as well as with responding and supporting agencies, are used as local service and prevailing weather allows. Amateur radio operators, living or working on the eastern slope and in the Auburn area are also available and will be requested by OES to support any major incident involving an evacuation. Requests for Government Emergency Telecommunications Service (GETS), used to prioritize emergency communications traffic when local communications are overwhelmed, are requested by Incident Command or by the EMO Communications Coordinator.

- ***Care and Shelter***

The Division of Human Services in the Department of Health and Human Services (HHS) coordinates mass care shelters as delineated in the Emergency Operations Plan (EOP). The American Red Cross (ARC) normally opens and operates one or more pre-designated shelters (Attachment C), but County staff responsibility remains with Human Services. Shelters will be selected based on near- and long-term site security (based the direction of movement of fire or flooding, etc.) and ease of access.

The Medical/Health Operational Area Coordinator is a position jointly held by the Public Health Officer and the Executive Director of Sierra-Sacramento Valley EMSA (S-SV), responsible during an evacuation for assessing immediate medical needs, coordinating medical evaluations and all other tasks assigned by the Health and Safety Code. Mental health counseling of evacuees is coordinated by the Adult System of Care Division of HHS.

- ***Animal Services***

Shelters to accommodate pets/domestic animals (hereinafter "pets") will be set

up by Animal Services. However, care and evacuation of pets remains the responsibility of the pet owner. Animal Services coordinates emergency evacuation and care of pets when owners are precluded from entering an area or if pets have had to be abandoned due to the incident or the owner's absence. Pet volunteer organizations may also be available to assist in sheltering. Pets evacuated will be transported to designated areas and held in more permanent custodial care until the incident is resolved or the animal(s) is/are claimed by owners. Local facilities will be designated and promulgated to the public by Animal Services at the time of the incident. Owners able to transport their own pets or animals during an emergency, but who still require temporary shelter, will be directed by Animal Services via traffic control, road signage or public service announcements to emergency holding areas.

- b. **Extended Response:** Unified Command continues in the field in response to the incident. The EMO operates from an incident EOC on the eastern side or from the EOC in Auburn depending on the needs of the incident. The principal focus of extended response focuses on those activities necessary to ensure rapid reentry and comprise, among other things, damage and safety assessments and preparation and coordination with local, state and federal officials for set up and operation of Local Assistance Centers/Disaster Recovery Centers.

7. Evacuation Responsibilities by Agency

As an evacuation is only one aspect of a larger incident, all Departments and agencies listed below retain responsibility for completing EOP-listed tasks in addition to these evacuation-specific responsibilities.

A. Eastern Side Special Districts

1) Fire Protection Districts/Fire Departments

- Provide Advanced Life Support (ALS) emergency medical services, i.e., engine company ALS
- Provide ALS transport (NTFPD and TFPD only)
- Assist law enforcement with alerts, warning and evacuations as available
- Provide technical fire and geographic area expertise to Unified Command

2) Tahoe Truckee Unified School District

- Open and support use of requested school(s) for use as emergency shelters or evacuation centers.
- Provide school buses to assist in incidents/evacuations, as requested.

B. Placer County Agencies

1) Placer County Principal Management Analyst – Tahoe

- Senior County representative at incident pending arrival of PM, OES.
- In consultation with OES and the IC and considering the physical characteristics of the incident, select location for Incident EOC. Coordinate sites for emergency shelters/evacuation centers and ensure their operational status.
- Serve as Incident EOC Director pending arrival of OES, and direct EMO members of County staff on eastern side to report to EOC.

2) Office of Emergency Services (OES)

- Provide County emergency management support of the evacuation as part of a larger, more significant incident such as forest fire, flood, etc.
- Activate the Emergency Management Organization in Auburn or at the Incident EOC on the Eastern Slope, as appropriate. This includes County Public Information Lead/Team if activation hasn't already occurred
- Coordinate with State (OES, CHP, CAL TRANS, etc.) as well as with federal agencies, if deployed, for support and to provide current incident operational information.
- Consider long-term ramifications of the evacuation and begin planning for return of evacuees.
- Begin planning and coordination for incident recovery.

3) Placer County Sheriff's Office (PCSO)

- Alert and warn all persons and businesses to be evacuated, as required.
- Implement evacuation – notify residents and businesses, and certify areas as clear of inhabitants, transients, those using recreational facilities, etc.
- Provide mobile communications support for the evacuation, as requested.
- Provide Search and Rescue team support as requested to support the evacuation or evacuees.

4) Public Information Officer (PIO)

- Coordinate and prepare advisories, warnings, updates and evacuation orders for broadcast to responding agencies, school authorities, media, and the public.
- Include evacuation information in Joint Information Center (JIC) operations and provide it to media, the public, and other jurisdictions.

5) Department of Health & Human Services (HHS)**♦ Human Services Division**

Provide or coordinate with ARC and other agencies for the opening and operation of shelters for evacuees.

♦ Adult System of Care

Provide or coordinate mental health services for evacuees

◆ Environmental Health

- As a member of Damage and Safety Assessment Teams, provide technical, environmental health expertise to IC for determining advisability of allowing reentry into evacuated areas during active response operations.
- Coordinate or provide testing of evacuated areas for hazardous materials, environmental health hazards and infectious diseases.

◆ Animal Services

- Provide or arrange transport and care of abandoned pets and those unable to be transported by their owners.
- Coordinate and manage holding areas for pets of evacuees for those unable to care for their pets or those in emergency shelters

6) Department of Public Works - Tahoe

- Assist evacuation with traffic closure level analysis and traffic control equipment, as requested
- Provide evacuation support (vehicles, personnel, etc.) as requested.
- Assist with maintaining County road access as requested in matters such as clearing downed trees, snow and mudslide removal and flood affect abatement.
- Participate in Safety and Damage Assessment Teams, as needed.

7) Planning Department – Tahoe

Land Use Manager for Tahoe Area is second in order of seniority among Placer County agency heads on the eastern side.

8) Building Department – Tahoe

Participate in Safety and Damage Assessment Teams, as needed

9) Facility Services Department

Participate in Safety and Damage Assessment Teams, as needed

C. State Agencies**1) California Highway Patrol**

- Provide evacuation traffic control.
- Determine primary and alternate evacuation routes.
- Assist PCSO, as requested, in alerting, warning and evacuations.

2) California Department of Transportation (CAL TRANS)

Assist CHP as requested with traffic control

3) California State Parks

Provide disposition and status of visitors and staff in park facilities before, during and after an evacuation.

D. USDA Forest Service

Provide disposition of visitors and staff in forests before, during and after an evacuation.

E. Other Agencies**1) American Red Cross**

Open and operate emergency shelters, as necessary, and coordinate local volunteer support of the shelters.

2) Sierra-Sacramento Valley Emergency Medical Services Agency (S-SV)

In conjunction with the Placer County Public Health Officer, execute all Medical Health Operational Area Coordinator tasks regarding provision of medical care for evacuees, coordination of medical and health resources, etc. per provisions of the Public Health and Safety Code, Sections 1797.150-153.

3) Out of County Mutual Aid Providers

Law enforcement, fire and emergency medical services mutual aid providers in Nevada and El Dorado Counties and the State of Nevada are requested to maintain familiarity with this plan to provide mutual aid as requested.

Attachments:

- A.** Maps: Road Networks and Key Emergency Facility Locations
- B.** Important Phone Numbers/Contact Information including Media
- C.** Contact Information for Shelters and Evacuation Centers
- D.** Alternate EOC Locations
- E.** Immediate Emergency Evacuation Guidelines for Incident Commanders

development—and therefore, its vehicle trip generation—with new uses. It is the intent of both the Area Plan and Regional Plan that the redevelopment would be concentrated in the town centers, with a focus on, among other things, reduced congestion and support of transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety (TRPA 2012:1-1).

EMERGENCY EVACUATION ANALYSIS

Comments express concern that increased peak period congestion will interfere with emergency access and evacuation. These are two very different issues; changes in travel time identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. The traffic analysis was conducted assuming busy but non-emergency traffic conditions, and standard traffic controls. Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls. Emergency personnel would restrict traffic entering the evacuation area to maximize roadway capacity for evacuating traffic. Inbound lanes, or portions thereof, could be redirected to provide additional outbound capacity. Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.

The time required to complete an evacuation depends on innumerable factors, including the size and specific area to be evacuated, season, day of the week, time of day, the advance time available, and specific routes available. Moreover, given the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur. Given these uncertainties, conducting detailed analyses of travel time based on a specific scenario would largely be an exercise in supposition.

A more useful measure of the impact of the various alternatives on evacuation conditions can be provided by an evaluation of the relative number of vehicles that would require evacuation (assuming full evacuation of the Plan area. This evaluation is shown in Table 3-4, and is based on the number of evacuation vehicles generated by the following sources:

- ▲ Evacuation vehicles associated with **permanent residents** can be estimated based upon the number of permanent housing units (per Table 6-8 of the Draft EIR/EIS). It is assumed that some households (20 percent for purposes of this calculation) choose to take two cars in the evacuation.
- ▲ The number of **seasonal resident** vehicles are estimated by considering the number of **non-permanent dwelling units** (per Table 6-8, assuming that all units not permanently occupied are seasonally occupied). However, even at peak times many seasonally-used dwelling units are not occupied on any one day. The TRPA TransCAD socioeconomic dataset includes an estimate for the Placer Area of 47 percent of seasonal units occupied. To be conservative and reflect a peak condition, it is assumed that 66 percent of these units are occupied. The same number of evacuation vehicles per occupied unit (1.2) is also applied.
- ▲ **Overnight visitor** evacuation vehicles are estimated by totaling the number of lodging units (per Table 6-8) and the number of campground sites (per the TRPA TransCAD socioeconomic dataset). In addition, consistent with the other portions of the Draft EIR/EIS the Brockway Campground (550 sites) is assumed for all future alternatives. One evacuating vehicle is assumed for all units and sites.
- ▲ **Day visitor** vehicles for existing conditions were estimated based upon parking counts presented in the *North Tahoe Parking Study* (LSC, 2015), the proportion of visitors that are not lodged in the area (per the *North Lake Tahoe Resort Association Visitor Research Summary* [RC Associates 2014]), the *Connecting Tahoe Rim Trail Users to Transportation Alternatives Study* (LSC 2015) and counts of parking spaces and shoulder parking at activity centers. While the various future alternatives do not include land use elements that would substantially change recreational day visitor levels, the additional commercial growth would provide increased capacity to accommodate day visitors. The additional day visitor vehicles

associated with this growth was estimated by applying a weighted average parking demand rate, and factoring for the proportion of future peak parking demand generated by day visitors.

- Finally, additional evacuation vehicles will be generated by **employees commuting to the study area**. The total growth in area employment (**per Table 6-8**) was factored by an estimate of the proportion of employees commuting from outside the Plan area (**per the employee survey data presented in the Truckee North Tahoe Regional Workforce Housing Needs Assessment (BAE 2016)**), and factored by the proportion of total payroll employees that would be onsite at a peak time during a summer weekday (when employment is highest).

Table 3-4 Comparison of Total Evacuation Traffic Volumes

Input Data	2014 Existing Conditions	2035 Projected Conditions			
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total Housing Units	11,190	12,206	12,206	12,206	12,206
Permanent Housing Units	3,698	4,192	4,192	4,191	4,168
Seasonal Housing Units	7,492	8,014	8,014	8,015	8,038
Tourist Accommodation Units	1,340	1,911	1,511	1,711	1,511
Campground Sites	236	786	786	786	786
Jobs (Payroll Employees)	3,553	4,358	5,062	4,524	5,062
Commercial Floor Area	1,306,564	1,396,882	1,576,882	1,486,882	1,576,882
Additional Commercial Floor Area (KSF)		90.3	270.3	180.3	270.3
Existing Day Visitor Peak Parked Vehicles	730				
Evacuation Vehicles per Residence	1.2				
Evacuation Vehicles per Lodging Unit/Campground Site	1.0				
Assumed Proportion of Seasonal Housing Units Occupied at Peak Time	66%				
% of Visitors that are Day Visitors	22%				
Estimated Weighted Average Commercial Parking Rate	5.9	Spaces per KSF			
% New Commercial Parking Demand Generated by Visitors	80%				
% of Payroll Employees Onsite at Peak Time	60%				
% of Payroll Employees Not Living in Plan Area	50%				
Employees per Evacuation Vehicle	1.2				
Total Estimated Vehicles for Evacuation					
Permanent Residents	4,438	5,030	5,030	5,029	5,002
Seasonal Residents	5,934	6,347	6,347	6,348	6,366
Overnight Visitors	1,576	2,697	2,297	2,497	2,297
Day Visitors	728	822	1,008	915	1,008
Onsite Employees Not Living In Plan Area	888	1,090	1,266	1,131	1,266
Total Vehicles for Evacuation	13,563	15,985	15,948	15,920	15,939
Change Over Existing		2,422	2,385	2,357	2,375
% Change Over Existing		17.9%	17.6%	17.4%	17.5%
Excluding Brockway Campground					
Total Vehicles	13,563	15,435	15,398	15,370	15,389
Increase Over Existing		1,872	1,835	1,807	1,825
% Increase Over Existing		13.8%	13.5%	13.3%	13.5%

Source: Information provided by LSC Transportation Consultants, Inc. in 216

As shown in the Table 3-4, the total number of vehicles to be evacuated under baseline conditions is estimated to be 13,563. This increases under the future alternatives to 15,920 (Alternative 3) to 15,985 (Alternative 1) vehicles. This is equivalent to a 17.5 percent to 17.9 percent increase in vehicle. All of the future alternatives result in a very similar number, including the no project alternative, with only a 0.4 percent difference between the lowest and highest value. If the Brockway Campground is not constructed, the evacuation traffic volume is reduced to between 13.3 percent and 13.8 percent, depending on the alternative.

These figures can be used to gain a rough understanding of the impacts of the various alternatives on evacuation travel time. One reasonable scenario (assuming full evacuation) would be that two egress points are available (such as SR 89 and SR 267 to the north) with the southbound travel lanes not available for evacuation (to provide ingress for emergency vehicles). A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles (including Brockway Campground) by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1). This difference in the future alternatives value is equal to 1.1 minutes of additional evacuation time. In other words, the remaining development potential in the Plan area, with or without the proposed Area Plan and Tahoe City Lodge, will result in some increase in vehicle traffic which will extend the time required to evacuate the area. Because the remaining development potential is modest, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Comments were received that suggest that the EIR/EIS should define performance standards to ensure additional people and vehicles from new or redeveloped projects do not impede evacuation, or other means to evaluate the impacts of additional vehicles on the roadway capacity during emergency events. Performance standards are required when mitigation measures are recommended for significant impacts and the details of that mitigation are necessarily deferred. Because no significant effects have been identified, performance standards are not required.

PLACER COUNTY EMERGENCY RESPONSE PLANS

Placer County has in place several existing emergency response plans, including the Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, and Lake Tahoe Geographic Response Plan [LTGRP]). Each of these plans is summarized on pages 18-6 through 18-10 of the Draft EIR/EIS and each fulfills its stated purpose. The Placer Operational Area East Side Emergency Evacuation Plan was developed to help increase preparedness and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the county in the event of an emergency, such as a forest fire or flood. The Placer County Local Hazard Mitigation Plan was developed to reduce or eliminate long-term risk to people and property from natural hazards and their effects, and includes implementing actions and programs that would help reduce wildfire hazards including, but not limited to, Firewise Communities/USA Education Outreach, Hazardous Vegetation Abatement Program, Biomass Removal Projects, and Annual Defensible Space Inspections Program in the Unincorporated County. The LTGRP is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies.

With regard to the Placer Operational Area East Side Emergency Evacuation Plan, specifically, and its applicability to the Plan area, page 1 of the plan states, “[f]or the purposes of this plan, the ‘eastern side’ comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit [LTBMU].” The LTBMU consists of only National Forest System land only. The East Side Emergency Evacuation Plan prescribes specific responsibilities for first responders and other agencies that would be involved in an emergency

evacuation, defines typical evacuation scenarios, establishes incident command responsibilities, and addresses traffic control, transportation, resources and support, communications, care and shelter, and animal services. It identifies nine evacuation center and the major evacuation routes to include Interstate 80, and SRs 267, 89, and 28. Exhibit 3-2 shows evacuation routes for the Placer County portion of the Tahoe Basin (North Tahoe Fire Protection District 2016). It also appropriately recognizes challenges in the Tahoe Basin, that “the dense forests, rugged terrain, and the scarcity of roads in the area - problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.” (Placer County Office of Emergency Services 2015:1)

On comment suggests that the Area Plan does not comply with the requirements of Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan's Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). The additional policies include the following:

- **Policy N-H-P-6.** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- **Policy N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

WILDFIRE HAZARDS AND EMERGENCY EVACUATION

Wildland fire hazards are described on page 18-12, and shown in Exhibit 18-1 of the Draft EIR/EIS. These discussions explain, and the exhibits show, that the Plan Area contains moderate, high, and very high fire hazard severity zones, and the Tahoe City Lodge is located in a very high fire hazard severity zone. The significance criterion related to wildfires is described on page 18-14 of the Draft EIR/EIS: expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the project setting in a moderate to a very high fire hazard area and the significance criterion, the Draft EIR/EIS concludes that the impact related to exposure of people or structures to a significant risk of loss, injury, or death involving wildfire for the Area Plan and Tahoe City Lodge would be less than significant (see Impact 18-4 on pages 18-27 through 18-30 of the Draft EIR/EIS), because future development in the Placer County portion of the Tahoe Basin, including the Tahoe City Lodge, would be required to comply with Regional Plan policies, existing local and state regulations for fire protection (including North Tahoe Fire Protection District review and approval to ensure all fire protection measures are incorporated into the project design), and proposed Area Plan policies for fire fuel reduction and increases in defensible space. While such policies do not directly affect the issue of emergency evacuation, they serve to reduce the severity and extent of wildfires, improve the ability to control and fight wildfires, improve the ability to shelter in place in appropriate structures, and ultimately reduce the potential for loss of life and property. Impact 14-4 on page 19-32 assesses cumulative wildland fire hazards, which describes fire hazards from a regional perspective.



Exhibit 3-2

Evacuation Routes

AREA PLAN AND TAHOE CITY LODGE EFFECTS ON EMERGENCY EVACUATION AND RESPONSE

Several comments suggest that the project will result in substantially greater traffic generation and congestion that will impede the ability of emergency responders to both access and evacuate areas within the limits of the Plan area and beyond during emergency situations. While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.

First, as described above, changes in travel time (i.e., reduced LOS) identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.

Second, new development potential is very limited. Remaining commodities include 43 residential development rights, 77,175 square feet of CFA (approximately equal to a single supermarket, or several small businesses), and 61 tourist accommodation units. This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable.

Third, this level of additional development could occur *with or without* the Area Plan. As noted above, the Area Plan consist of a body of policies, implementation plans, and a land use map to guide future development and redevelopment; no provision of the plan proposes or approves development. The Tahoe City Lodge project must comply with existing requirements of the Regional Plan to secure the development rights necessary to implement the project—it does not increase the regional cap on any development rights. In addition, as a redevelopment project, it will supplant existing uses on the site and generate fewer total daily vehicle trips than those uses.

Fourth, as described in Chapter 10 of the Draft EIR/EIS, implementation of any of the alternatives would result in very modest increases in average daily trips (ADT) during summertime peak-hour periods in the year 2035—on the order of 4.5 percent for the study area as a whole, and 2.8 percent on SR 28. Importantly, ADT generated by the no project alternative would be essentially the same (see Table 10-5 of the Draft EIR/EIS). For the most congested roadway segment (SR 28, Between Wye and Grove Street), each of the action alternatives would reduce the number of vehicles heading eastbound relative to existing conditions and the no project Alternative, and westbound relative to the no project alternative. With regard to total vehicle miles traveled (VMT), implementation of Alternatives 1 and 3 would reduce total VMT in 2035 (that is, under cumulative conditions) relative to existing conditions and VMT resulting from Alternative 2 would be essentially the same. VMT under the no project alternative would be slightly worse. (See Draft EIR/EIS Table 10-12). In other words, analysis shows that, as compared to existing conditions and especially to the no project alternative in 2035, implementation of the Area Plan and Tahoe City Lodge would have relatively minor traffic impacts. Traffic conditions in 2035 will be influenced more by the type and location of subsequent development, which cannot be accurately predicted, than by the Area Plan itself.

Fifth, as described in the Draft EIR/EIS, new buildings and structures are required to be constructed consistent with the latest fire code requirements (updated every 3 years) and defensible space requirements. New projects in Placer County, such as the Tahoe City Lodge, are required to obtain fire district approval prior to permit issuance by Placer County and TRPA and, pursuant to policies added to the Area Plan, would be required to prepare emergency preparedness and evacuation plans.

Finally, the Draft EIR/EIS discusses interference with an emergency response plan or emergency evacuation plan (see Chapter 18, Impact 18-3). As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes. Placer County maintains Placer Alert, a state of the art community notification system to alert residents about emergency events and other important public safety information,

and the Placer Operational Area East Side Emergency Evacuation Plan, described above. The plan addresses all elements of emergency response and evacuation of the Placer County portion of the Tahoe Basin and is incorporated into the Placer County Tahoe Basin Area Plan.

CONCLUSION

Issues of wildfire, emergency access, and evacuation are important concerns, as they would be for any mountain community susceptible to wildfire. The Draft EIR/EIS includes a thorough evaluation of the issue, and based on that analysis, it is determined that implementation of the proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area. Few development rights remain for the Plan area, so the potential for additional growth and associated traffic congestion is not only limited, but could be implemented with or without the Area Plan. The traffic analysis demonstrates very little change in traffic conditions with any of the action alternatives in 2035, and the no project alternative is generally similar or worse. The Tahoe City Lodge would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the “No Project” alternative (Alternative 4). Placer County maintains a comprehensive emergency evacuation plan and a notification system to alert the community in the event of an emergency or need for evacuation. While the location, intensity, speed, and direction of a given wildfire cannot be predicted, systems are in place for wildfire tracking and response by applicable agencies, and there is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.

Attachment B

Flawed Traffic Data and Assumptions

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

The Kings Beach roundabouts reduced the four-lane highway to a single lane each direction through Kings Beach to promote the idea of a pedestrian-oriented town. While pedestrian crossings from residential Kings Beach (and several public parking lots) to the State Beach became more friendly, it was at the cost of the number of drivers/passengers that can move through town during summer days. More pedestrian crossings mean fewer cars per hour can share the same roadway at the same time.

When the 2016 TBAP EIR was written SR28 was four lanes, so the EIR's traffic assumptions were drawn from the **2007 Traffic Study** required for the Kings Beach Commercial Core Improvement Project (KBCCIP). That Study estimated the future capacity of the roundabouts westbound through Kings Beach was 1,171 vehicles during the peak hour. LSC Transportation Consultants counted vehicles in August 2014 and concluded 876 vehicles per peak hour move westbound through Kings Beach, which is well below their own estimation of capacity (1,171 vehicles). Those two numbers, **with a capacity of 1,171 and actual counts of 876, showed a cushion of nearly 300 vehicles per hour for the 2016 EIR.**

This established the basis for Placer County and the TRPA to continue their narrative promoting pedestrian friendly, hi-density, compact, mixed-use redevelopment – all characteristics of “smart growth.” This narrative was used by Placer County and the TRPA to obtain millions of dollars in Federal (FHWA, FTA) and State (CA Sustainable Communities) funds over the last 17 years, and it continues today.

However, this narrative relied on an estimate of capacity made 12 years before the project was completed in 2018. Since reconfiguring Hwy 28 **Caltrans counts prove a capacity of only 632 vehicles per peak hour, almost half what is assumed in the 2016 EIR and its Addendum.**

Today, we have had five years of Caltrans traffic count records to ascertain actual capacity, observe traffic queue formation, see how long the queues extend relative to daily counts, and for how many hours per day these gridlocked conditions persist.

Caltrans counts in 2019 showed flow through of only 563 vehicles per hour, but installation of traffic guards to corral pedestrians resulted in the higher rate in 2022 of 632 per hour. None of this empirical data was available in 2016, but it would be a reckless disregard for the facts to ignore it now. The data exposes a stunning miscalculation, the consequences of which infect all Project EIR's and Traffic Studies in North Tahoe since 2007 and undermines the entire development model of compact, densified Town Centers propounded by TRPA.

There is no cushion of capacity to allow expansion of vehicle trips, in fact, **there is a deficit of capacity already causing traffic backups from every direction into KB.** Today summer traffic queues westbound form by 10am and the bottleneck through town restricts traffic to about 632 vehicles westbound until after 7pm. This is not simply a highway level-of-service issue because the number of projects approved or in the pipeline would add thousands of vehicles to existing queues.

It is a public health and safety issue that North Tahoe could have 2-4 miles of gridlocked traffic from three projects in the Crystal Bay Town Center (Cal Neva, Waldorf Astoria, and Tahoe Inn). There are several more projects in the development pipeline in Kings Beach that intend to densify or add new development. SR28 from Crystal Bay east is cut into a mountain, is extremely narrow, and presents multiple problems for emergency vehicle access if it is gridlocked to the SR431 roundabout. Incline Village cannot be safely evacuated in the event of a fire. Evacuation is an impending disaster in what are already gridlocked conditions.

If this had been known as a fact in 2006 the highway part of the KBCCIP project would have been jeopardized, and TRPA's vision would have no practical basis in North Tahoe. For years, an erroneous estimate infected the narrative and misrepresented what we now know are the facts. Capacity under today's **SR28 configuration is not compatible with TRPA's Town Center Overlays**, and the consequences of the next three thousand trips in this Kings Beach/Crystal Bay corridor will seriously threaten public health and safety. The question that must be confronted is where are the next 3000 vehicles going to physically be on SR28?

Some observe that counts have gone down over the past 15 years, implying that any reduction even due to Covid in 2020, or the Caldor Fire in 2021 means there are fewer trips forever. Counts in some places (Kings Beach) have shown 10-15% declines for explainable reasons, while counts at SR28/SR431 over Mt Rose from Reno have steadily increased. The decline in KB counts should have been greater due to the loss of the Cal Neva, the Tahoe Biltmore, and the Tahoe Inn along with several motels in KB, yet gridlock persists due to the bottleneck and increasing background growth.

Background growth over 17 years has taken up much of the decline from shuttered businesses. It is too late for TRPA's growth model of mostly high-density tourist accommodation units (TAU's) in Crystal Bay and Kings Beach. These big TAU projects make the most money for developers but contradict actual smart growth strategies and sustainable communities. No evidence exists that people staying in a multi-million-dollar condominium or high-end hotel are not going to be taking the bus. A resort catering to visitors is not a community, as they do not live there, their kids do not attend schools, and they do not commute to work in North Tahoe. **Background growth and the new bottleneck in Kings Beach have eclipsed TRPA's government-funded growth vision.**

Yet the projects continue to be processed by Placer County and the TRPA outside of a credible accounting in the 2016 EIR, such as: Waldorf Astoria, Cal Neva, Tahoe Inn, 39 degrees, Neptune Investments, Kings Beach Lodge, Jason's Restaurant Site, Laulima/Ferrari, Martis Valley West, Boatworks Redevelopment, Palisades, and Dollar Creek Crossing.

TBAP quotes losing 2,000 in population at Tahoe yet, background growth in Truckee, Reno, and Carson City should be analyzed since 2007 to give a true picture of the impact of background growth since SR28's capacity was assumed to be double actual capacity today.

The metro-Reno area had 421,000 people in 2007 and today has about 531,000. That is **110,000 new residents** about 40 minutes from Lake Tahoe. **Carson City** reported 54,983 in 2010 and 58,993 by 2021. This represents **another 5,000 new residents** within 30 minutes of the Lake. **Placer County's population** increased from 343,000 in 2007 to 421,000 today. **That is 78,000 new residents** within 80 minutes or less (eastern Placer County) of Lake Tahoe.

The town of Truckee and Martis Valley have grown significantly since 2007 also, and none of this growth is accounted for in the 2016 EIR because it is not accounted for fully in the TRPA's TransCAD Model. That Model is required to be used the TRPA and produces results that do not pass the basic logic test. **The WALT project forecast fewer vehicles on Hwy 28 after their project completion and in 2045 than NDOT counts in 2022.** The TransCAD Model is like a black box of outdated information, biased assumptions, and is not calibrated to reflect reality.

Background growth over the last 17 years and the reality of actual capacity through Kings Beach is about half what is still today assumed by TRPA, Placer County, and Washoe County. Every Traffic Study or transportation analysis since 2007 that used what we know now are false assumptions of capacity are infected by this error. There is a severe problem and a recipe for serious mistakes by decision makers that must be addressed in a new EIR and Traffic Study.

See evidence to follow:

- Matt Engineering Report
- CalTransCounts Summer of 2022
- TransCad Model Letter
- Gordon Shaw Letter
- Pages From TBAP EIR - Roadway Evacuation
- Biltmore Example



October 7, 2023

Ms. Ann Nichols
NORTH TAHOE PRESERVATION ALLIANCE
P.O. Box 4
Crystal Bay, Nevada 89402

Subject: Review of Kings Beach SR-29 Capacity & Traffic Volume Projections

Dear Ms. Nichols,

The Kings Beach area of Lake Tahoe is currently served by two single-lane roundabouts located along North Lake Boulevard which is also designated as State Route 28 (SR-28).

One roundabout is located at the intersection of Bear Street / SR-28 and the second roundabout is located at the intersection of Racoon Street / SR-28.

The roundabouts were implemented in 2018. As part of the circulation modifications that were implemented, SR-28 was also narrowed from a four-lane highway to a two-lane highway with one lane in each direction of travel. The roundabouts serve vehicular traffic as well as a high volume of pedestrian traffic due to the adjacent State Beach Recreation Area..

Exhibit A shows the location of the roundabouts.

Roundabout Capacity:

As part of the 2007 traffic study prepared for the Kings Beach Commercial Core Improvement Project (KBCCIP), an estimation of the capacity of the roundabouts was prepared and calculated years prior to installation of the roundabouts. That analysis and methodology had estimated that the roundabout can serve approximately 1,171 vehicles traveling westbound along SR-28. This assumption has continued to be the basis and relied upon for other traffic analyses and documents such as the 2016 TBAP EIR.

Under current conditions, with the roundabouts implemented since 2018, this stretch of SR-28 experiences long vehicular queues for most of the day beginning from approximately 10:00 AM to approximately 7:00 PM, during the busy summer season.

This is partly due to the large number of pedestrians crossing the roundabout which results in the reduction of the vehicular flow and capacity. Additionally, implementation of new access and driveways to serve new development results in additional friction in the flow of traffic, further exacerbating the traffic congestion.

The presence of extensive vehicular queues is an indication that the demand exceeds capacity even under existing conditions, without the addition of more traffic from other potential projects in the area.

An alternative analysis and evaluation has been prepared to determine the actual capacity and vehicular throughput of the roundabouts and compare to the estimated capacity of 1,171 vehicles per hour for the westbound traffic.

Since queues are present for a greater part of the day during the busy summer season, it can be assumed that the capacity would be equal to the number of vehicles getting through the roundabouts and this stretch of SR-28 on an hourly basis.

For this analysis, traffic volume data was obtained for Westbound SR-28, at a location west of the roundabouts between SR-267 (North Shore Boulevard) and Secline Street, from Caltrans for the following years on an hourly basis:

- Saturday July 14, 2007 when the roadway was still a four-lane highway with conventional intersection control
- Pre-pandemic conditions on Saturday July 20, 2019, after implementation of the roundabouts and roadway narrowing, and without any traffic guards to meter the pedestrian traffic
- Post-pandemic conditions on Saturday July 16, 2022, after implementation of the roundabouts and roadway narrowing, and with traffic guards to meter the pedestrian traffic.

The data for 2020 was not evaluated due to the abnormal traffic patterns and conditions during the pandemic. Also, data for 2021 was not included due to the Caldor Fire in South Lake Tahoe.

Table 1 summarizes the hourly traffic count data.

Table 1
Westbound SR-28 Hourly Traffic Volumes (Vehicles) based on Caltrans Data

#	Time	Day of Counts		
		Saturday 7/14/2007	Saturday 7/20/2019	Saturday 7/16/2022
1	10:00 AM	698	605	640
2	11:00 AM	860	618	655
3	12:00 PM	893	561	643
4	1:00 PM	931	519	596
5	2:00 PM	867	545	621
6	3:00 PM	869	616	622
7	4:00 PM	932	544	622
8	5:00 PM	995	580	665
9	6:00 PM	886	529	610
10	7:00 PM	761	509	649
Total		8,692	5,626	6,323
24-Hour Volume		12,614	8,745	9,863
% of Daily		69%	64%	64%
Average per Hour		869	563	632

As shown in **Table 1**, based on the latest year of count data, during the hours of traffic congestion, approximately 632 vehicles per hour are passing through the roundabout system and reaching the Caltrans count location. This number and throughput is also consistent on an hourly basis from 10:00 AM to 7:00 PM and range from 596 vehicles per hour to 665 vehicles per hour.

Hence, based on the count data, it can be concluded that the roundabout system can serve and process approximately 632 vehicles per hour during peak traffic conditions. This number is much less than the capacity of 1,171 vehicles per hour which was estimated as part of the Kings Beach Commercial Core Improvement Project traffic study. The actual capacity appears to be overestimated by approximately 90 percent, or double of the operational capacity, which is considered a very substantial overestimation of capacity. This capacity overestimation has been the basis to guide officials in making decisions, when in reality, collection of new field data can provide a more accurate estimation which appears to be grossly different than the 2007 estimations and previous calculations to determine capacity.

Per the Federal Highway Administration (FHWA), single-lane roundabouts typically have a capacity that can serve up to 1,800 vehicles per hour under ideal conditions. However, this capacity can be significantly reduced by the presence of other factors such as pedestrians and roundabout design and geometry, driveways and side street intersections.

Traffic Projections:

To determine the accuracy of the traffic projections included in the Boulder Bay Project and the Waldorf Astoria Lake Tahoe traffic study, the traffic projections from those reports were compared to the existing traffic volume counts from NDOT.

Based on review of the information, SR-28 is currently experiencing between approximately 600 to 800 vehicles per hour in each direction of travel during the AM peak hour and also PM peak hour.

The future traffic volume projections, including the long-range (2045) conditions, utilized in the Boulder Bay Project and the Waldorf Astoria Lake Tahoe traffic studies appear to be matching the current traffic volume levels or even lower than the current traffic volumes as measured in the field. The projections are based on the TRPA's TransCAD model.

The higher traffic volumes experienced by the roadway system under existing conditions does not even include the traffic generation associated with the planned and underway development of many significant projects in the area including Waldorf Astoria and Cal Neva.

In addition to adding traffic from specific projects, typically, traffic projections for use in traffic studies also include an annual growth rate percentage (usually one or two percent per year) to account for other background growth and added traffic, such as smaller projects that are being built in the area, pass through traffic from nearby and neighboring cities and counties, etc. Data available to public shows nearby areas such as Carson City, Truckee, and Reno have been experiencing population growth that can reach up to 2.02 percent per year in recent years.

Traffic models serve as a great tool for estimating future traffic based on land use type, quantity, and the interactions between the land uses. However, traffic models have limitations and can provide inaccurate data. For this reason, the data output from traffic models typically requires quality control, logic checks, and further adjustments and calibrations to ensure they are logical and match field conditions and logical expectations.

The *Traffic Volumes and VMT for Placer Area Plan EIR/EIS* (LSC Transportation Consultants, Inc., October 2016) also states that due to the limitations of the traffic model, the TRPA model data does not account for some of the traffic conditions including:

- Account for the traffic growth in the remainder of the Tahoe Region, as well as within the Placer County portion of the Region (Please see item 2 on page 2 of the referenced document);
- Account for the reassignment of trips associated with the Fanny Bridge Community Revitalization Project (Please see item 2 on page 2 of the referenced document);

- Account for site-specific land use plans (Please see item 3 on page 2 of the referenced document);
- Account for all of the potential growth in external traffic instead of just some partial growth (Please see page 2, final paragraph of the referenced document).

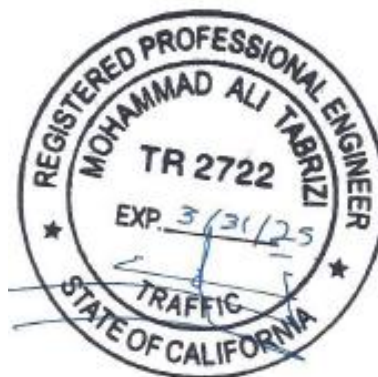
It should also be noted that traffic models and forecasting tools naturally have limitations and margins of error due to assumptions, limitations of the software and limitations of available data, etc. When data from a number of traffic models for different areas are used and combined on top of each other, naturally the margin of error begins to grow and multiply. For instance, if a single source of data has a margin of error of five percent, once a number of these sources are combined in a calculation, the overall margin of error can now grow to be much higher than the initial five percent.

Hence, it is recommended the data utilized in those studies be revisited and updated to reflect accurate estimations as current field conditions and measured traffic volumes show different results than the forecast traffic volume data previously prepared and relied upon.

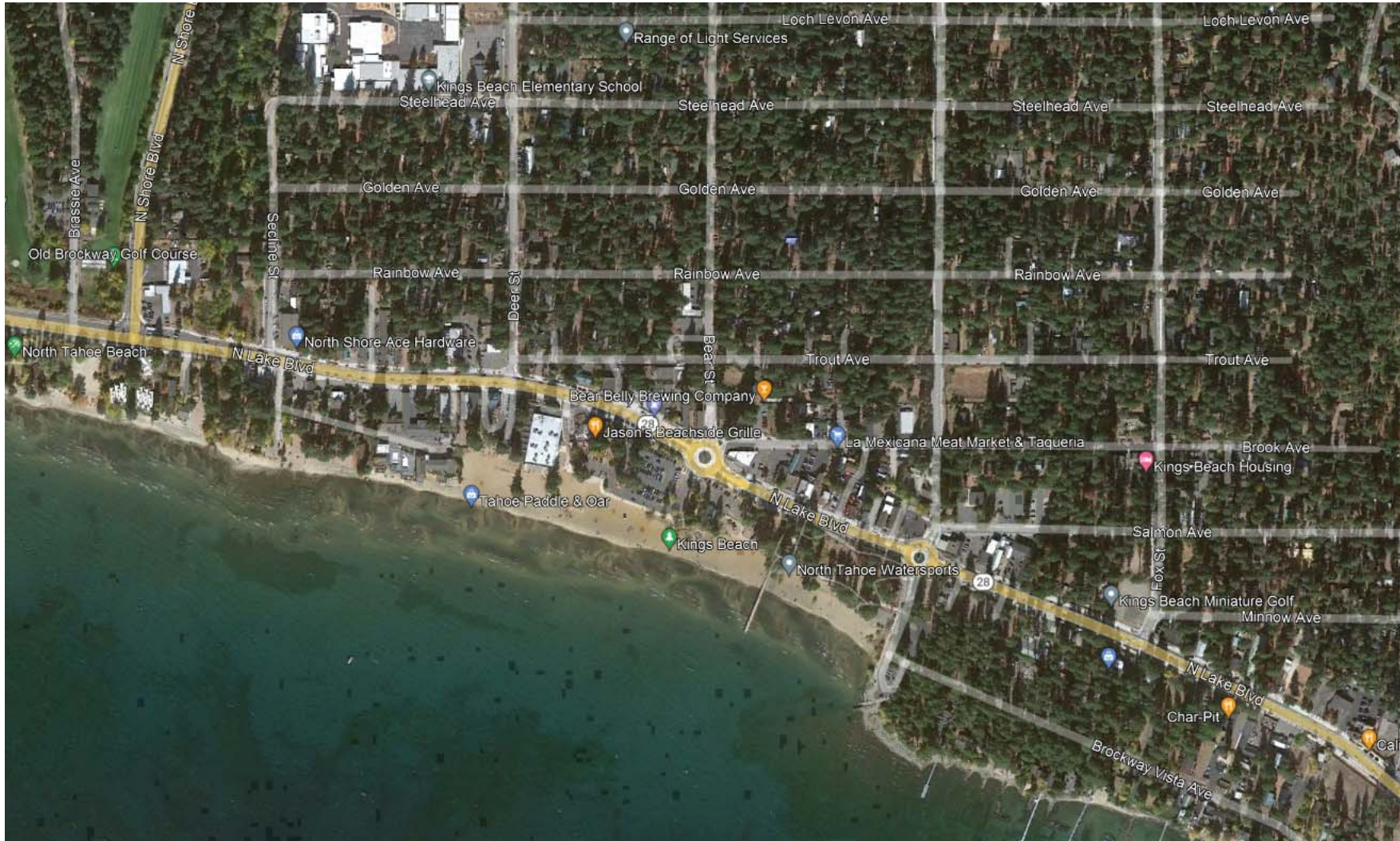
It should also be noted, even though level of service and operation of the intersections and roadway network is no longer a CEQA-related issue and Vehicle Miles Traveled (VMT) has been adopted as the new metric for CEQA, safety is still considered a CEQA-related metric, which can have a direct correlation with the operation of the roadway system and intersections.

MAT Engineering Inc. appreciates the opportunity to provide this review. If you have any questions, please contact us at 949-344-1828 or at@matengineering.com.

Respectfully submitted,
MAT ENGINEERING, INC.



Alex Tabrizi, PE, TE
President



Not to Scale



02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

Page# 9

District County RouteSfxPrefix Postmile Hg Leg
03 PLA 028 9.340 A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
Location Type: Trend Station
Lanes: 2
Lane Code: 1

Direction of Count: West

Year	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
2022	JUN 17	JUN 18	JUN 19	JUN 20	JUN 21	JUN 22	JUN 23	JUN 24
0-1	29 A	49 A	66 A	19 A	22 A	22 A	19 A	45 A
1-2	29 A	28 A	31 A	17 A	13 A	12 A	16 A	23 A
2-3	8 A	17 A	14 A	13 A	11 A	7 A	12 A	14 A
3-4	11 A	12 A	17 A	14 A	11 A	8 A	12 A	13 A
4-5	19 A	27 A	14 A	23 A	25 A	25 A	32 A	28 A
5-6	63 A	70 A	61 A	73 A	76 A	67 A	56 A	47 A
6-7	269 A	186 A	144 A	251 A	277 A	311 A	319 A	273 A
7-8	449 A	289 A	211 A	433 A	426 A	385 A	394 A	356 A
8-9	447 A	342 A	276 A	381 A	498 A	428 A	435 A	414 A
9-10	358 A	397 A	389 A	386 A	352 A	362 A	387 A	425 A
10-11	399 A	443 A	463 A	464 A	392 A	453 A	380 A	432 A
11-12	437 A	485 A	444 A	399 A	405 A	414 A	395 A	512 A
12-13	465 A	477 A	441 A	429 A	443 A	501 A	440 A	523 A
13-14	510 A	526 A	509 A	498 A	459 A	430 A	415 A	491 A
14-15	504 A	517 A	498 A	479 A	460 A	452 A	439 A	497 A
15-16	534 A	520 A	555 A	465 A	431 A	463 A	496 A	542 A
16-17	535 A	516 A	526 A	446 A	462 A	498 A	477 A	542 A
17-18	478 A	415 A	437 A	414 A	439 A	401 A	397 A	447 A
18-19	384 A	364 A	396 A	387 A	421 A	385 A	349 A	398 A
19-20	345 A	362 A	298 A	296 A	323 A	300 A	287 A	329 A
20-21	327 A	269 A	262 A	224 A	268 A	251 A	234 A	334 A
21-22	243 A	242 A	176 A	171 A	181 A	160 A	192 A	304 A
22-23	152 A	154 A	82 A	66 A	97 A	99 A	143 A	165 A
23-24	57 A	77 A	48 A	51 A	65 A	41 A	64 A	81 A
Day Total	7102 A	6784 A	6358 A	6399 A	6557 A	6475 A	6390 A	7235 A
AM Peak Hour	11-12	11-12	10-11	10-11	08-09	10-11	08-09	11-12
AM Peak Traffic	487	485	463	464	498	453	435	512
PM Peak Hour	16-17	13-14	15-16	13-14	16-17	12-13	15-16	15-16
PM Peak Traffic	535	526	555	498	462	501	496	542

02/10/2023

Detail All Vehicle Hourly Count Report

11:58:42

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Sat	Sun	Mon	Tue	Wed	Thu
2022	JUN 25	JUN 26	JUN 27	JUN 28	JUN 29	JUN 30
0-1	49 A	47 A	31 A	24 A	37 A	19 A
1-2	40 A	32 A	28 A	15 A	18 A	17 A
2-3	14 A	16 A	10 A	16 A	6 A	8 A
3-4	23 A	10 A	10 A	16 A	8 A	10 A
4-5	29 A	25 A	19 A	24 A	32 A	16 A
5-6	55 A	50 A	81 A	73 A	69 A	66 A
6-7	166 A	123 A	256 A	286 A	293 A	309 A
7-8	291 A	217 A	354 A	385 A	401 A	398 A
8-9	350 A	361 A	373 A	420 A	457 A	449 A
9-10	439 A	435 A	409 A	376 A	423 A	387 A
10-11	516 A	495 A	424 A	416 A	458 A	451 A
11-12	495 A	449 A	455 A	446 A	399 A	413 A
12-13	505 A	497 A	462 A	511 A	488 A	439 A
13-14	500 A	466 A	449 A	496 A	437 A	425 A
14-15	500 A	442 A	436 A	451 A	467 A	465 A
15-16	545 A	515 A	436 A	468 A	440 A	501 A
16-17	505 A	465 A	477 A	486 A	520 A	492 A
17-18	418 A	481 A	474 A	441 A	467 A	472 A
18-19	364 A	426 A	375 A	390 A	410 A	360 A
19-20	386 A	320 A	323 A	307 A	348 A	366 A
20-21	334 A	261 A	308 A	226 A	273 A	239 A
21-22	269 A	231 A	234 A	221 A	177 A	191 A
22-23	183 A	125 A	89 A	98 A	94 A	100 A
23-24	109 A	84 A	31 A	43 A	45 A	42 A
Day Total	7085 A	6573 A	6544 A	6635 A	6767 A	6635 A
AM Peak Hour	10-11	10-11	11-12	11-12	10-11	10-11
AM Peak Traffic	516	495	455	446	458	451
PM Peak Hour	15-16	15-16	16-17	12-13	16-17	15-16
PM Peak Traffic	545	515	477	511	520	501

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								Lane Code:	1

7-Day Periods			5-Day Periods		
WEST			WEST		
7-Day Total	Daily Average		5-Day Total	Weekday Average	
1st	38733	5533	1st	28719	5744
2nd	43472	6210	2nd	31398	6280
3rd	45927	6561	3rd	32785	6557
4th	46937	6705	4th	33279	6656

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								Lane Code:	1

Direction of Count: West

Year	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
	JUL 01	JUL 02	JUL 03	JUL 04	JUL 05	JUL 06	JUL 07	JUL 08
2022								
0-1	41 A	47 A	75 A	76 A	74 A	42 A	28 A	33 A
1-2	23 A	28 A	42 A	39 A	43 A	13 A	12 A	28 A
2-3	18 A	21 A	28 A	32 A	14 A	10 A	8 A	10 A
3-4	8 A	15 A	13 A	15 A	20 A	10 A	9 A	10 A
4-5	22 A	23 A	29 A	21 A	42 A	23 A	17 A	23 A
5-6	76 A	56 A	48 A	53 A	95 A	65 A	63 A	63 A
6-7	261 A	153 A	114 A	148 A	283 A	311 A	320 A	294 A
7-8	405 A	301 A	231 A	306 A	372 A	376 A	396 A	357 A
8-9	422 A	421 A	349 A	331 A	455 A	450 A	419 A	456 A
9-10	416 A	471 A	441 A	433 A	491 A	463 A	449 A	463 A
10-11	453 A	495 A	574 A	519 A	530 A	458 C	498 A	463 A
11-12	495 A	511 A	532 A	476 A	543 A	467 A	558 A	529 A
12-13	517 A	509 A	530 A	470 A	527 A	522 A	516 A	529 A
13-14	519 A	460 A	533 A	489 A	526 A	484 A	513 A	550 A
14-15	533 A	518 A	524 A	515 A	490 A	532 A	530 A	534 A
15-16	558 A	490 A	551 A	509 A	529 A	515 A	547 A	560 A
16-17	572 A	567 A	567 A	451 A	584 A	543 A	570 A	539 A
17-18	416 A	556 A	529 A	460 A	524 A	517 A	510 A	474 A
18-19	387 A	512 A	466 A	385 A	450 A	465 A	415 A	441 A
19-20	385 A	458 A	498 A	315 A	386 A	345 A	363 A	370 A
20-21	395 A	392 A	394 A	267 A	293 A	280 A	304 A	403 A
21-22	307 A	298 A	382 A	223 A	228 A	214 A	229 A	335 A
22-23	193 A	245 A	237 A	356 A	125 A	114 A	140 A	253 A
23-24	89 A	127 A	157 A	153 A	37 A	65 A	70 A	129 A
Day Total	7511 A	7674 A	7844 A	7042 A	7661 A	7284 C	7484 A	7846 A
AM Peak Hour	11-12	11-12	10-11	10-11	11-12	11-12	11-12	11-12
AM Peak Traffic	495	511	574	519	543	467	558	529
PM Peak Hour	16-17	16-17	16-17	14-15	16-17	16-17	16-17	15-16
PM Peak Traffic	572	567	567	515	584	543	570	560

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

Page# 18

District County Route Sfx Prefix Postmile Hg Leg
03 PLA 028 9.340 A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
Location Type: Trend Station
Lanes: 2
Lane Code: 1

Direction of Count: West

Year	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
2022	JUL 09	JUL 10	JUL 11	JUL 12	JUL 13	JUL 14	JUL 15	JUL 16
0-1	72 A	44 A	44 A	31 A	43 A	57 A	56 A	79 A
1-2	29 A	34 A	27 A	25 A	17 A	19 A	35 A	37 A
2-3	20 A	15 A	13 A	23 A	20 A	10 A	17 A	21 A
3-4	12 A	23 A	9 A	14 A	13 A	9 A	13 A	21 A
4-5	23 A	20 A	27 A	28 A	25 A	23 A	35 A	25 A
5-6	59 A	42 A	69 A	98 A	92 A	93 A	77 A	118 A
6-7	191 A	125 A	399 A	407 A	437 A	415 A	391 A	234 A
7-8	296 A	261 A	513 A	498 A	464 A	528 A	500 A	412 A
8-9	382 A	367 A	521 A	508 A	548 A	607 A	562 A	553 A
9-10	437 A	437 A	513 A	490 A	551 A	555 A	556 A	640 A
10-11	540 A	529 A	561 A	519 A	562 A	578 A	642 A	655 A
11-12	554 A	479 A	544 A	514 A	573 A	575 A	605 A	643 A
12-13	483 A	501 A	575 A	575 A	605 A	611 A	645 A	596 A
13-14	532 A	507 A	552 A	577 A	606 A	601 A	593 A	621 A
14-15	544 A	486 A	565 A	598 A	555 A	587 A	602 A	622 A
15-16	551 A	533 A	595 A	625 A	659 A	674 A	690 A	622 A
16-17	525 A	484 A	574 A	660 A	589 A	655 A	657 A	665 A
17-18	505 A	437 A	583 A	577 A	568 A	606 A	605 A	610 A
18-19	466 A	402 A	490 A	505 A	509 A	529 A	513 A	649 A
19-20	445 A	377 A	446 A	387 A	437 A	431 A	566 A	610 A
20-21	339 A	358 A	370 A	327 A	363 A	363 A	508 A	511 A
21-22	324 A	222 A	262 A	306 A	274 A	320 A	446 A	450 A
22-23	244 A	189 A	226 A	271 A	246 A	189 A	288 A	328 A
23-24	100 A	63 A	67 A	127 A	116 A	83 A	112 A	141 A

Day Total 7673 A 6935 A 8545 A 8690 A 8872 A 9118 A 9714 A 9863 A

AM Peak Hour	11-12	10-11	10-11	10-11	11-12	08-09	10-11	10-11
AM Peak Traffic	554	529	561	519	573	607	642	655
PM Peak Hour	15-16	15-16	15-16	16-17	15-16	15-16	15-16	16-17
PM Peak Traffic	551	533	595	660	659	674	690	655

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

Page# 20

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Mon	Tue	Wed	Thu	Fri	Sat	Sun
2022	JUL 25	JUL 26	JUL 27	JUL 28	JUL 29	JUL 30	JUL 31
0-1	73 A	38 A	46 A	35 A	47 A	57 A	86 A
1-2	40 A	22 A	15 A	22 A	30 A	42 A	50 A
2-3	21 A	18 A	9 A	20 A	25 A	24 A	32 A
3-4	24 A	11 A	15 A	17 A	26 A	14 A	26 A
4-5	32 A	27 A	31 A	28 A	42 A	29 A	22 A
5-6	94 A	86 A	88 A	88 A	88 A	65 A	54 A
6-7	366 A	407 A	387 A	404 A	389 A	200 A	146 A
7-8	513 A	505 A	511 A	477 A	496 A	383 A	287 A
8-9	513 A	559 A	543 A	560 A	561 A	527 A	436 A
9-10	560 A	524 A	567 A	528 A	592 A	616 A	580 A
10-11	588 A	573 A	554 A	577 A	602 A	682 A	670 A
11-12	655 A	601 A	605 A	602 A	619 A	607 A	616 A
12-13	666 A	617 A	599 A	586 A	668 A	645 A	622 A
13-14	663 A	677 A	649 A	614 A	611 A	653 A	625 A
14-15	660 A	656 A	657 A	610 A	613 A	601 A	664 A
15-16	658 A	667 A	683 A	671 A	659 A	654 A	642 A
16-17	702 A	705 A	709 A	689 A	675 A	652 A	684 A
17-18	640 A	647 A	629 A	603 A	572 A	671 A	641 A
18-19	571 A	532 A	555 A	566 A	564 A	628 A	589 A
19-20	454 A	408 A	466 A	445 A	490 A	575 A	426 A
20-21	368 A	334 A	430 A	418 A	470 A	479 A	361 A
21-22	305 A	248 A	308 A	334 A	434 A	383 A	228 A
22-23	183 A	229 A	268 A	255 A	292 A	296 A	188 A
23-24	83 A	58 A	80 A	116 A	143 A	181 A	71 A
Day Total	9432 A	9149 A	9404 A	9265 A	9708 A	9664 A	8746 A
AM Peak Hour	11-12	11-12	11-12	11-12	11-12	10-11	10-11
AM Peak Traffic	655	601	605	602	619	682	670
PM Peak Hour	16-17	16-17	16-17	16-17	16-17	17-18	16-17
PM Peak Traffic	702	705	709	689	675	671	684

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

Page# 21

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

7-Day Periods

WEST

	7-Day Total	Daily Average
1st	52500	7500
2nd	57679	8240
3rd	65051	9293
4th	66295	9471

5-Day Periods

WEST

	5-Day Total	Weekday Average
1st	36982	7396
2nd	43071	8614
3rd	45883	9177
4th	47028	9406

Detail All Vehicle Hourly Count Report

02/10/2023

11:58:42

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon
	AUG 01	AUG 02	AUG 03	AUG 04	AUG 05	AUG 06	AUG 07	AUG 08
2022								
0-1	37 A	46 A	40 A	33 A	50 A	92 A	68 A	39 A
1-2	18 A	37 A	14 A	16 A	40 A	42 A	36 A	24 A
2-3	23 A	21 A	20 A	11 A	14 A	24 A	41 A	10 A
3-4	14 A	15 A	14 A	12 A	12 A	12 A	25 A	12 A
4-5	35 A	24 A	27 A	30 A	33 A	32 A	19 A	27 A
5-6	90 A	88 A	85 A	82 A	101 A	64 A	55 A	106 A
6-7	355 A	401 A	389 A	413 A	413 A	214 A	154 A	388 A
7-8	455 A	471 A	438 A	499 A	479 A	393 A	285 A	493 A
8-9	506 A	517 A	641 A	558 A	516 A	482 A	487 A	536 A
9-10	545 A	490 A	443 A	554 A	558 A	586 A	630 A	542 A
10-11	527 A	517 A	439 A	577 C	604 A	623 A	679 A	556 A
11-12	606 A	521 A	478 A	602 C	607 A	590 A	625 A	567 A
12-13	596 A	574 A	560 A	596 A	637 A	601 A	636 A	620 A
13-14	574 A	600 A	468 A	579 A	639 A	613 A	669 A	573 A
14-15	622 A	622 A	463 A	649 A	610 A	677 A	666 A	604 A
15-16	652 A	622 A	516 A	679 A	665 A	688 A	706 A	623 A
16-17	645 A	687 A	518 A	672 A	676 A	725 A	664 A	638 A
17-18	561 A	493 A	488 A	666 A	599 A	718 A	651 A	577 A
18-19	480 A	583 A	435 A	490 A	508 A	576 A	569 A	536 A
19-20	377 A	363 A	375 A	382 A	447 A	545 A	499 A	364 A
20-21	292 A	362 A	290 A	373 A	388 A	577 A	434 A	345 A
21-22	264 A	278 A	226 A	232 A	342 A	430 A	282 A	225 A
22-23	175 A	247 A	222 A	232 A	275 A	306 A	240 A	235 A
23-24	59 A	64 A	68 A	84 A	119 A	170 A	86 A	46 A
Day Total	8508 A	8643 A	7657 A	9021 C	9332 A	9780 A	9206 A	8686 A
AM Peak Hour	11-12	11-12	08-09	11-12	11-12	10-11	10-11	11-12
AM Peak Traffic	606	521	641	602	607	623	679	567
PM Peak Hour	15-16	16-17	12-13	15-16	16-17	16-17	15-16	16-17
PM Peak Traffic	652	687	560	679	676	725	706	638

Detail All Vehicle Hourly Count Report

02/10/2023

11:58:42

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue
	AUG 09	AUG 10	AUG 11	AUG 12	AUG 13	AUG 14	AUG 15	AUG 16
0-1	41 A	42 A	30 A	36 A	77 A	78 A	29 A	42 A
1-2	18 A	14 A	20 A	31 A	30 A	37 A	23 A	18 A
2-3	16 A	19 A	12 A	15 A	20 A	23 A	12 A	13 A
3-4	13 A	17 A	11 A	20 A	27 A	31 A	14 A	7 A
4-5	27 A	17 A	17 A	27 A	25 A	23 A	22 A	25 A
5-6	94 A	94 A	106 A	89 A	75 A	53 A	100 A	87 A
6-7	411 A	401 A	400 A	358 A	223 A	171 A	357 A	366 A
7-8	479 A	555 A	477 A	522 A	419 A	301 A	466 A	451 A
8-9	558 A	546 A	526 A	554 A	499 A	435 A	491 A	482 A
9-10	463 A	520 A	475 A	562 A	596 A	616 A	541 A	444 A
10-11	541 A	552 A	564 A	581 A	679 A	712 A	499 A	536 A
11-12	550 A	568 A	589 A	587 A	619 A	649 A	568 A	506 A
12-13	571 A	594 A	645 A	689 A	633 A	663 A	593 A	521 A
13-14	595 A	619 A	623 A	608 A	610 A	601 A	578 A	557 A
14-15	622 A	546 A	640 A	677 A	678 A	620 A	585 A	552 A
15-16	669 A	585 A	713 A	675 A	656 A	674 A	637 A	590 A
16-17	607 A	643 A	719 A	682 A	712 A	702 A	583 A	635 A
17-18	600 A	587 A	644 A	575 A	648 A	685 A	536 A	572 A
18-19	514 A	495 A	509 A	540 A	615 A	592 A	457 A	442 A
19-20	386 A	413 A	414 A	471 A	542 A	515 A	374 A	319 A
20-21	341 A	345 A	379 A	522 A	496 A	377 A	292 A	252 A
21-22	216 A	216 A	247 A	370 A	399 A	197 A	185 A	190 A
22-23	211 A	215 A	192 A	246 A	281 A	161 A	158 A	203 A
23-24	73 A	60 A	92 A	123 A	107 A	62 A	52 A	59 A
Day Total	8616 A	8663 A	9044 A	9560 A	9666 A	8978 A	8152 A	7869 A
AM Peak Hour	08-09	11-12	11-12	11-12	10-11	10-11	11-12	10-11
AM Peak Traffic	558	568	589	587	679	712	568	536
PM Peak Hour	15-16	16-17	16-17	12-13	16-17	16-17	15-16	16-17
PM Peak Traffic	669	643	719	689	712	702	637	635

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								Lane Code:	1

Direction of Count: West

Year	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed
2022	AUG 17	AUG 18	AUG 19	AUG 20	AUG 21	AUG 22	AUG 23	AUG 24
0-1	35 A	34 A	36 A	52 A	92 A	42 A	29 A	48 A
1-2	13 A	18 A	27 A	34 A	49 A	32 A	13 A	24 A
2-3	12 A	7 A	21 A	22 A	28 A	18 A	5 A	10 A
3-4	9 A	12 A	17 A	12 A	18 A	14 A	15 A	22 A
4-5	25 A	19 A	34 A	25 A	29 A	19 A	21 A	26 A
5-6	74 A	84 A	71 A	57 A	40 A	90 A	79 A	79 A
6-7	400 A	377 A	345 A	206 A	154 A	358 A	395 A	406 A
7-8	455 A	433 A	480 A	330 A	269 A	461 A	444 A	460 A
8-9	503 A	504 A	503 A	447 A	397 A	490 A	476 A	474 A
9-10	423 A	465 A	448 A	541 A	561 A	487 A	459 A	461 A
10-11	520 A	544 A	563 A	605 A	593 A	489 A	456 A	445 A
11-12	475 A	520 A	538 A	580 A	638 A	542 A	516 A	479 A
12-13	555 A	540 A	570 A	572 A	580 A	581 A	481 A	558 A
13-14	521 A	574 A	603 A	592 A	621 A	565 A	532 A	510 A
14-15	555 A	572 A	582 A	620 A	633 A	557 A	534 A	535 A
15-16	639 A	658 A	620 A	629 A	653 A	566 A	567 A	571 A
16-17	571 A	627 A	603 A	624 A	578 A	598 A	604 A	559 A
17-18	508 A	558 A	578 A	658 A	647 A	528 A	603 A	543 A
18-19	410 A	458 A	478 A	627 A	547 A	465 A	441 A	425 A
19-20	361 A	363 A	444 A	558 A	409 A	328 A	333 A	337 A
20-21	324 A	338 A	460 A	443 A	328 A	289 A	269 A	266 A
21-22	158 A	218 A	318 A	338 A	224 A	201 A	172 A	171 A
22-23	110 A	249 A	274 A	332 A	231 A	166 A	99 A	104 A
23-24	35 A	67 A	107 A	197 A	73 A	45 A	62 A	50 A
Day Total	7691 A	8239 A	8720 A	9101 A	8392 A	7931 A	7605 A	7563 A
AM Peak Hour	10-11	10-11	10-11	10-11	11-12	11-12	11-12	11-12
AM Peak Traffic	520	544	563	605	638	542	516	479
PM Peak Hour	15-16	15-16	15-16	17-18	15-16	16-17	16-17	15-16
PM Peak Traffic	639	658	620	658	653	598	604	571

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

Page# 30

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Thu	Fri	Sat	Sun	Mon	Tue	Wed
2022	AUG 25	AUG 26	AUG 27	AUG 28	AUG 29	AUG 30	AUG 31
0-1	25 A	38 A	61 A	74 A	35 A	29 A	44 A
1-2	14 A	34 A	31 A	44 A	21 A	15 A	26 A
2-3	14 A	22 A	27 A	31 A	11 A	11 A	10 A
3-4	7 A	15 A	16 A	21 A	8 A	9 A	13 A
4-5	30 A	19 A	26 A	29 A	16 A	20 A	23 A
5-6	77 A	77 A	73 A	49 A	84 A	70 A	90 A
6-7	363 A	360 A	197 A	162 A	356 A	438 A	394 A
7-8	473 A	457 A	344 A	308 A	455 A	482 A	522 A
8-9	469 A	484 A	412 A	410 A	478 A	535 A	500 A
9-10	464 A	482 A	496 A	512 A	494 A	430 A	431 A
10-11	516 A	519 A	548 A	604 A	539 A	428 A	487 A
11-12	530 A	542 A	559 A	590 A	528 A	458 A	501 A
12-13	538 A	569 A	624 A	633 A	555 A	481 A	514 A
13-14	518 A	557 A	638 A	624 A	546 A	466 A	494 A
14-15	541 A	549 A	650 A	613 A	522 A	520 A	580 A
15-16	623 A	655 A	668 A	614 A	571 A	534 A	543 A
16-17	667 A	631 A	676 A	600 A	563 A	528 A	519 A
17-18	551 A	564 A	676 A	567 A	481 A	515 A	452 A
18-19	436 A	468 A	636 A	506 A	443 A	413 A	436 A
19-20	335 A	442 A	520 A	383 A	337 A	303 A	324 A
20-21	260 A	452 A	434 A	308 A	243 A	227 A	246 A
21-22	209 A	293 A	295 A	182 A	174 A	175 A	154 A
22-23	124 A	211 A	176 A	110 A	81 A	155 A	91 A
23-24	98 A	102 A	139 A	115 A	42 A	153 A	40 A
Day Total	7882 A	8542 A	8922 A	8089 A	7583 A	7395 A	7434 A
AM Peak Hour	11-12	11-12	11-12	10-11	10-11	08-09	07-08
AM Peak Traffic	530	542	559	604	539	535	522
PM Peak Hour	16-17	15-16	16-17	12-13	15-16	15-16	14-15
PM Peak Traffic	667	655	676	633	571	534	580

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

Page# 31

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

7-Day Periods

WEST

	7-Day Total	Daily Average
--	-------------	---------------

1st	62147	8878
2nd	63213	9030
3rd	58164	8309
4th	56534	8076

5-Day Periods

WEST

	5-Day Total	Weekday Average
--	-------------	-----------------

1st	43161	8632
2nd	44569	8914
3rd	40671	8134
4th	39523	7905

TRANSCAD MODEL LETTER

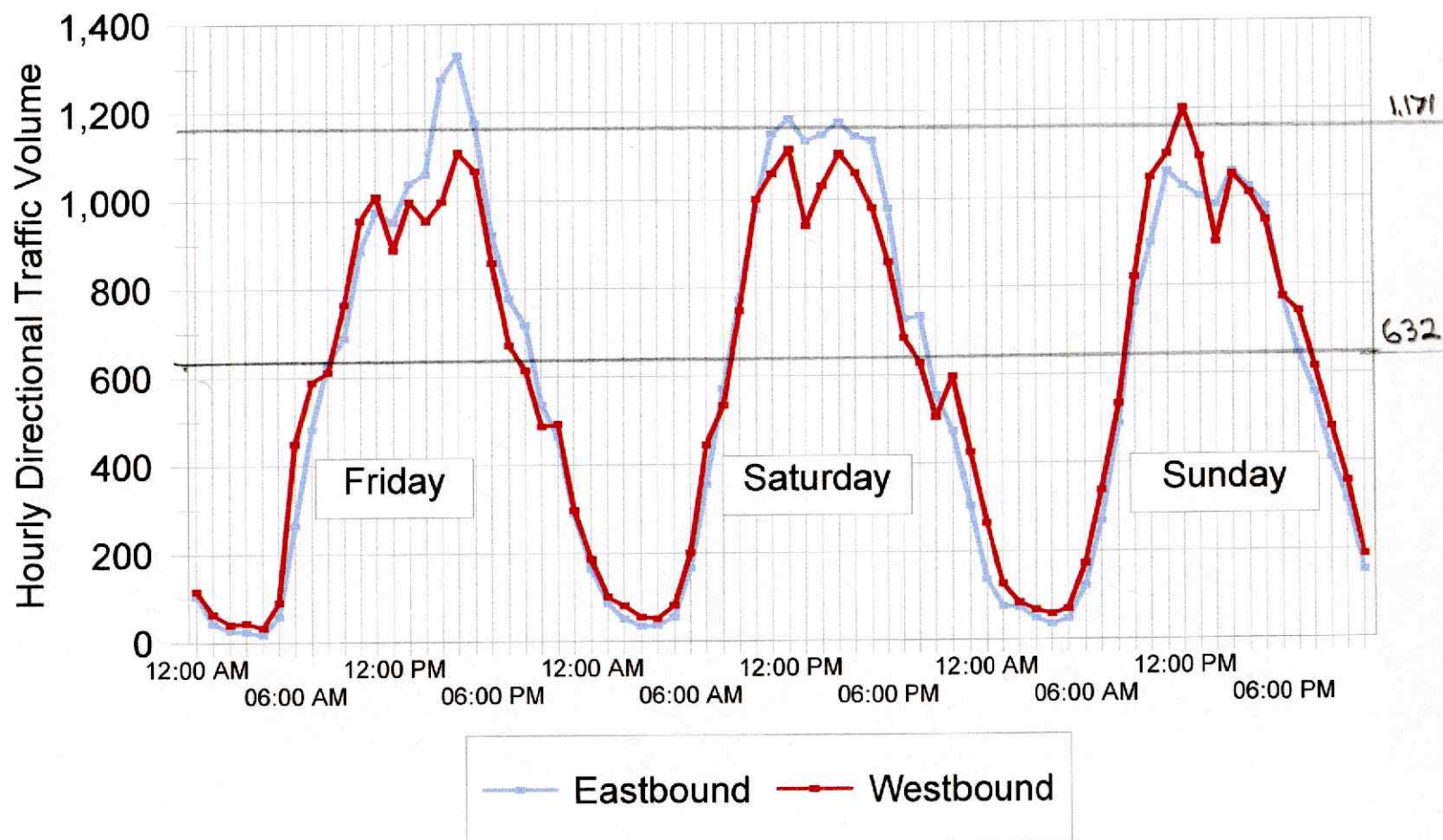
TABLE 36: Summer Capacity Analysis of Three-Lane SR 28 in Kings Beach With No On-Street Parking

	Observed Conditions: Tahoe City WB	Forecast Conditions: Kings Beach								
		Deer - Bear EB	Bear - Coon EB	Coon - Fox EB	Fox - Chipmunk EB	Chipmunk - Fox WB	Fox - Coon WB	Coon - Bear WB	Bear - Deer WB	Deer - Secline WB
Ideal Capacity (At 25 mph)	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
Reductions in Capacity										
<u>Pedestrian Crossing</u>										
# Pedestrian Crossings/Hour	167	58	144	48	24	24	100	144	62	19
Pedestrians per Group	2	2	2	2	2	2	2	2	2	2
# Pedestrian Groups per Hour	83	29	72	24	12	12	50	72	31	10
Time Lost per Crossing (sec)	7	5	5	7	5	5	5	5	7	5
Total Time Lost per Hour (sec)	583	145	360	168	60	60	250	360	217	47.5
% Time Lost per Hour	16.2%	4.0%	10.0%	4.7%	1.7%	1.7%	6.9%	10.0%	6.0%	1.3%
<u>Bicycle Crossing</u>										
# Bicycle Crossings/Hour	25	2	2	4	1	1	2	2	0	1
Time Lost per Crossing (sec)	4	2	2	2	2	2	2	2	2	2
Total Time Lost per Hour (sec)	100	4	4	8	2	2	4	4	0	2
% Time Lost per Hour	2.8%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%
<u>Bicycle Side Friction</u>										
# Bicycles per Hour	35	5	5	5	5	20	20	20	20	20
% Time Lost per Hour	3.0%	0.4%	0.4%	0.4%	0.4%	1.7%	1.7%	1.7%	1.7%	1.7%
<u>Onstreet Parking Movements</u>										
% Time Lost per Hour	6.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<u>Parking Space Searching</u>										
% of Entering Traffic Searching for Parking Along Roadway	24%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Resulting Impact of Parking Traffic Moving at 20 mph	21.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<u>Conflicting Driveway Turning Movements</u>										
Number of Driveways	8	3	0	7	9	7	5	6	5	9
% Time Lost per Hour	15.0%	5.6%	0.0%	13.1%	16.9%	13.1%	9.4%	11.3%	9.4%	16.9%
<u>Truck Loading/Unloading</u>										
% Time Lost per Hour	2.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Multiplicative Reduction in Capacity	51.2%	9.9%	10.5%	17.7%	18.7%	16.1%	17.2%	21.6%	16.3%	19.4%
Resulting Roadway Capacity	731	1,352	1,343	1,235	1,220	1,259	1,242	1,176	1,255	1,208
<u>Calculation of Value at Count Station East of SR 267 Corresponding to Capacity at Each Location</u>										
Existing Count On Segment		1,114	1,112	1,078	1,041	986	1,009	1,125	1,121	1,133
Existing Count - Just East of 267		1,160	1,160	1,160	1,160	1,120	1,120	1,120	1,120	1,120
Equivalent Capacity Just East of 267		1,398	1,391	1,317	1,339	1,393	1,353	1,171	1,254	1,195
Equivalent TRPA LOS=E Minimum (90% of Maximum Capacity)		1,258	1,252	1,185	1,205	1,254	1,217	1,054	1,129	1,076

Figure 3

One-Way Hourly Traffic Weekend Volumes

SR 28 East of SR 267, for Friday August 9 through Sunday August 11



- Alternative 3 Cumulative – The Alternative 3 in 2035 scenario with the addition of traffic associated with build-out of surrounding areas outside of the Lake Tahoe Basin.
- Alternative 4 Cumulative – The Alternative 4 in 2035 scenario with the addition of traffic associated with build-out of surrounding areas outside of the Lake Tahoe Basin.

Cumulative Impact 10-1: Roadway LOS under 2035 cumulative scenarios

Table 19-3 shows existing roadway directional volume and LOS and the cumulative peak-hour directional roadway traffic volumes and LOS for each alternative, which includes buildout of the Area Plan and the lodge components of each alternative. In future cumulative conditions with all Area Plan and lodge alternatives, LOS on the segment of SR 28 east of the SR 89 between the Wye intersection and Grove Street in Tahoe City would worsen from LOS E (for four hours per day or less) in the westbound direction to LOS F. The eastbound direction, which is currently at LOS F, would worsen. Because this roadway segment would operate at an unacceptable level, this would be a significant cumulative impact. As described in impact 10-1, all Area Plan alternatives would have a significant impact related to LOS in this roadway segment, thus all Area Plan alternatives would make a **considerable contribution** to a cumulatively significant impact. As described under Impact 10-1, after implementation of all feasible mitigation, this impact would remain significant and unavoidable. As this is a recognized problem, the Area Plan proposes to adopt a substitute standard as allowed by the Regional Plan, to modify the current LOS standards as described in Area Policy T-P-6. If this policy is adopted, the LOS impact at SR 28 in Tahoe City would be consistent with the adopted LOS standard. As described in Impact 10-1 in Chapter 10, Tahoe City Lodge Alternatives 1- 3 would not add traffic volumes in a direction or location that would exacerbate an existing LOS deficiency or degrade an existing acceptable LOS. However, Lodge Alternative 4 would result in additional traffic that would exacerbate the existing LOS deficiency. Therefore, the effects of Lodge Alternatives 1, 2, and 3 **would not be cumulatively considerable**, but Lodge Alternative 4 would make a **considerable contribution** to a cumulatively significant impact.

Table 19-3 Roadway LOS - 2035 Cumulative Scenarios

Location	Urban / Rural		Existing	LOS	Future Cumulative Alt 1	LOS	Future Cumulative Alt 2	LOS	Future Cumulative Alt 3	LOS	Future Cumulative Alt 4	LOS
SR 89, West of Tahoe City	Rural	Eastbound	809	D	974	E	956	E	967	E	920	E
		Westbound	654	D	794	E	795	E	794	E	781	E
SR 89, Granlibakken Rd to Sunnyside	Rural	Northbound	533	D	611	D	599	D	616	D	602	D
		Southbound	746	D	809	E	818	E	807	E	786	E
SR 28, Between the Wye and Grove St ¹	Urban	Eastbound	791	F	860	F	864	F	879	F	891	F
		Westbound	706	E	827	F	823	F	848	F	856	F
SR 28, Dollar Hill to Tahoe Vista	Rural	Eastbound	585	C	665	D	676	D	677	D	674	D
		Westbound	479	C	545	C	554	D	555	D	552	D
SR 28, East of SR 267 ²	Urban	Eastbound	1,025	D	1,090	D	1,080	D	1,095	D	1,095	D
		Westbound	876	C	971	D	952	D	973	D	962	D
SR 267, North of SR 28	Urban	Northbound	595	D	726	E	733	E	745	E	730	E
		Southbound	699	D	816	E	836	E	834	E	836	E

Bold indicates that the LOS standard is exceeded. Note that a Bold "E" indicates LOS E for 5 hours or more, which exceeds the TRPA LOS standard.

¹ Capacity for SR 28 in Tahoe City: eastbound 750 vehicles per hour; westbound 731 vehicles per hour, as estimated by LSC Transportation Consultants, Inc. as a part of the *Kings Beach Urban Improvement Project Traffic Study* (LSC 2007). The methodology used in developing these estimates is described in Appendix G.

² Capacity for SR 28 in Kings Beach: eastbound 1,241 vehicles per hour; westbound 1,171 vehicles per hour, as estimated by LSC Transportation Consultants, Inc. as a part of the *Kings Beach Urban Improvement Project Traffic Study* (LSC 2007). The methodology used in developing these estimates is described in Appendix G.

Source: LSC Transportation Consultants, Inc. 2016

TRAFFIC DIRECTION

Intersections Along Hwy 28

From Incline to Crystal Bay

From CB toward Incline

		Peak AM	Peak PM	Peak AM	Peak PM
Lakeshore Dr.	BB 2022	555	714	558	726
	2028	517	717	560	729
	2045	567	726	567	738
	WALT 2028	553	701	542	686
	WALT 2045	560	710	549	695
8-Jul-22 NDOT Count Station		682	731	611	782
9-Jul-22 NDOT Count Station		703	742	622	728
Rec Park Access	BB2022	559	828	629	841
	2028	562	832	632	846
	2045	571	845	642	858
	WALT 2028	556	812	613	794
	WALT 2045	565	825	623	806
Big Water Dr.	WALT 2028	545	767	603	771
	WALT 2045	554	780	613	784
Cal Neva Dr.	BB2022	487	721	581	754
	2028	490	725	584	758
	2048	497	736	593	770
	WALT 2028	518	752	574	734
	WALT 2045	525	763	583	746
Pedestrian Crossing	BB2022	603	794	536	773
	2028	603	794	536	773
	2045	603	794	536	773
	WALT 2028	627	810	515	736
	WALT 2045	627	810	515	736
Stateline Rd	BB2022	487	799	608	820
	2028	487	799	608	820
	2045	487	799	608	820
	WALT 2028	447	742	549	748
	WALT 2045	447	742	549	748

BB2022 is "Existing with Baseline Biltmore Use" Figure 3 TIS

2028 is "Opening Year with Baseline Biltmore Use" Figure 4 TIS

2045 is "Future Horizon with Baseline Biltmore" Figure 5 TIS

WALT 2028 is "Opening Year (2028) with WALT" Figure 7 TIS

WALT 2045 is "Future Horizon Year with WALT" Figure 8 TIS

1 adopt, feasible mitigation that would minimize the significant transportation and GHG impacts of the
2 project. (Cal. Code Regs., tit. 14, § 15126.4(a)(1).)

3 31. Vehicular Traffic in the Basin. The county's response to comments noted that
4 project-generated vehicle trips would contribute to vehicle miles travelled (VMT) in the Tahoe
5 Basin. The county pointed out that approximately 35 percent of daily peak trips in summer or 1,394
6 daily trips from the project would be into the Tahoe Basin. On a peak travel day the project would
7 generate approximately 13,745 VMT in the Tahoe Basin. The county noted that increased VMT
8 results in increased traffic congestion, increased nitrate loading into the atmosphere (and subsequent
9 deposition into Lake Tahoe), and an increase in the concentration of airborne particulates which
10 affect visibility and human health. The Attorney General pointed out that the Tahoe Regional
11 Planning Agency (TRPA) considers the addition of 200 daily trips to the Basin to be a significant
12 impact. Nevertheless, the county declined to use the TRPA threshold as a standard of significance
13 and failed to evaluate the impact. As the lead agency the county was required to determine whether
14 the increase in VMT in the Basin that will result from the project constitutes a significant impact.
15 (Pub. Resources Code, §§ 21002, 21002.1(a), 21100(b)(1).) The failure to do so was unlawful under
16 CEQA and constituted a prejudicial abuse of discretion.

17 18 TREE MORTALITY

19 32. Project Setting. On September 8, 2015, the Placer County Board of Supervisors
20 adopted Resolution No. 2015-253 proclaiming a public emergency in Placer County and declaring
21 that tree mortality has reached epidemic levels in Placer County due to extreme and prolonged
22 drought, pine beetles and other tree parasites and that further increases in tree mortality could be
23 expected in the near future. Governor Brown signed a similar proclamation on October 30, 2015.
24 Further, through the California Timberland Productivity Act of 1982, the California Legislature has
25 found that diversion of timberland to urban and other uses threatens to erode the state's timberland
26 and made it state policy to discourage the expansion of urban services into timberland. (Gov. Code,
27 § 51102(a)(3).) The county's discussion of the project setting for forest removal was unlawful
28 because it failed to discuss the over-riding circumstance of an on-going tree mortality epidemic in

1. The following information is being furnished to you for your information only. It is not intended to constitute an offer of insurance or any other financial product. It is not intended to be used as a basis for any investment decision. It is not intended to be used as a basis for any investment decision. It is not intended to be used as a basis for any investment decision.



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MEMORANDUM

To: Nanette Hansel, Ascent Environmental

From: Gordon Shaw, PE, AICP, LSC Transportation Consultants, Inc.

Date: ~~October 4~~ May 27, 2016

RE: Traffic Volumes and VMT for Placer Area Plan EIR/EIS

This memo presents the traffic volumes and VMT forecast for the forecasting to be used in the traffic analysis elements of the EIR/EIS for the Placer Area Plan.

Existing Traffic Volumes

Intersection PM peak-hour traffic volumes for busy summer conditions were drawn from the following sources, and represent the most recent available counts.

- State Route (SR) 89 / SR 28 (Tahoe City Wye) – SR 89/Fanny Bridge Community Revitalization Project Draft EIR/EIS/EA
- SR 28 / Mackinaw Road – LSC traffic count conducted 7/21/15
- SR 28 / Grove Street – SR 89/Fanny Bridge Community Revitalization Project Draft EIR/EIS/EA
- SR 28 / SR 267 – LSC traffic count conducted 8/1/2014
- SR 28 / Bear Street – LSC traffic count conducted 7/29/2011
- SR 28 / Coon Street – Fehr and Peers count conducted 9/4/2015

2035 Project Scenario Traffic Volumes

Existing Plus Project Alternative Scenarios

These scenarios include TRPA regional growth through 2035 as well as the impacts of the Area Plan and Tahoe City Lodge alternatives, but do not include additional external growth in traffic. These project scenario traffic volumes were developed as follows:

1. As discussed elsewhere, 2035 land use forecasts under each of the Area Plan alternatives were developed by Ascent Environmental staff, and approved by Placer County and TRPA staffs. These forecasts were prepared for each of the 60 Traffic Analysis Zones (TAZs) in the TRPA TransCAD region-wide transportation model.
2. TRPA staff then converted the land use forecasts into the variables used in the TransCAD model, and ran the model for each of the four Placer Area Plan alternatives, as well as the existing “base case”. Not that the alternative model runs assumed development in the remainder of the Tahoe Region, as well as within the Placer County portion of the Region, and did not reflect the traffic reassignment associated with the Fanny Bridge Community Revitalization Project.
3. LSC then used the traffic volume forecasts at the key study intersection for each of the model runs as provided by TRPA, and developed a growth factor for each movement and for each alternative. While the TRPA TransCAD model was developed to accurately model the major intersections (such as SR 28/SR 89 and SR 28/SR 267), it was not designed to model every individual public street intersection. Specifically, many of the TAZs encompass areas with multiple local public streets. As an example, all of the commercial area of Kings Beach north of SR 28, east of SR 267 and west of Chipmunk Street is a single TAZ. As a result, the model assigns traffic through only a few “TAZ centroid connectors”, rather than specifically on the individual public streets. In both Kings Beach (at Bear Street and Coon Street) and Tahoe City (at Grove Street), the overall growth of traffic volumes on local roadways was used to identify growth factors, and assigned to all movements with a capacity to accommodate traffic growth. While this is sufficient to reflect the overall impacts of the Area Plan alternatives, the resulting peak-hour turning movements into and out of the side streets reflect general overall growth in each community, rather than site-specific land use plans.
4. The summer PM peak-hour impact of Tahoe City Lodge was next calculated. As the TRPA model includes land use on the Lodge property which differed from the final alternative land uses due to changes in the alternatives, the trip generation associated with the land use quantities assumed by TRPA staff under each alternative was calculated and distributed to the roadway network using the distribution pattern also used by LSC. Next, the Lodge land uses specifically identified under each alternative were used to identify trip generation and distributed to result in turning movements. The alternative land use peak-hour volumes were added, and the peak-hour volumes associated with the TRPA model assumption land use were subtracted.
5. At the SR 89/SR 28 intersection, the approved Fanny Bridge Community Revitalization Project will change traffic volumes, through the provision of a new roadway connecting SR 89 south of this intersection with SR 89 west of this intersection. The Draft EIR traffic analysis for this project was reviewed to identify the proportion of traffic change on each movement between the future no-project condition and the future plus-project condition. The resulting factor was applied to the results of steps 1 through 4.

The resulting 2035 busy summer peak-hour volumes are shown in Table A.

Future Cumulative Analysis

A review of the TRPA TransCAD forecasts at the two external access points in the Placer County area (SR 89 just south of Alpine Meadows Road, and SR 267 at Brockway Summit)

indicated that the model reflects some but not all of the potential growth in external traffic volumes at these two points. The additional external traffic growth was defined as follows.

On the **SR 267** external corridor, the Town of Truckee maintains a separate TransCAD model. Because of the strong interaction of trips between the Town and the Martis Valley portion of Placer County, the area encompassed by this model includes the Town of Truckee, the Martis Valley area, and also several parcels of unincorporated Nevada County (including the Tahoe Truckee Airport). This model was recently updated. Important to this discussion, the model area extends south on SR 267 to Brockway Summit (making it directly adjacent to the TRPA Model area), and extends south on SR 89 to just south of West River Street (leaving an intervening area between the two models, encompassing Squaw Valley and Alpine Meadows).

The land use growth in the most recent Truckee/Martis model reflect the buildout of the Town of Truckee General Plan (assumed to occur in 2035), as well as the buildout of the current maximum land use growth under the Martis Valley Community Plan (MVCP). Since adoption of the MVCP in 2004, several major developments have been approved with maximum buildout levels below those identified in the MVCP, while other properties have been purchased for public open space. As a result, the current maximum buildout trip generation of the MVCP area is 35 percent lower than that identified in the MVCP EIR.

The current Truckee/Martis Model identifies existing summer PM peak-hour traffic volumes (total of both direction) over Brockway Summit of 1,055 vehicle-trips, and a buildout (assumed 2035) summer PM peak-hour volume forecast of 1,347 vehicle-trips. This reflects a 28 percent increase in traffic volumes.

As an aside, the Truckee/Martis Model assumes development of 760 single-family dwelling units on Southern Pacific Industries (SPI) lands, along with 17,000 square feet of commercial development. The currently proposed Martis Valley West project on these SPI lands would consist of 560 single family dwelling units (including 60 cabins), 200 multi-family dwelling units, and 34,500 square feet of commercial development. As multifamily units have a lower trip generation rate than single family units, the current land use proposal would generate 3 percent less external PM peak-hour vehicle-trips than the land uses assumed in the Truckee/Martis Model. This indicates that there is no need to add trips to reflect this specific development. To be conservative, however, and as the Martis Valley West project has not been approved, no reduction in the Truckee/Martis Model volume has been taken.

The Truckee/Martis Model forecasted growth is higher than the TRPA Model forecasted growth by 63 southbound vehicle-trips and 126 northbound vehicle-trips in the summer PM peak-hour. It is therefore appropriate and conservative (resulting in relatively high traffic forecasts) to add the incremental volume (Truckee/Martis Model volume minus TRPA Model volume) to the external volume growth at Brockway Summit. This adjustment to external traffic was then tracked through the Tahoe roadway system, based upon LSC's trip distribution.

For the **SR 89** external corridor, there is no existing transportation model encompassing the Squaw Valley / Alpine Meadows area¹. Based upon the current status of land use proposals, the traffic forecasts associated with the following projects were summed:

¹ The Truckee/Martis model area only extends as far south on SR 89 as West River Street. As a result of the intervening 9-mile gap between the two model areas and the significant traffic generators within this gap, the Truckee/Martis model does not produce forecasts useful to this analysis, necessitating the need for the alternative methodology.

- Village at Squaw Valley (as reflected in the *Village At Squaw Valley Specific Plan DEIR* (Ascent Environmental, May 2015).
- Plumpjack Squaw Valley Inn (as reflected in working draft documents). The DEIR is currently being prepared.
- Palisades at Squaw (as reflected in working draft documents). The DEIR is currently being prepared.
- Alpine Sierra Subdivision (as reflected in working draft documents). The DEIR is currently being prepared.

There are also several smaller potential developments currently under consideration in the Squaw Valley/Alpine Meadows area. In addition, these developments do not constitute the full potential development under the community plans. However, given the substantial level of overall development, it is reasonable to assume that in total they represent the market-driven development that could actually occur by 2035.

The resulting sum of volumes were found to exceed the TRPA Model growth volumes associated with development in Squaw Valley and Alpine Meadows at the SR 89 external point² by a total of 121 southbound vehicle-trips and 128 northbound vehicle-trips over the summer PM peak hour. These volumes were assigned to SR 89 at the external point, and then distributed through the remainder of the Tahoe roadway system based on LSC's trip distribution.

For the SR 89/SR28 intersection, these additional external volumes were adjusted to reflect the Fanny Bridge Community Revitalization Project redistribution of traffic. The resulting busy summer 2035 PM peak-hour volumes are presented in Table B. These volumes are then added to those shown in Table A to result in the future cumulative busy summer 2035 PM peak-hour volumes shown in Table C.

VMT Analysis

The analysis of Vehicle-Miles of Travel (VMT) generated in the Tahoe Basin over a busy summer day in 2035 is summarized in Table D. The basis of the analysis are the basin-wide VMT figures output by the TRPA TransCAD model for the four alternatives. These figures were then adjusted as follows:

- As discussed above, the land use assumptions for the Tahoe City Lodge site incorporated into the TransCAD model differ slightly from the current alternative land use assumptions for two of the four alternatives. As shown in Table E, the summer daily VMT generated by the land uses assumed in the model were calculated, based upon the trip generation and distribution factors used in the remainder of the analysis as well as the roadway miles between the Lodge site and the various trip origins/destinations. These figures were subtracted from the model results. The same methodology was

² A portion of the TRPA model growth forecasts at the external point are associated with growth in Squaw Valley/Alpine Meadows (while the remainder are associated with growth in travel between the Tahoe Basin and Truckee or points beyond Truckee). Based on turning movements along SR 89, it is estimated that 33 percent of the total future model growth is associated with Squaw Valley / Alpine Meadows growth. The additional TRPA Model growth figures were therefore reduced by 33 percent, thereby increasing the volumes added at the external point.

used to estimate the summer daily VMT generated by the proposed land uses under each alternative at buildout, as also shown in Table E, and added to the model volumes, resulting in a slight net change for Alternatives 1 and 3.

- Consistent with the methodology used in the analysis of VMT for the TRPA Regional Plan and Regional Transportation Plan, a reduction from the model VMT was applied to reflect factors (such as improvements in transit, bicycle, pedestrian and Transportation Demand Management programs) that are not reflected in the model analysis³. Per Table 9 of Appendix C: Modeling Methodology of the *Draft Regional Transportation Plan EIR/EIS*, the model outputs for each alternative were reduced by 2.0 percent to reflect the reductions on trips generated within the Tahoe Region. Consideration was also given to whether additional VMT reductions would result from the adoption of the Placer County Tahoe Basin Area Plan (over and above the Regional Plan reductions). The Placer County Tahoe Basin Area Plan includes a number of policy elements that would, if implemented, reduce auto use. In particular, Transportation Policies T-P-11 through T-P-23 present general policies to encourage pedestrian, bicyclist and transit travel by encouraging improved facilities, safer travel corridors, expanded bicycle parking, etc. However, the proposed policies are not significantly more aggressive in enhancing non-auto travel modes than the existing Community Plans, nor does the proposed Area Plan include specific implementation steps (such as new funding sources) to ensure implementation of the policies. As such, and to provide a conservative estimate of future traffic conditions, no further reductions in traffic volumes or VMT are applied to reflect changes in transportation policies.
- As discussed above, the TRPA model partially but not wholly reflects the potential impacts of development external to the Tahoe Region, specifically in the Squaw Valley/Alpine Meadows and the Truckee/Martis Valley areas. An analysis of the additional VMT within the Tahoe Region associated with this development not captured in the TRPA VMT figures is presented in Table F:
 - For the **SR 267** external point, the daily traffic identified in the recently-updated Truckee/Martis Valley model was distributed from the external point at Brockway Summit to specific areas within the Tahoe Region using LSC's distribution to estimate the growth in daily vehicle-trips to each internal area. The same procedure was applied to the TRPA model external daily traffic growth. Subtracting the lower TRPA model volume from the higher Truckee/Martis model volume yielded the additional daily vehicle-trips. This volume was multiplied by the highway travel distance for each trip pair and summed over all trips, to yield the additional VMT figure of 12,616 over a busy summer day through this external point.
 - For the **SR 89** external point, the total daily traffic growth identified by the TRPA model was divided into traffic volume growth associated with increased travel between the Tahoe Region and Squaw Valley/Alpine Meadows versus traffic volume growth associated with increased travel between the Tahoe Region and Truckee or points beyond Truckee (such as I-80 over Donner Summit). Based on current trip patterns, one third of the traffic growth was assigned to the Squaw Valley / Alpine Meadows area and two thirds to Truckee and beyond. This

³ To quantify this reduction, TRPA developed the Trip Reduction Impact Analysis (TRIA) tool, as described in Appendix C of the 2012 TRPA Regional Transportation Plan.

indicates that the TRPA model projects a growth of 328 daily vehicle-trips between the Tahoe Region and Squaw Valley/Alpine Meadows. The daily traffic volumes at the SR 89 external point resulting from four current developments in the Squaw Valley / Alpine Meadows area (Village at Squaw Valley, Plumpjack expansion, Alpine Sierra, and Palisades at Squaw) were summed, indicating daily traffic volume growth of 3,132 vehicle-trips. The external volume for the sum of the four developments was distributed to the various destination/origin areas with the Tahoe Region based on LSC distribution. The same methodology was applied to the TRPA external trip daily growth volume, and then subtracted to yield the additional growth between the SR 89 external point and each origin/destination. The resulting additional volumes were then multiplied by the highway trip length between the external point and each internal area, and summed. As shown in Table F, the additional VMT through this external point is estimated to be 29,861. Between the two external points, cumulative summer daily VMT is estimated to be increased by 42,477.

- This additional external VMT would also be reduced by the non-auto policies in the Regional Plan, though at a lower degree. Per Table 9 of Appendix C: Modeling Methodology of the *Draft Regional Transportation Plan EIR/EIS*, this adjustment for non-auto transportation strategies for internal-external trips is 0.78 percent resulting in a small reduction.

The resulting VMT estimates are shown in Table D. All alternatives would increase daily summer Tahoe Basin VMT over the existing condition (1,939,159 ~~7,070~~), ranging between 1,973,780 (Alternative 1) and 1,983,452 (Alternative 4). This represents between a 1.89 percent and a 2.34 percent increase in basin-wide VMT, respectively. Significantly, all of these figures are below the TRPA Air Quality Threshold value of 2,030,938 by at least 47,486. They are also below the VMT estimate for 2035 of 2,131,000 identified in the 2012 *Regional Transportation Plan EIS*.

TABLE A: Scenario Intersection Turning Movement Volumes -- Existing Scenarios

		Northbound			Southbound			Eastbound			Westbound			Total Vehicles
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Existing No Project														
1 SR89	SR28 (TC Wye)	318	74	304	30	89	13	48	344	417	362	323	21	2,343
2 SR89	Mackinaw/TC Lodge	2	0	17	3	0	7	6	699	2	7	611	14	1,368
3 SR28	Grove St	7	0	19	37	0	35	27	752	12	17	598	21	1,525
4 SR28	SR267	1	1	0	363	2	334	257	662	1	0	539	337	2,497
5 SR28	Bear St	28	1	23	25	0	79	43	605	23	16	634	18	1,495
6 SR28	Coon St	14	5	6	76	11	103	46	755	16	16	639	36	1,723
Existing + Alt 1														
1 SR89	SR28 (TC Wye)	96	34	165	39	42	51	76	521	79	211	491	26	1,831
2 SR89	Mackinaw	2	0	18	0	0	0	0	722	3	9	650	0	1,404
3 SR28	Grove St	7	0	19	51	0	48	37	719	12	17	603	29	1,542
4 SR28	SR267	1	1	0	367	2	386	279	666	1	0	562	323	2,589
5 SR28	Bear St	29	1	23	41	0	130	74	601	23	27	636	18	1,602
6 SR28	Coon St	14	5	6	125	11	169	79	729	36	27	620	36	1,857
Existing + Alt 2														
1 SR89	SR28 (TC Wye)	97	34	155	39	42	51	76	483	80	212	486	26	1,782
2 SR89	Mackinaw	2	0	18	0	0	0	0	712	3	11	622	0	1,368
3 SR28	Grove St	7	0	19	57	0	54	44	716	12	17	570	34	1,531
4 SR28	SR267	1	1	0	359	2	414	295	664	1	0	553	315	2,604
5 SR28	Bear St	29	1	23	42	0	131	74	597	23	28	623	18	1,589
6 SR28	Coon St	15	5	6	126	11	171	80	731	35	28	623	36	1,867
Existing + Alt 3														
1 SR89	SR28 (TC Wye)	93	34	174	39	42	51	76	535	76	220	503	26	1,869
2 SR89	Mackinaw	2	0	18	0	0	0	0	744	3	10	668	0	1,445
3 SR28	Grove St	7	0	19	60	0	57	42	733	12	17	603	33	1,583
4 SR28	SR267	1	1	0	368	2	403	295	670	1	0	561	327	2,629
5 SR28	Bear St	29	1	23	37	0	117	67	602	23	25	636	18	1,578
6 SR28	Coon St	14	5	6	112	11	152	72	709	29	25	597	36	1,767
Existing + Alt 4														
1 SR89	SR28 (TC Wye)	89	34	172	39	42	51	76	511	70	223	508	26	1,842
2 SR89	Mackinaw	2	0	18	17	0	19	16	759	3	10	653	38	1,535
3 SR28	Grove St	7	0	19	50	0	47	36	735	12	17	583	28	1,535
4 SR28	SR267	1	1	0	367	2	406	287	671	1	0	556	320	2,613
5 SR28	Bear St	28	1	23	42	0	133	74	601	23	27	626	18	1,596
6 SR28	Coon St	14	5	6	128	11	173	79	736	36	27	621	36	1,872

TABLE B: Intersection Turning Movement -- External Projects Not Fully Reflected in TRPA Model

		Northbound			Southbound			Eastbound			Westbound			Total Vehicles
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Additional External Volumes: Squaw Valley/Alpine Meadows Projects - Village at Squaw Valley, Palisades, PlumpJack, Alpine Sierra														
1 SR89	SR28 (TC Wye)	57	0	0	0	0	0	7	59	54	0	63	0	240
2 SR89	Mackinaw	0	0	0	0	0	0	0	59	0	0	63	0	122
3 SR28	Grove St	0	0	0	0	0	0	0	59	0	0	63	0	122
4 SR28	SR267	0	0	0	0	0	0	0	25	0	0	27	0	52
5 SR28	Bear St	0	0	0	0	0	0	0	16	0	0	17	0	33
6 SR28	Coon St	0	0	0	0	0	0	0	12	0	0	13	0	25
Additional External Volumes: Martis Valley/Truckee														
1 SR89	SR28 (TC Wye)	0	0	23	0	0	0	0	0	0	12	0	0	35
2 SR89	Mackinaw	0	0	0	0	0	0	0	23	0	0	12	0	35
3 SR28	Grove St	0	0	0	0	0	0	0	33	0	0	16	0	49
4 SR28	SR267	0	0	0	32	0	29	64	0	0	0	0	58	183
5 SR28	Bear St	5	0	0	0	0	5	2	21	2	0	42	0	78
6 SR28	Coon St	4	0	0	0	0	4	2	17	2	0	35	0	64

TABLE C: Scenario Intersection Turning Movement Volumes -- Future Cumulative Scenarios

		Northbound			Southbound			Eastbound			Westbound			Total Vehicles
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Future Cumulative + Alt 1														
1 SR89	SR28 (TC Wye)	113	34	177	39	42	51	87	603	89	218	583	26	2,062
2 SR89	Mackinaw	2	0	18	0	0	0	0	804	3	9	724	0	1,561
3 SR28	Grove St	7	0	19	51	0	48	37	811	12	17	682	29	1,712
4 SR28	SR267	1	1	0	399	2	415	343	691	1	0	589	382	2,824
5 SR28	Bear St	34	1	23	41	0	134	76	638	25	27	695	18	1,713
6 SR28	Coon St	18	5	6	125	11	173	81	759	38	27	668	36	1,946
Future Cumulative + Alt 2														
1 SR89	SR28 (TC Wye)	114	34	167	39	42	51	87	565	90	219	578	26	2,013
2 SR89	Mackinaw	2	0	18	0	0	0	0	794	3	11	696	0	1,525
3 SR28	Grove St	7	0	19	57	0	54	44	808	12	17	649	34	1,701
4 SR28	SR267	1	1	0	390	2	443	359	689	1	0	579	373	2,839
5 SR28	Bear St	34	1	23	42	0	136	77	634	25	28	683	18	1,700
6 SR28	Coon St	19	5	6	126	11	175	81	760	37	28	671	36	1,956
Future Cumulative + Alt 3														
1 SR89	SR28 (TC Wye)	110	34	186	39	42	51	87	616	86	227	595	26	2,100
2 SR89	Mackinaw	2	0	18	0	0	0	0	827	3	10	742	0	1,602
3 SR28	Grove St	7	0	19	60	0	57	42	825	12	17	682	33	1,753
4 SR28	SR267	1	1	0	399	2	432	360	695	1	0	588	385	2,864
5 SR28	Bear St	34	1	23	37	0	122	69	639	25	25	696	18	1,689
6 SR28	Coon St	18	5	6	112	11	156	74	738	31	25	645	36	1,856
Future Cumulative + Alt 4														
1 SR89	SR28 (TC Wye)	106	34	184	39	42	51	87	593	80	230	600	26	2,073
2 SR89	Mackinaw	2	0	18	31	0	31	26	842	3	10	727	62	1,752
3 SR28	Grove St	7	0	19	50	0	47	36	827	12	17	662	28	1,705
4 SR28	SR267	1	1	0	399	2	435	351	696	1	0	583	378	2,848
5 SR28	Bear St	33	1	23	42	0	137	76	638	25	27	685	18	1,706
6 SR28	Coon St	18	5	6	128	11	177	81	766	38	27	669	36	1,962

TABLE D: Regionwide VMT Analysis for Placer Tahoe Basin Area Plan

	Placer Area Plan Alternative			
	Alt One	Alt Two	Alt Three	Alt Four
Existing 2015 Regionwide VMT	<u>1,939,159</u>	<u>1,937,070</u>		
TRPA TransCAD Model -- Unadjusted	1,968,788	1,977,429	1,973,828	1,980,925
Minus TRPA TransCAD VMT on Tahoe City Lodge Site	-6,302	-2,943	-6,302	-13,910
Plus VMT Generated by Tahoe City Lodge Site	8,570	2,943	8,570	13,910
Minus TRIA Adjustment for RTP Mode Shift Policies	-39,421	-39,549	-39,522	-39,619
Plus External VMT Not Fully Reflected in TRPA Model	42,477	42,477	42,477	42,477
Minus TRIA Adjustment for Additional External VMT	-331	-331	-331	-331
Regionwide VMT	1,973,780	1,980,026	1,978,719	1,983,452
<i>Increase Over Existing: #</i>	34,621	40,867	39,560	44,293
<i>Increase Over Existing: %</i>	<u>1.8%</u> 1.9%	<u>2.1%</u> 2.2%	<u>2.0%</u> 2.2%	<u>2.3%</u> 2.4%
TRPA Compact Threshold	2,030,938	2,030,938	2,030,938	2,030,938
Threshold Minus Alternative Regionwide VMT	57,158	50,912	52,219	47,486
Alternative Attains Compact Threshold?	Yes	Yes	Yes	Yes

TABLE E: Analysis of Tahoe City Lodge VMT

Origins/Destination within the Lake Tahoe Basin			Existing Non Pass-by	Lodge Alternative Land Use			
				1	2	3	4
Daily 1-Way Vehicle Trips	Distribution						
	Lodge	Retail Non-Passby					
	South Lake Tahoe	3% 2%	19	34	12	34	44
	Emerald Bay	4% 1%	9	45	16	45	22
	Homewood/Tahoma	10% 10%	93	113	39	113	219
	Sunnyside	8% 9%	84	91	31	91	197
	Eastern Tahoe City	5% 9%	84	57	19	57	197
	Dollar Hill/Lake Forest	0% 9%	84	0	0	0	197
	Carnelian Bay	4% 9%	84	45	16	45	197
	Tahoe Vista	9% 9%	84	102	35	102	197
	Kings Beach/ Crystal Bay	16% 12%	112	181	62	181	263
	Incline Village/East Shore	6% 5%	47	68	23	68	110
	SR 89 North	35% 25%	233	397	136	397	548
Total	100% 100%	932	1,133	389	1,133	2,191	
Daily Vehicle-Miles of Travel	Trip Length (Miles)						
	South Lake Tahoe	31.2	582	1,060	364	1,060	1,367
	Emerald Bay	18.8	175	852	293	852	412
	Homewood/Tahoma	8.6	802	974	335	974	1,884
	Sunnyside	2.4	201	218	75	218	473
	Eastern Tahoe City	0.4	34	23	8	23	79
	Dollar Hill/Lake Forest	2.4	201	0	0	0	473
	Carnelian Bay	5.7	478	258	89	258	1,124
	Tahoe Vista	8.2	688	836	287	836	1,617
	Kings Beach/ Crystal Bay	10.0	1,119	1,813	622	1,813	2,629
	Incline Village/East Shore	16.3	760	1,108	380	1,108	1,786
	SR 89 North	3.6	839	1,428	490	1,428	1,972
	Total		5,879	8,570	2,943	8,570	13,816

TABLE F: Analysis of Additional External Trip VMT Not Reflected in TRPA Model

Origins/Destination within the Lake Tahoe Basin	SR 267 External Point			SR 89 North External Point										Total: Both External Corridors	
	Tahoe Model Growth	Truckee/ Martis Model Growth	Subtotal: Additional Over Tahoe Model	Tahoe Model		Squaw Valley/Alpine Mdws Area Projects (3)						Subtotal: Additional Growth in Travel To/From Squaw Valley/Alpine Meadows Over Tahoe Model			
				Total Growth	Portion: Growth in Travel To/From Squaw Valley/Alpine Meadows (2)	Portion: Growth in Travel To/From Truckee and Beyond	Village at Squaw Valley				Alpine Sierra		Palisades		
							Total Growth in Travel To/From Squaw Valley/Alpine Meadows	Total Growth in Travel To/From Squaw Valley/Alpine Meadows	Total Growth in Travel To/From Squaw Valley/Alpine Meadows	Total Growth in Travel To/From Squaw Valley/Alpine Meadows					
Daily Vehicle-Trips															
Distribution of External Trips Internally Within Tahoe Region (1)															
SR 267SR 89 North															
South Lake Tahoe	4%	3%	50	92	42	26	9	18	75	2	3	6	86	77	119
Emerald Bay	5%	4%	63	115	53	41	14	28	118	3	5	5	131	117	170
Homewood	5%	18%	63	115	53	174	58	116	497	13	19	8	537	479	531
Sunny Side	5%	11%	63	115	53	113	38	76	323	8	12	7	351	313	365
Tahoe City	18%	29%	226	415	189	286	95	190	815	21	29	83	949	854	1,043
Carmelian Bay	4%	4%	50	92	42	34	11	23	96	3	2	3	104	93	135
Tahoe Vista	6%	8%	75	138	63	80	27	54	229	6	8	7	250	223	286
Kings Beach/ Crystal Bay	31%	17%	390	716	326	168	56	112	479	13	15	21	528	472	797
Incline Village/East Shore	20%	5%	251	462	210	61	20	40	173	4	6	14	197	176	387
Spooner Summit	2%	0%	25	46	21	0	0	0	0	0	0	0	0	0	21
Total	1,257	2,308	1,051	984	328	656	2,807	73	98	154	3,132	2,804	3,855		
Daily Vehicle-Miles of Travel															
Tahoe Internal Trip Length by External Point (Mi.)															
SR 267SR 89 North															
South Lake Tahoe	35.0	34.5			1,471								2,668	4,139	
Emerald Bay	37.2	22.0			1,955								2,576	4,531	
Homewood	20.5	12.0			1,077								5,746	6,823	
Sunny Side	14.4	5.9			757								1,845	2,602	
Tahoe City	12.5	4.0			2,365								3,414	5,779	
Carmelian Bay	7.3	9.3			307								863	1,170	
Tahoe Vista	4.7	11.9			296								2,655	2,951	
Kings Beach/ Crystal Bay	4.6	13.7			1,499								6,461	7,960	
Incline Village/East Shore	11.5	20.6			2,417								3,633	6,050	
Spooner Summit	22.4	--			471								0	471	
Total					12,616								29,861	42,477	

Note 1: LSC estimates, based upon summer traffic counts.

Note 2: Based on review of existing summer turning movements on SR 89 at Squaw Valley Road and Alpine Meadows Road, one-third of external traffic growth identified in the TRPA Model is estimated to be growth associated with Squaw Valley / Alpine Meadows and the remaining two-thirds associated with Truckee and beyond.

Note 3: Sources -- Village at Squaw Valley Specific Plan Draft Environmental Impact Report (Ascent Environmental, May 2015), PlumJack Squaw Valley Inn Expansion Traffic & Parking Impact Analysis (LSC, July 2014), Alpine Sierra Subdivision Traffic Impact Analysis (LSC, April 2015) and Palisades at Squaw Transportation Impact Analysis (LSC, October 2015).

development—and therefore, its vehicle trip generation—with new uses. It is the intent of both the Area Plan and Regional Plan that the redevelopment would be concentrated in the town centers, with a focus on, among other things, reduced congestion and support of transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety (TRPA 2012:1-1).

EMERGENCY EVACUATION ANALYSIS

Comments express concern that increased peak period congestion will interfere with emergency access and evacuation. These are two very different issues; changes in travel time identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. The traffic analysis was conducted assuming busy but non-emergency traffic conditions, and standard traffic controls. Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls. Emergency personnel would restrict traffic entering the evacuation area to maximize roadway capacity for evacuating traffic. Inbound lanes, or portions thereof, could be redirected to provide additional outbound capacity. Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.

The time required to complete an evacuation depends on innumerable factors, including the size and specific area to be evacuated, season, day of the week, time of day, the advance time available, and specific routes available. Moreover, given the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur. Given these uncertainties, conducting detailed analyses of travel time based on a specific scenario would largely be an exercise in supposition.

A more useful measure of the impact of the various alternatives on evacuation conditions can be provided by an evaluation of the relative number of vehicles that would require evacuation (assuming full evacuation of the Plan area. This evaluation is shown in Table 3-4, and is based on the number of evacuation vehicles generated by the following sources:

- ▲ Evacuation vehicles associated with **permanent residents** can be estimated based upon the number of permanent housing units (per Table 6-8 of the Draft EIR/EIS). It is assumed that some households (20 percent for purposes of this calculation) choose to take two cars in the evacuation.
- ▲ The number of **seasonal resident** vehicles are estimated by considering the number of **non-permanent dwelling units** (per Table 6-8, assuming that all units not permanently occupied are seasonally occupied). However, even at peak times many seasonally-used dwelling units are not occupied on any one day. The TRPA TransCAD socioeconomic dataset includes an estimate for the Placer Area of 47 percent of seasonal units occupied. To be conservative and reflect a peak condition, it is assumed that 66 percent of these units are occupied. The same number of evacuation vehicles per occupied unit (1.2) is also applied.
- ▲ **Overnight visitor** evacuation vehicles are estimated by totaling the number of lodging units (per Table 6-8) and the number of campground sites (per the TRPA TransCAD socioeconomic dataset). In addition, consistent with the other portions of the Draft EIR/EIS the Brockway Campground (550 sites) is assumed for all future alternatives. One evacuating vehicle is assumed for all units and sites.
- ▲ **Day visitor** vehicles for existing conditions were estimated based upon parking counts presented in the *North Tahoe Parking Study* (LSC, 2015), the proportion of visitors that are not lodged in the area (per the *North Lake Tahoe Resort Association Visitor Research Summary* [RC Associates 2014]), the *Connecting Tahoe Rim Trail Users to Transportation Alternatives Study* (LSC 2015) and counts of parking spaces and shoulder parking at activity centers. While the various future alternatives do not include land use elements that would substantially change recreational day visitor levels, the additional commercial growth would provide increased capacity to accommodate day visitors. The additional day visitor vehicles

associated with this growth was estimated by applying a weighted average parking demand rate, and factoring for the proportion of future peak parking demand generated by day visitors.

- Finally, additional evacuation vehicles will be generated by **employees commuting to the study area**. The total growth in area employment (per Table 6-8) was factored by an estimate of the proportion of employees commuting from outside the Plan area (per the employee survey data presented in the *Truckee North Tahoe Regional Workforce Housing Needs Assessment (BAE 2016)*, and factored by the proportion of total payroll employees that would be onsite at a peak time during a summer weekday (when employment is highest).

Table 3-4 Comparison of Total Evacuation Traffic Volumes

Input Data	2014 Existing Conditions	2035 Projected Conditions			
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total Housing Units	11,190	12,206	12,206	12,206	12,206
Permanent Housing Units	3,698	4,192	4,192	4,191	4,168
Seasonal Housing Units	7,492	8,014	8,014	8,015	8,038
Tourist Accommodation Units	1,340	1,911	1,511	1,711	1,511
Campground Sites	236	786	786	786	786
Jobs (Payroll Employees)	3,553	4,358	5,062	4,524	5,062
Commercial Floor Area	1,306,564	1,396,882	1,576,882	1,486,882	1,576,882
Additional Commercial Floor Area (KSF)		90.3	270.3	180.3	270.3
Existing Day Visitor Peak Parked Vehicles	730				
Evacuation Vehicles per Residence	1.2				
Evacuation Vehicles per Lodging Unit/Campground Site	1.0				
Assumed Proportion of Seasonal Housing Units Occupied at Peak Time	66%				
% of Visitors that are Day Visitors	22%				
Estimated Weighted Average Commercial Parking Rate	5.9	Spaces per KSF			
% New Commercial Parking Demand Generated by Visitors	80%				
% of Payroll Employees Onsite at Peak Time	60%				
% of Payroll Employees Not Living in Plan Area	50%				
Employees per Evacuation Vehicle	1.2				
Total Estimated Vehicles for Evacuation					
Permanent Residents	4,438	5,030	5,030	5,029	5,002
Seasonal Residents	5,934	6,347	6,347	6,348	6,366
Overnight Visitors	1,576	2,697	2,297	2,497	2,297
Day Visitors	728	822	1,008	915	1,008
Onsite Employees Not Living In Plan Area	888	1,090	1,266	1,131	1,266
Total Vehicles for Evacuation	13,563	15,985	15,948	15,920	15,939
Change Over Existing		2,422	2,385	2,357	2,375
% Change Over Existing		17.9%	17.6%	17.4%	17.5%
Excluding Brockway Campground					
Total Vehicles	13,563	15,435	15,398	15,370	15,389
Increase Over Existing		1,872	1,835	1,807	1,825
% Increase Over Existing		13.8%	13.5%	13.3%	13.5%

Source: Information provided by LSC Transportation Consultants, Inc. in 216

As shown in the Table 3-4, the total number of vehicles to be evacuated under baseline conditions is estimated to be 13,563. This increases under the future alternatives to 15,920 (Alternative 3) to 15,985 (Alternative 1) vehicles. This is equivalent to a 17.5 percent to 17.9 percent increase in vehicle. All of the future alternatives result in a very similar number, including the no project alternative, with only a 0.4 percent difference between the lowest and highest value. If the Brockway Campground is not constructed, the evacuation traffic volume is reduced to between 13.3 percent and 13.8 percent, depending on the alternative.

These figures can be used to gain a rough understanding of the impacts of the various alternatives on evacuation travel time. One reasonable scenario (assuming full evacuation) would be that two egress points are available (such as SR 89 and SR 267 to the north) with the southbound travel lanes not available for evacuation (to provide ingress for emergency vehicles). A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles (including Brockway Campground) by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1). This difference in the future alternatives value is equal to 1.1 minutes of additional evacuation time. In other words, the remaining development potential in the Plan area, with or without the proposed Area Plan and Tahoe City Lodge, will result in some increase in vehicle traffic which will extend the time required to evacuate the area. Because the remaining development potential is modest, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Comments were received that suggest that the EIR/EIS should define performance standards to ensure additional people and vehicles from new or redeveloped projects do not impede evacuation, or other means to evaluate the impacts of additional vehicles on the roadway capacity during emergency events. Performance standards are required when mitigation measures are recommended for significant impacts and the details of that mitigation are necessarily deferred. Because no significant effects have been identified, performance standards are not required.

PLACER COUNTY EMERGENCY RESPONSE PLANS

Placer County has in place several existing emergency response plans, including the Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, and Lake Tahoe Geographic Response Plan [LTGRP]). Each of these plans is summarized on pages 18-6 through 18-10 of the Draft EIR/EIS and each fulfills its stated purpose. The Placer Operational Area East Side Emergency Evacuation Plan was developed to help increase preparedness and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the county in the event of an emergency, such as a forest fire or flood. The Placer County Local Hazard Mitigation Plan was developed to reduce or eliminate long-term risk to people and property from natural hazards and their effects, and includes implementing actions and programs that would help reduce wildfire hazards including, but not limited to, Firewise Communities/USA Education Outreach, Hazardous Vegetation Abatement Program, Biomass Removal Projects, and Annual Defensible Space Inspections Program in the Unincorporated County. The LTGRP is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies.

With regard to the Placer Operational Area East Side Emergency Evacuation Plan, specifically, and its applicability to the Plan area, page 1 of the plan states, “[f]or the purposes of this plan, the ‘eastern side’ comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit [LTBMU].” The LTBMU consists of only National Forest System land only. The East Side Emergency Evacuation Plan prescribes specific responsibilities for first responders and other agencies that would be involved in an emergency

evacuation, defines typical evacuation scenarios, establishes incident command responsibilities, and addresses traffic control, transportation, resources and support, communications, care and shelter, and animal services. It identifies nine evacuation center and the major evacuation routes to include Interstate 80, and SRs 267, 89, and 28. Exhibit 3-2 shows evacuation routes for the Placer County portion of the Tahoe Basin (North Tahoe Fire Protection District 2016). It also appropriately recognizes challenges in the Tahoe Basin, that “the dense forests, rugged terrain, and the scarcity of roads in the area - problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.” (Placer County Office of Emergency Services 2015:1)

On comment suggests that the Area Plan does not comply with the requirements of Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan's Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). The additional policies include the following:

- **Policy N-H-P-6.** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- **Policy N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

WILDFIRE HAZARDS AND EMERGENCY EVACUATION

Wildland fire hazards are described on page 18-12, and shown in Exhibit 18-1 of the Draft EIR/EIS. These discussions explain, and the exhibits show, that the Plan Area contains moderate, high, and very high fire hazard severity zones, and the Tahoe City Lodge is located in a very high fire hazard severity zone. The significance criterion related to wildfires is described on page 18-14 of the Draft EIR/EIS: expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the project setting in a moderate to a very high fire hazard area and the significance criterion, the Draft EIR/EIS concludes that the impact related to exposure of people or structures to a significant risk of loss, injury, or death involving wildfire for the Area Plan and Tahoe City Lodge would be less than significant (see Impact 18-4 on pages 18-27 through 18-30 of the Draft EIR/EIS), because future development in the Placer County portion of the Tahoe Basin, including the Tahoe City Lodge, would be required to comply with Regional Plan policies, existing local and state regulations for fire protection (including North Tahoe Fire Protection District review and approval to ensure all fire protection measures are incorporated into the project design), and proposed Area Plan policies for fire fuel reduction and increases in defensible space. While such policies do not directly affect the issue of emergency evacuation, they serve to reduce the severity and extent of wildfires, improve the ability to control and fight wildfires, improve the ability to shelter in place in appropriate structures, and ultimately reduce the potential for loss of life and property. Impact 14-4 on page 19-32 assesses cumulative wildland fire hazards, which describes fire hazards from a regional perspective.



Exhibit 3-2

Evacuation Routes

AREA PLAN AND TAHOE CITY LODGE EFFECTS ON EMERGENCY EVACUATION AND RESPONSE

Several comments suggest that the project will result in substantially greater traffic generation and congestion that will impede the ability of emergency responders to both access and evacuate areas within the limits of the Plan area and beyond during emergency situations. While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.

First, as described above, changes in travel time (i.e., reduced LOS) identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.

Second, new development potential is very limited. Remaining commodities include 43 residential development rights, 77,175 square feet of CFA (approximately equal to a single supermarket, or several small businesses), and 61 tourist accommodation units. This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable.

Third, this level of additional development could occur *with or without* the Area Plan. As noted above, the Area Plan consist of a body of policies, implementation plans, and a land use map to guide future development and redevelopment; no provision of the plan proposes or approves development. The Tahoe City Lodge project must comply with existing requirements of the Regional Plan to secure the development rights necessary to implement the project—it does not increase the regional cap on any development rights. In addition, as a redevelopment project, it will supplant existing uses on the site and generate fewer total daily vehicle trips than those uses.

Fourth, as described in Chapter 10 of the Draft EIR/EIS, implementation of any of the alternatives would result in very modest increases in average daily trips (ADT) during summertime peak-hour periods in the year 2035—on the order of 4.5 percent for the study area as a whole, and 2.8 percent on SR 28. Importantly, ADT generated by the no project alternative would be essentially the same (see Table 10-5 of the Draft EIR/EIS). For the most congested roadway segment (SR 28, Between Wye and Grove Street), each of the action alternatives would reduce the number of vehicles heading eastbound relative to existing conditions and the no project Alternative, and westbound relative to the no project alternative. With regard to total vehicle miles traveled (VMT), implementation of Alternatives 1 and 3 would reduce total VMT in 2035 (that is, under cumulative conditions) relative to existing conditions and VMT resulting from Alternative 2 would be essentially the same. VMT under the no project alternative would be slightly worse. (See Draft EIR/EIS Table 10-12). In other words, analysis shows that, as compared to existing conditions and especially to the no project alternative in 2035, implementation of the Area Plan and Tahoe City Lodge would have relatively minor traffic impacts. Traffic conditions in 2035 will be influenced more by the type and location of subsequent development, which cannot be accurately predicted, than by the Area Plan itself.

Fifth, as described in the Draft EIR/EIS, new buildings and structures are required to be constructed consistent with the latest fire code requirements (updated every 3 years) and defensible space requirements. New projects in Placer County, such as the Tahoe City Lodge, are required to obtain fire district approval prior to permit issuance by Placer County and TRPA and, pursuant to policies added to the Area Plan, would be required to prepare emergency preparedness and evacuation plans.

Finally, the Draft EIR/EIS discusses interference with an emergency response plan or emergency evacuation plan (see Chapter 18, Impact 18-3). As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes. Placer County maintains Placer Alert, a state of the art community notification system to alert residents about emergency events and other important public safety information,

and the Placer Operational Area East Side Emergency Evacuation Plan, described above. The plan addresses all elements of emergency response and evacuation of the Placer County portion of the Tahoe Basin and is incorporated into the Placer County Tahoe Basin Area Plan.

CONCLUSION

Issues of wildfire, emergency access, and evacuation are important concerns, as they would be for any mountain community susceptible to wildfire. The Draft EIR/EIS includes a thorough evaluation of the issue, and based on that analysis, it is determined that implementation of the proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area. Few development rights remain for the Plan area, so the potential for additional growth and associated traffic congestion is not only limited, but could be implemented with or without the Area Plan. The traffic analysis demonstrates very little change in traffic conditions with any of the action alternatives in 2035, and the no project alternative is generally similar or worse. The Tahoe City Lodge would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the “No Project” alternative (Alternative 4). Placer County maintains a comprehensive emergency evacuation plan and a notification system to alert the community in the event of an emergency or need for evacuation. While the location, intensity, speed, and direction of a given wildfire cannot be predicted, systems are in place for wildfire tracking and response by applicable agencies, and there is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.

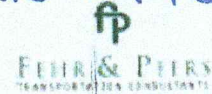
Appendix A
BASELINE TAHOE BILTMORE TRIP GENERATION

Appendix A: Baseline Tahoe Biltmore Trip Generation

	Daily	PM Peak Hour
Trip Generation from Counts		168
PM Peak Hour/Daily Trip Generation Ratio (6.4%)	2,625	
Tahoe Biltmore Overflow Parking Lot Trip Generation	114	57
Operating Conditions Adjustment (28% decline)	1,068	87
Pass-By Trips ¹	-184	-15
Crystal Bay Motel Trip Generation	186	11
Crystal Bay Office Trip Generation	86	12
Total Trip Generation at Site Driveways (without Pass-by Reduction)	4,079	335
Total Trip Generation on External Roadways (after Pass-by Reduction)	3,895	320
Note 1: Pass-by Trips Updated per Alternative Pass-by Calculation memo by Fehr & Peers (March 11, 2011) Source: Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes (May 17, 2010)		

Appendix A:
Reference for Baseline Biltmore DVTE

Mr. Brueck
March 11, 2011
Page 2 of 2



PROJECT ALTERNATIVES TRIP GENERATION SUMMARY				
Alternative	Trip Generation (with Original Pass-By Calculations)		Trip Generation (with New Pass-By Calculations)	
	PM Peak Hour	Daily	PM Peak Hour	Daily
Existing Conditions (Based on 2008 Traffic Counts) ¹	234	2,846	237	2,880
Baseline Existing Conditions ²	315	3,849	320	3,895
Alternative A	373	5,853	381	5,934
Alternative B	504	7,870	513	7,957
Alternative C	274	3,501	294	3,891
Alternative C (Reduced)	260	3,389	281	3,766
Alternative D	302	3,948	330	4,419
Alternative E	554	8,468	566	8,609
Notes: ¹ Includes trip generation estimates of the Tahoe Biltmore overflow parking lot, Crystal Bay Motel, and Crystal Bay office space. ² Includes an adjustment factor to account for the economic conditions at the time the traffic volumes counts were collected. Sources: Fehr & Peers, 2011				

As shown in the table, Alternative C and Alternative C (Reduced) generate fewer daily and PM peak hour trips than Alternative A (TRPA Significance Standard) and the Alternative Baseline Existing Conditions (Appendix AA) (calculations provided in the Final EIS). Therefore, the conclusions in the FEIS are unchanged (i.e. no additional impacts identified).

Appendix A: Reference for Baseline Biltmore Pass-By Trips

Mr. Brueck
July 6, 2010
Page 11 of 17



TABLE 8 BASELINE TAHOE BILTMORE DAILY TRIP GENERATION		
	PM Peak Hour	Daily
Trip Generation from Counts	168	
PM Peak Hour/Daily Trip Generation Ratio (8.4%)		2,825
Tahoe Biltmore Overflow Parking Lot Trip Generation	57	114
Operating Conditions Adjustment (28% decline) ¹	87	1,068
Pass-By Trips ²	(-20)	(-230)
Crystal Bay Motel Trip Generation ³	11	188
Crystal Bay Office Trip Generation ³	12	86
Total	315	3,849
Notes: ¹ Adjustment is applied to counted volumes and Tahoe Biltmore overflow parking lot volumes because the Tahoe Biltmore overflow parking lot information provided was specific to the time that the traffic count data was collected and employee levels represent the 2008 operating conditions of the Tahoe Biltmore. ² Pass-by trips only apply to traffic count volumes and the growth applied to the traffic count volumes. ³ The 2006 adjustment was not applied to the Crystal Bay Motel or Crystal Bay office space, as these trips were estimated based on TRPA Trip Table and ITE trip generation rates. Source: Fehr & Peers, 2010		

BASELINE AND PROJECT ALTERNATIVES TRIP GENERATION COMPARISON

Project Alternatives Trip Generation

Tables 9, 10, 11, 12 and 13 show the trip generation estimates for Boulder Bay project alternatives A, B, C, D, and E, respectively. The Crystal Bay Motel and Crystal Bay office will remain part of the project site for Alternatives A, B, and E, and have been included in the trip generation estimates for these alternatives to provide a direct comparison to the existing trip generation of the site. Alternatives C and D will remove the Crystal Bay Motel, therefore this use was not included in the trip generation estimates for these alternatives.

Appendix B
BOULDER BAY TRIP GENERATION

Appendix B: Boulder Bay Trip Generation

Land Use	Density	Unit	Daily	PM Peak Hour
Whole Ownership (Condo)	59	DU	346	31
Employee Housing (Apartment)	14	DU	94	9
Hotel	301	Rooms	2,685	211
Casino	1	KSF	2,659	167
Meeting Space	21.253	KSF	Accessory Use to Hotel	
Spa	19.089	KSF	Accessory Use to Hotel	
Fitness Center	9.86	KSF	Accessory Use to Hotel	
Daycare Center	1.665	KSF	Accessory Use to Hotel	
Convenience Dining	1.25	KSF	Accessory Use to Hotel	
Café/Fast Food	1.25	KSF	895	33
Casual Dining (High Turnover Sit-Down Restaurant)	3.398	KSF	432	38
Fine Dining (Quality Restaurant)	4.825	KSF	434	36
Bar/Lounge	2.25	KSF	Accessory Use to Hotel	
Specialty Retail	9.272	KSF	411	25
Service Retail	3.65	KSF	Accessory Use to Hotel	
County Park	3.07	Acres	7	0
Crystal Bay Office Space	7,772	KSF	86	12
Total "Raw" Trip Generation			8,049	562
Alternative Mode Trips			-959	-69
Internal Capture Trips			-2,625	-162
Pass-By Trips ¹			-574	-37
Total Trip Generation at Site Driveways (without Pass-by Reduction)			4,465	331
Total Trip Generation on External Roadways (after Pass-by Reduction)			3,891	294

DU = Dwelling Units; KSF = 1,000 square feet

Note 1: Pass-by Trips Updated per Alternative Pass-by Calculation memo by Fehr & Peers (March 11, 2011)

Source: Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes (July 6, 2010)

Appendix B:
Boulder Bay (Alternative C) DVTE

PROJECT ALTERNATIVES TRIP GENERATION SUMMARY				
Alternative	Trip Generation (with Original Pass-By Calculations)		Trip Generation (with New Pass-By Calculations)	
	PM Peak Hour	Daily	PM Peak Hour	Daily
Existing Conditions (Based on 2008 Traffic Counts) ¹	234	2,848	237	2,880
Baseline Existing Conditions ²	315	3,849	320	3,895
Alternative A	373	5,953	381	5,934
Alternative B	504	7,870	513	7,957
Alternative C	274	3,501	284	3,891
Alternative C (Reduced)	260	3,399	281	3,768
Alternative D	302	3,948	330	4,419
Alternative E	554	8,468	566	8,609
Notes: ¹ Includes trip generation estimates of the Tahoe Biltmore overflow parking lot, Crystal Bay Motel, and Crystal Bay office space. ² Includes an adjustment factor to account for the economic conditions at the time the traffic volumes counts were collected. Sources: Fehr & Peers, 2011				

As shown in the table, Alternative C and Alternative C (Reduced) generate fewer daily and PM peak hour trips than Alternative A (TRPA Significance Standard) and the Alternative Baseline Existing Conditions (Appendix AA) (calculations provided in the Final EIS). Therefore, the conclusions in the FEIS are unchanged (i.e. no additional impacts identified).

development—and therefore, its vehicle trip generation—with new uses. It is the intent of both the Area Plan and Regional Plan that the redevelopment would be concentrated in the town centers, with a focus on, among other things, reduced congestion and support of transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety (TRPA 2012:1-1).

EMERGENCY EVACUATION ANALYSIS

Comments express concern that increased peak period congestion will interfere with emergency access and evacuation. These are two very different issues; changes in travel time identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. The traffic analysis was conducted assuming busy but non-emergency traffic conditions, and standard traffic controls. Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls. Emergency personnel would restrict traffic entering the evacuation area to maximize roadway capacity for evacuating traffic. Inbound lanes, or portions thereof, could be redirected to provide additional outbound capacity. Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.

The time required to complete an evacuation depends on innumerable factors, including the size and specific area to be evacuated, season, day of the week, time of day, the advance time available, and specific routes available. Moreover, given the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur. Given these uncertainties, conducting detailed analyses of travel time based on a specific scenario would largely be an exercise in supposition.

A more useful measure of the impact of the various alternatives on evacuation conditions can be provided by an evaluation of the relative number of vehicles that would require evacuation (assuming full evacuation of the Plan area. This evaluation is shown in Table 3-4, and is based on the number of evacuation vehicles generated by the following sources:

- ▲ Evacuation vehicles associated with **permanent residents** can be estimated based upon the number of permanent housing units (per Table 6-8 of the Draft EIR/EIS). It is assumed that some households (20 percent for purposes of this calculation) choose to take two cars in the evacuation.
- ▲ The number of **seasonal resident** vehicles are estimated by considering the number of **non-permanent dwelling units** (per Table 6-8, assuming that all units not permanently occupied are seasonally occupied). However, even at peak times many seasonally-used dwelling units are not occupied on any one day. The TRPA TransCAD socioeconomic dataset includes an estimate for the Placer Area of 47 percent of seasonal units occupied. To be conservative and reflect a peak condition, it is assumed that 66 percent of these units are occupied. The same number of evacuation vehicles per occupied unit (1.2) is also applied.
- ▲ **Overnight visitor** evacuation vehicles are estimated by totaling the number of lodging units (per Table 6-8) and the number of campground sites (per the TRPA TransCAD socioeconomic dataset). In addition, consistent with the other portions of the Draft EIR/EIS the Brockway Campground (550 sites) is assumed for all future alternatives. One evacuating vehicle is assumed for all units and sites.
- ▲ **Day visitor** vehicles for existing conditions were estimated based upon parking counts presented in the *North Tahoe Parking Study* (LSC, 2015), the proportion of visitors that are not lodged in the area (per the *North Lake Tahoe Resort Association Visitor Research Summary* [RC Associates 2014]), the *Connecting Tahoe Rim Trail Users to Transportation Alternatives Study* (LSC 2015) and counts of parking spaces and shoulder parking at activity centers. While the various future alternatives do not include land use elements that would substantially change recreational day visitor levels, the additional commercial growth would provide increased capacity to accommodate day visitors. The additional day visitor vehicles

associated with this growth was estimated by applying a weighted average parking demand rate, and factoring for the proportion of future peak parking demand generated by day visitors.

- Finally, additional evacuation vehicles will be generated by **employees commuting to the study area**. The total growth in area employment (per Table 6-8) was factored by an estimate of the proportion of employees commuting from outside the Plan area (per the employee survey data presented in the *Truckee North Tahoe Regional Workforce Housing Needs Assessment (BAE 2016)*, and factored by the proportion of total payroll employees that would be onsite at a peak time during a summer weekday (when employment is highest).

Table 3-4 Comparison of Total Evacuation Traffic Volumes

Input Data	2014 Existing Conditions	2035 Projected Conditions			
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total Housing Units	11,190	12,206	12,206	12,206	12,206
Permanent Housing Units	3,698	4,192	4,192	4,191	4,168
Seasonal Housing Units	7,492	8,014	8,014	8,015	8,038
Tourist Accommodation Units	1,340	1,911	1,511	1,711	1,511
Campground Sites	236	786	786	786	786
Jobs (Payroll Employees)	3,553	4,358	5,062	4,524	5,062
Commercial Floor Area	1,306,564	1,396,882	1,576,882	1,486,882	1,576,882
Additional Commercial Floor Area (KSF)		90.3	270.3	180.3	270.3
Existing Day Visitor Peak Parked Vehicles	730				
Evacuation Vehicles per Residence	1.2				
Evacuation Vehicles per Lodging Unit/Campground Site	1.0				
Assumed Proportion of Seasonal Housing Units Occupied at Peak Time	66%				
% of Visitors that are Day Visitors	22%				
Estimated Weighted Average Commercial Parking Rate	5.9	Spaces per KSF			
% New Commercial Parking Demand Generated by Visitors	80%				
% of Payroll Employees Onsite at Peak Time	60%				
% of Payroll Employees Not Living in Plan Area	50%				
Employees per Evacuation Vehicle	1.2				
Total Estimated Vehicles for Evacuation					
Permanent Residents	4,438	5,030	5,030	5,029	5,002
Seasonal Residents	5,934	6,347	6,347	6,348	6,366
Overnight Visitors	1,576	2,697	2,297	2,497	2,297
Day Visitors	728	822	1,008	915	1,008
Onsite Employees Not Living In Plan Area	888	1,090	1,266	1,131	1,266
Total Vehicles for Evacuation	13,563	15,985	15,948	15,920	15,939
Change Over Existing		2,422	2,385	2,357	2,375
% Change Over Existing		17.9%	17.6%	17.4%	17.5%
Excluding Brockway Campground					
Total Vehicles	13,563	15,435	15,398	15,370	15,389
Increase Over Existing		1,872	1,835	1,807	1,825
% Increase Over Existing		13.8%	13.5%	13.3%	13.5%

Source: Information provided by LSC Transportation Consultants, Inc. in 216

As shown in the Table 3-4, the total number of vehicles to be evacuated under baseline conditions is estimated to be 13,563. This increases under the future alternatives to 15,920 (Alternative 3) to 15,985 (Alternative 1) vehicles. This is equivalent to a 17.5 percent to 17.9 percent increase in vehicle. All of the future alternatives result in a very similar number, including the no project alternative, with only a 0.4 percent difference between the lowest and highest value. If the Brockway Campground is not constructed, the evacuation traffic volume is reduced to between 13.3 percent and 13.8 percent, depending on the alternative.

These figures can be used to gain a rough understanding of the impacts of the various alternatives on evacuation travel time. One reasonable scenario (assuming full evacuation) would be that two egress points are available (such as SR 89 and SR 267 to the north) with the southbound travel lanes not available for evacuation (to provide ingress for emergency vehicles). A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles (including Brockway Campground) by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1). This difference in the future alternatives value is equal to 1.1 minutes of additional evacuation time. In other words, the remaining development potential in the Plan area, with or without the proposed Area Plan and Tahoe City Lodge, will result in some increase in vehicle traffic which will extend the time required to evacuate the area. Because the remaining development potential is modest, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Comments were received that suggest that the EIR/EIS should define performance standards to ensure additional people and vehicles from new or redeveloped projects do not impede evacuation, or other means to evaluate the impacts of additional vehicles on the roadway capacity during emergency events. Performance standards are required when mitigation measures are recommended for significant impacts and the details of that mitigation are necessarily deferred. Because no significant effects have been identified, performance standards are not required.

PLACER COUNTY EMERGENCY RESPONSE PLANS

Placer County has in place several existing emergency response plans, including the Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, and Lake Tahoe Geographic Response Plan [LTGRP]). Each of these plans is summarized on pages 18-6 through 18-10 of the Draft EIR/EIS and each fulfills its stated purpose. The Placer Operational Area East Side Emergency Evacuation Plan was developed to help increase preparedness and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the county in the event of an emergency, such as a forest fire or flood. The Placer County Local Hazard Mitigation Plan was developed to reduce or eliminate long-term risk to people and property from natural hazards and their effects, and includes implementing actions and programs that would help reduce wildfire hazards including, but not limited to, Firewise Communities/USA Education Outreach, Hazardous Vegetation Abatement Program, Biomass Removal Projects, and Annual Defensible Space Inspections Program in the Unincorporated County. The LTGRP is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies.

With regard to the Placer Operational Area East Side Emergency Evacuation Plan, specifically, and its applicability to the Plan area, page 1 of the plan states, “[f]or the purposes of this plan, the ‘eastern side’ comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit [LTBMU].” The LTBMU consists of only National Forest System land only. The East Side Emergency Evacuation Plan prescribes specific responsibilities for first responders and other agencies that would be involved in an emergency

evacuation, defines typical evacuation scenarios, establishes incident command responsibilities, and addresses traffic control, transportation, resources and support, communications, care and shelter, and animal services. It identifies nine evacuation center and the major evacuation routes to include Interstate 80, and SRs 267, 89, and 28. Exhibit 3-2 shows evacuation routes for the Placer County portion of the Tahoe Basin (North Tahoe Fire Protection District 2016). It also appropriately recognizes challenges in the Tahoe Basin, that “the dense forests, rugged terrain, and the scarcity of roads in the area - problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.” (Placer County Office of Emergency Services 2015:1)

On comment suggests that the Area Plan does not comply with the requirements of Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan's Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). The additional policies include the following:

- **Policy N-H-P-6.** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- **Policy N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

WILDFIRE HAZARDS AND EMERGENCY EVACUATION

Wildland fire hazards are described on page 18-12, and shown in Exhibit 18-1 of the Draft EIR/EIS. These discussions explain, and the exhibits show, that the Plan Area contains moderate, high, and very high fire hazard severity zones, and the Tahoe City Lodge is located in a very high fire hazard severity zone. The significance criterion related to wildfires is described on page 18-14 of the Draft EIR/EIS: expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the project setting in a moderate to a very high fire hazard area and the significance criterion, the Draft EIR/EIS concludes that the impact related to exposure of people or structures to a significant risk of loss, injury, or death involving wildfire for the Area Plan and Tahoe City Lodge would be less than significant (see Impact 18-4 on pages 18-27 through 18-30 of the Draft EIR/EIS), because future development in the Placer County portion of the Tahoe Basin, including the Tahoe City Lodge, would be required to comply with Regional Plan policies, existing local and state regulations for fire protection (including North Tahoe Fire Protection District review and approval to ensure all fire protection measures are incorporated into the project design), and proposed Area Plan policies for fire fuel reduction and increases in defensible space. While such policies do not directly affect the issue of emergency evacuation, they serve to reduce the severity and extent of wildfires, improve the ability to control and fight wildfires, improve the ability to shelter in place in appropriate structures, and ultimately reduce the potential for loss of life and property. Impact 14-4 on page 19-32 assesses cumulative wildland fire hazards, which describes fire hazards from a regional perspective.



Exhibit 3-2

Evacuation Routes

AREA PLAN AND TAHOE CITY LODGE EFFECTS ON EMERGENCY EVACUATION AND RESPONSE

Several comments suggest that the project will result in substantially greater traffic generation and congestion that will impede the ability of emergency responders to both access and evacuate areas within the limits of the Plan area and beyond during emergency situations. While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.

First, as described above, changes in travel time (i.e., reduced LOS) identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.

Second, new development potential is very limited. Remaining commodities include 43 residential development rights, 77,175 square feet of CFA (approximately equal to a single supermarket, or several small businesses), and 61 tourist accommodation units. This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable.

Third, this level of additional development could occur *with or without* the Area Plan. As noted above, the Area Plan consist of a body of policies, implementation plans, and a land use map to guide future development and redevelopment; no provision of the plan proposes or approves development. The Tahoe City Lodge project must comply with existing requirements of the Regional Plan to secure the development rights necessary to implement the project—it does not increase the regional cap on any development rights. In addition, as a redevelopment project, it will supplant existing uses on the site and generate fewer total daily vehicle trips than those uses.

Fourth, as described in Chapter 10 of the Draft EIR/EIS, implementation of any of the alternatives would result in very modest increases in average daily trips (ADT) during summertime peak-hour periods in the year 2035—on the order of 4.5 percent for the study area as a whole, and 2.8 percent on SR 28. Importantly, ADT generated by the no project alternative would be essentially the same (see Table 10-5 of the Draft EIR/EIS). For the most congested roadway segment (SR 28, Between Wye and Grove Street), each of the action alternatives would reduce the number of vehicles heading eastbound relative to existing conditions and the no project Alternative, and westbound relative to the no project alternative. With regard to total vehicle miles traveled (VMT), implementation of Alternatives 1 and 3 would reduce total VMT in 2035 (that is, under cumulative conditions) relative to existing conditions and VMT resulting from Alternative 2 would be essentially the same. VMT under the no project alternative would be slightly worse. (See Draft EIR/EIS Table 10-12). In other words, analysis shows that, as compared to existing conditions and especially to the no project alternative in 2035, implementation of the Area Plan and Tahoe City Lodge would have relatively minor traffic impacts. Traffic conditions in 2035 will be influenced more by the type and location of subsequent development, which cannot be accurately predicted, than by the Area Plan itself.

Fifth, as described in the Draft EIR/EIS, new buildings and structures are required to be constructed consistent with the latest fire code requirements (updated every 3 years) and defensible space requirements. New projects in Placer County, such as the Tahoe City Lodge, are required to obtain fire district approval prior to permit issuance by Placer County and TRPA and, pursuant to policies added to the Area Plan, would be required to prepare emergency preparedness and evacuation plans.

Finally, the Draft EIR/EIS discusses interference with an emergency response plan or emergency evacuation plan (see Chapter 18, Impact 18-3). As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes. Placer County maintains Placer Alert, a state of the art community notification system to alert residents about emergency events and other important public safety information,

and the Placer Operational Area East Side Emergency Evacuation Plan, described above. The plan addresses all elements of emergency response and evacuation of the Placer County portion of the Tahoe Basin and is incorporated into the Placer County Tahoe Basin Area Plan.

CONCLUSION

Issues of wildfire, emergency access, and evacuation are important concerns, as they would be for any mountain community susceptible to wildfire. The Draft EIR/EIS includes a thorough evaluation of the issue, and based on that analysis, it is determined that implementation of the proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area. Few development rights remain for the Plan area, so the potential for additional growth and associated traffic congestion is not only limited, but could be implemented with or without the Area Plan. The traffic analysis demonstrates very little change in traffic conditions with any of the action alternatives in 2035, and the no project alternative is generally similar or worse. The Tahoe City Lodge would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the “No Project” alternative (Alternative 4). Placer County maintains a comprehensive emergency evacuation plan and a notification system to alert the community in the event of an emergency or need for evacuation. While the location, intensity, speed, and direction of a given wildfire cannot be predicted, systems are in place for wildfire tracking and response by applicable agencies, and there is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.

Attachment D

Questionable Cumulative Growth Management Data

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

TRPA's Cap/Accounting and Placer County's TBAP reliance on it as limit to Development Obscures the Real Facts.

The Tahoe Regional Planning Agency's (TRPA) existing 2012 Regional Plan has created such an unbelievable web of complexity, that TRPA, as author of its Cumulative Accounting Dashboard fails to clearly and adequately describe TRPA's cap on development. The document has numerous omissions and inconsistencies. <https://www.laketahoeinfo.org/cumulativeaccounting/index>.

Yet TRPA's cap on development is continually referred to in Placer County's Tahoe Basin Area Plan as the justification for Placer's claim there will be no increase in population or density. The cap on development is really a cover for development.

The corrected accounting must include a discussion of the topics and entitlements below and an analysis of their environmental impacts with updated numbers before more Placer Tahoe Basin Area Plan or TRPA Regional Plan amendments go forward:

1. Short Term Rentals- are not included in the TRPA accounting which is the supposed cap on development which guides TBAP. Short Term Rentals (STRs) are really Tourist Accommodation Units per the TRPA definition. See #8 below. STRs must be counted, and their environmental impacts described regarding increases in tourists, cars/vehicle miles traveled, water usage etc. Currently 3900 STRs are allowed in Placer County.
2. Bonus Units-Failure to consider or enumerate Bonus Units (2 units for each existing unit deed restricted for achievable, affordable, or moderate housing), originally 1400, now 960 left. 440 already used. 562 Bonus units available for achievable deed restricted units.
3. Conversions of Use- Fails to account for conversions of use and transfers from one area to another such as south shore to north shore. For instance, Colony Inn Tourist accommodation Units went from South Shore to the Waldorf Astoria in Crystal Bay at north shore. Tahoe Inn units went from north shore to west shore at the Homewood project.

<https://www.laketahoenews.net/2015/02/placer-county-buys-south-lake-tahoe-hotel/>

2015 Placer County Board of Supervisors voted to buy the A&A Lake Tahoe Inn for approximately \$1.4 million.

4. Additive Accessory Dwelling Units, Junior Dwelling Units, or Tiny Homes aren't counted- Cap on development accounting fails to consider existing or potential build-out of these increases of use to single family zoning. 1 single family residence could become the equivalent of a tri-plex use.

5. California Conservancy entitlements banked or otherwise such as asset lands, Nevada State Lands development rights banked or otherwise, and local jurisdiction's entitlements- are not enumerated or analyzed for environmental impacts in the accounting. These allocation pools must be calculated.

6. 2019 data is old- Current data, not 4-year-old information is required to make good future decisions. <https://www.laketahoeinfo.org/cumulativeaccounting/index>

7. Morphing- of motel size Tourist Accommodation Units (usually 200 sf) into large condo/tel units such as Boulder Bay's 5k sf penthouses wasn't considered or the impacts on population, traffic and the environment. Tahoe Beach Club 140+ small mobile homes became 140+ 1800-3500 sf condos.

Additionally, TRPA only considers more coverage growth, not morphing as evidenced by the WALT project. The original Biltmore project was 115k sf of build out, but TRPA approved the new WALT project at over 800k sf. That is growth by any measure.

8. Conversion of Commercial Floor Area(CFA) to Tourist Accommodation Units(TAU) and Residential Units of Use (RUU) or TAU's to (RUU)- Per TRPA rules which guide Placer County, there is 72k sq of CFA remaining from the 1987 plan (see chart below). For every 300 sf of CFA converts to 1 TAU or 1 RUU. That conversion could equate to an additional 240 TAUs/RUUs. One TAU converts to one RUU or a potential of 342 RUUs. The definition of a TAU per TRPA is a "Tourist Accommodation Unit is a unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis." The potential conversion of TAUs, Multi-family, CFA or RUU's could have significant impacts on the Tahoe region and there was no analysis of its environmental impacts or totaling of potential build-out scenarios. TAUs could be a hotel, single family homes, condo/hotel, Short term rentals homes, or timeshares.

RUU's, TAU's, CFAs are not identical uses. Development can't be effectively metered, or the public adequately informed without having a coherent and up-to-date accounting system. Everything is up for grabs in TRPA's Regional Plan.

Regulations without boundaries are all just suggestions. Agencies depend on public trust and this kind of failure in accounting and environmental analysis should be setting off alarm bells.

Attachment E

Achievable Housing Technical Information

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County in their Tahoe Basin Area Plan relies on the TRPA definition of “achievable”.

A new environmental analysis is required for the Tahoe Basin Area Plan because Placer County failed to properly vet “achievable” housing deed restrictions with the public and the term remains poorly defined. “Achievable” is a construct made up in 2018. In the Placer County’s Tahoe Basin Area Plan, the 2016 EIR and the 18-page 2023 Addendum to the previously certified Environmental Impact Report fails to adequately describe the “achievable” concept and its environmental impacts.

In the 2023 Addendum to the 2016 EIR, the Housing section refers to affordable, moderate, and achievable housing with only a partial accompanying definition. The document provides no metrics or examples for “achievable”. It refers the reader to the TRPA Chapter 90 definition ⁽¹⁾ for “achievable”. Yet if 100 percent of multi-family and employee housing is deed restricted, no use permit is required even though new code changes reduce setbacks and parking requirements, but increase height, density and coverage. There are no supplied numbers on the potential number of “achievable” units. In addition, bonus units are available for “achievable” units.

Human beings and developers are driven by a profit motive. If the “achievable” deed restricted housing allows buyers or renters to qualify without an income cap, someone who works or has someone in their family who works or self-reports to work 30hr/week in the area qualifies. Self-employed individuals have an easy time getting a local business license and self-reporting. The result will be larger market rate units with significant impacts to the Tahoe region...\$1m plus condominiums with more cars and people.

In public meetings, TRPA has said they are hiring to enforce deed restricted housing and will only sample 10% of the units for compliance. TRPA has a poor history of code enforcement except for “regular Joe’s”. The wealthy get special dispensations from the TRPA.

The TRPA “achievable” definition does say it “may” include asset limits. If they did it would keep a billionaire’ son from qualifying, but it doesn’t say that. If the requirement for deed restricted housing was an equal percentage of low income, moderate and achievable it would appear more in line with “supporting workforce housing” as stated in the TBAP ordinance to repeal. But it doesn’t say that either.

“Achievable” housing is an excuse for more development.

1. Tahoe Regional Planning Agency’s Definition: April 2023

Achievable Housing Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria: 1. Have a household income not in excess of 120 percent of the respective county’s area median income (AIM) (moderate income households and below); or 2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or 3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years. The employment requirement may be waived for

accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes. Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: Bonus Unit Incentive Program. Achievable deed-restrictions issued before June 26, 2023 may utilize this definition or the definition of “achievable” in effect from December 20, 2018 to June 26, 2023

Attachment F

Significant Changes and New Information Since the 2016 Certified EIR

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

The following changes and new information have occurred since the 2016 Certified EIR, of which were not known and could not have been known with the exercise of reasonable diligence at the time the 2016 EIR was certified.

These significant and substantial changes, and new information, were however known by Placer County during preparation of the August 10, 2023 (except for the Traffic Data and Questionable data evidence presented in **Attachments B and C**, and the new discovery of New Zealand mud snail proliferation). The cumulative list below must be discussed and properly analyzed, in connection with their individual and cumulative environmental and safety impacts, in a subsequent EIR.

1. The CEQA October 2020 California Attorney General Guidance, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”, which discusses best practices for wildfire evacuation planning, roadway capacity evaluation and prudent public safety development project planning.

The guidelines state that “the addition of new development into **high wildfire risk or adjacent areas** may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire.”

<https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>

Per the California State Fire Marshal, the entire TBAP built environment is classified as a **Very High Fire Hazard Severity Zones (VHFHSZ)**, and within or adjacent to the “**Wildland Urban Interface Defense Zone.**”

https://osfm.fire.ca.gov/media/nl1ndqjj/fhsz_county_sra_11x17_2022_placer_2.pdf

2. Demonstrated fire and winter evacuation safety perils due to lack of roadway capacity caused by human overcapacity as demonstrated by the August 2021 Caldor and the January 2017 snowmageddon mass evacuation event. This includes wildfire evacuation tragedies since 2017 documented during the Paradise and Lahaina wildfires fires.
3. The many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. (**See Attachments B and C**).
4. Increased environmental and wildfire safety and evacuation impacts on SR 267 and SR 28 from Brockway Summitt through Kings Beach in both directions from **the use of the East Shore Trail, placed in service in July of 2019.**

5. Substantially significant increases in the changing natural environment resulting from the current pollution of Lake Tahoe from micro plastics, lead from cables, Cyno toxic algae, and invasive species and invasive species including the New Zealand mud snail proliferation.
6. The increase in tourism from the Bay Area, Truckee, Reno, and Carson City population growth of which impacts on the basin has not been analyzed. (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation).
7. Increase in Short-Term Rentals (STR's) with 3,400 active permits in eastern Placer County alone, including cumulative addition of the Washoe County approval of Short-Term Rentals within Incline Village, NV (Approx 900+ are active).
8. The UC Davis State of the Lake Reports since the certification of the 2016 EIR.

Attachment G

Comments From Former TRPA Planners

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

Leah Kaufman

Kristina Hill

(Both former TRPA employees and Land Use Planners at Tahoe for over 30 years)

TRPA = Tahoe Regional Planning Agency

TBAP = The Placer County Tahoe Basin Area Plan

EIR = the 2016 Placer County Certified Environmental Impact Report adopted January of 2017 by the TRPA

EIR Addendum or **Addendum** = the current Placer County proposed EIR addendum to the TBAP made public at the August 10, 2023, Placer County Planning Commission Meeting

CEQA = California Environmental Quality Act

EEPEP = Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP)

LOS = Loss of Service

Comments concerning the TAHOE BASIN AREA PLAN (TBAP) proposed AMENDMENTS (PLN22-00490) AND ADDENDUM # 1 to the previously certified December 6th, 2016, by Placer County and adopted January 25, 2017, by TRPA, TAHOE BASIN AREA PLAN ENVIRONMENTAL IMPACT REPORT (EIR).

Dear Placer County Board of Supervisors:

We feel that the 43 policy changes and 18 regulation changes as part of the TBAP amendments cannot be approved without a substantive cumulative impact analysis and further environmental review (revised EIR) under CEQA.

CEQA was enacted in 1970 to ensure that public agencies consider the potential environmental impacts of their decisions before making them. CEQA was enacted to protect California's unique and diverse environment by ensuring that projects (policies) are carefully evaluated for the potential impact on the environment. CEQA also promotes transparency and public participation in the decision-making process. CEQA was designed for environmental analysis for potential significant impacts.

There have been substantive changes in growth since covid (2020), not addressed by your staff and changed environmental conditions since the 2016/2017 certified EIR. The amendments proposed by Placer County are significant cumulatively.

The impacts of no parking minimums for commercial, multi-family, retail, etc. to neighborhoods and businesses, increased density for multi persons per acre zoning from 25 persons per acre to 62 persons per acre, conversions of CFA to multiple family and TAU's to mimic TRPA programs, inclusion of all housing types in plan areas where they were not all considered before, requested modification of TRPA thresholds related to scenic standards, exemptions to groundwater interception, reduction of rear

setbacks between commercial and residential properties, streamlining or allowing “by right” projects involving housing, hotels, retail and other uses eliminates public review and scrutiny and are all changes that could result in significant impacts. The amendments allow luxury single family condominium projects into Town Centers with an affordable component, reduction of lot sizes to accommodate smaller and denser building sites, tiny homes, ADU’s and Jadas.

The changing natural environment resulting from the current pollution of Lake Tahoe from micro plastics, lead from cables, Cyno toxic algae, and invasive species, were not considered/mitigated in the 18-page amendment package or addressed in the certified EIR. The newest concern as reported by TRPA September 23, 2022, is the New Zealand Mudsnaills never before seen in Tahoe.

The addition of new projects not previously planned/named in the 2016 EIR are also significant and need to be evaluated cumulatively.

Transportation during wildfire evacuation could cause concerns with safety, noise, air quality, greenhouse gas emissions, water quality, and land uses which are all significant.

The amendment package should have included a current traffic analysis post covid analyzing the impacts of growth and gridlock resulting from summertime July and August construction (new since 2016) resulting in level of service (LOS) F for more days of the year than initially represented which could have significant impacts to wildfire evacuation and has impacted quality of life for everyone. Idling cars produce pollutants and are bad for the environment.

The increase of tourism from the Bay Area, Truckee growth, and doubling of Reno and Carson City population all have impacts on the basin that have not been analyzed. (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation), and a proliferation of Short-Term Rentals (STR’s) 3,400 active permits in eastern Placer County alone, are changes from 2016 conditions.

Under CEQA the County must make findings for an addendum and not a full environmental analysis. The County has:

FAILED TO PROVIDE THE REQUIRED ANALYSIS NEEDED TO FULFILL CEQA- BASED ON SIGNIFICANT EFFECTS

Pursuant to CEQA Guidelines § 15164, an addendum can be prepared to a previously certified Final EIR by a Lead Agency or a Responsible Agency when changes or additions are needed, but these changes or additions must not trigger conditions requiring preparation of a subsequent EIR. Addendums are only appropriate for inclusion of minor technical changes or additions, which is not the situation in this case.

Required CEQA Findings that pertain to these amendments and require a revised EIR include:

New Information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, show any of the following:

The project will have one or more significant effects not discussed in the previous EIR.

There is no one project that is part of the amendments however, the amendments enable many projects to be allowed either “by right” or with streamlining virtually eliminating environmental review which is contrary to the County stating that “the TBAP Amendments would require future projects within the plan area to be reviewed pursuant to CEQA and TRPA requirements through a project specific environmental review which would include required mitigation measures for any significant environmental effect.” How can a project be reviewed through CEQA if the County deems it is exempt from review and allowed “by right”? Hotels, motels, restaurants, building materials and hardware stores, repair services etc. currently require public notice and CEQA review. Under the amendments many of these uses would not have any or a very scaled down review.

Placer County is relying on an “Envision Tahoe” report obtained by the Tahoe Prosperity Center (TPC) as a basis for the TBAP amendments to conclude that impacts will not be significantly increased by the actions it is taking. This claim is unsupported by substantial evidence based on the potential changes and impacts as referenced above.

TPC is a self-appointed quasi-governmental entity that relied on old data (2020) and disputable conclusions. The Sacramento firm, ICS, LLC, the third party that they hired is primarily a PR and crisis management firm. There is little mention of Tahoe’s environment in the report. The amendments are also driven by the Economic Sustainability Needs Assessment and the Resort Triangle Transportation Plan, as the County has not achieved the growth and redevelopment that they would like to see within our communities. The addition of “achievable housing” into the definition of low and moderate housing types will ensure that true workforce housing will not be built by developers as “achievable” rents for \$2,450/month for a 650-sf space.

“Achievable” for purchase is probably around \$800,000 (hardly affordable). The J-1’s, who are our true workforce servicing our restaurants, ski areas, and other retail and housing venues, can afford \$200/week for their housing needs. This housing will not serve the needs of the families who want a yard and house and have thus moved off the hill.

§ 2017 EIR, AND EIR ADDENDUM RUN COUNTER TO CEQA 21000. LEGISLATIVE INTENT

The 2016 EIR, associated with the proposed TBAP amendments runs counter to CEQA, Chapter 1: Legislative Intent by the failure to identify critical population capacity thresholds within Town Centers.

CUMMULATIVE IMPACTS AS A RESULT OF NEW PROJECTS

The County must also complete a cumulative impacts analysis that includes the above effects as well as the large number of projects that are slated for development and have not been included in the 2016/2017 EIR. i.e., Tahoe Inn, Cal-Neva redevelopment, 39 Degrees, Neptune Investments, Kings Beach Lodge, Jasons, Laulima, Dollar Creek Crossing, Boatworks Mall Redevelopment, Palisades, and Martis Valley West.

In addition, there should be a complete review and accounting of the mitigation measures that have not been completed from past projects and required as part of the 2017 EIR in order to implement the existing TBAP before any new amendments are allowed.

Furthermore, basing these amendments on an economic study, whose conclusions are entirely subjective and provide little if any evidence for its claims, is unacceptable, particularly due to its effects on Lake Tahoe, a nationally treasured lake.

Substantive changes since the 2016/2017 certification of the TBAP EIR include:

WILDFIRE

CEQA 21000, Chapter 1

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and SAFETY of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

The 2016 EIR and resulting proposed amendment package fails to discuss and identify critical turn by turn roadway by roadway wildfire capacity thresholds, utilizing the latest technology and worst-case wildfire scenarios. Such identification of these critical roadway capacity thresholds is necessary to assist Placer County and the TRPA during their environmental public safety review process.

Even though the 2016 EIR states that “While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and a legitimate concern”, the 2016 EIR failed and continues to fail, to take immediate steps to identify and evaluate critical turn by turn roadway by roadway capacity thresholds during a wildfire which does not address the identified concerns.

This failure may be due in part to the lack of technology modeling tools which were not available in 2016, but regardless, are available today, and this technology must be employed to help identify critical turn by turn roadway by roadway wildfire evacuation capacity thresholds based on worst case wildfire scenarios. Evacuation could be impacted by adding different housing types into plan areas where they do not currently exist. i.e., industrial areas of upper Kings Beach, and more density into Carnelian Bay with inclusion of multi- person housing where it does not currently exist. Elimination of setbacks could also potentially prevent fire truck access onto properties in the Town Centers.

The California Fire Code, all Tahoe Basin Fire Protection District Fire Codes, TRPA Code of Ordinances and Rules of Procedures, FEMA County Emergency Plans as well as Placer, Douglas, El Dorado, and Washoe Counties FAIL to identify the critical SAFETY threshold of human and roadway capacity during wildfire evacuation and FAIL to:

- Contain any regulations whatsoever requiring emergency evacuation plans to identify region wide turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Contain any regulation whatsoever, to employ the best technology, developed since the 2017 EIR or otherwise, in order to determine turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Determine if the older private water systems have the capacity or working fire hydrants needed to put out a home fire let alone assist with wildland fire issues.

- Consider or discuss NEW Best Practice CEQA wildfire recommendations published by the California Attorney General in October of 2020, as such guidelines and recommendations were not available in 2016.

This, even though every TBAP community is identified by the State of California to be in a very high FIREHAZARD SEVEITY ZONE <https://egis.fire.ca.gov/FHSZ/> it is contrary to the agencies stating that concentration in town centers would reduce wildfire risk.

Largely unknown to the public, fire jurisdictions commonly adopt the International Fire Code and the International Urban Wildfire Interface Code, which narrowly address building evacuation and wildland fire prevention, the codes do address adequate requirement regarding wildfire evacuation.

In light of this, fire code critical safety deficiency on part of the agencies to require safe and effective evacuation regulations, and latest evacuation capacity modeling, Placer County must rely on the October 2020 California AG Best Practices Wildfire Impact guidance document when discussing wildfire evacuation within the geographical TBAP boundaries, when developing the proposed TBAP regulations and associated EIR.

The 2016/2017 EIR fails to consider or discuss and analyze “collective” (cumulative) area wide effects of increased human capacity and construction gridlock. This includes cumulative adverse environmental and wildfire effects on visitor residents and visitors during wildfire evacuation and therefore runs counter to CEQA, § 21002.1.(d) i.e. USE OF ENVIRONMENTAL IMPACT REPORTS; POLICY (d) The lead agency shall be responsible for considering the effects, both individual and collective, of all activities involved in a project.

The 2016/2017 EIR fails to provide substantial evidence, based on the best achievable technology, developed since 2016, to adequately determine the “collective” (cumulative) wildfire emergency limitations on roadway evacuation within the entire geographical area of the TBAP, which includes the communities of North Stateline, Kings Beach, Tahoe Vista, Carnelian Bay, Dollar Point, Tahoe City Sunnyside, Homewood, and Tahoma.

The 2016 EIR errs by failing to provide substantial evidence in order to reach the following agency EIR conclusions:

“While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.”

...” operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact” (Area Plan EIR pg. 18-23).

...the TBAP “could result in a modest increase in the number of visitors in the plan area, and thus, the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”

The conditions with traffic, congestion, and people management have in fact changed in North Lake Tahoe and the surrounding region since 2016, yet the Addendum includes no grounded analysis or data, just studies from the Tahoe Prosperity Center and Mountain Housing Council, supporting the proposed changes in 16 pages of opinions.

Roadway capacity impacts, and construction traffic during July and August are new since 2016 and have jeopardized the safety and lives of both residents and visitors to the Basin. Reduced setbacks and elimination of minimum parking standards will result in cars parked along the roadways and in neighborhoods, further contributing to congestion and gridlock. It is unrealistic to expect that eliminating parking standards will result in the workers abandoning the very cars and trucks they need to work. i.e., the contractors, tradesmen, teachers, hospital workers, etc. to take a bus. This also degrades the ability of those currently located in town centers to safely evacuate. A roadway-by-roadway fire evacuation capacity evaluation driven by accurate and substantial data is needed and should either be incorporated into the Basin-wide environmental analysis or done separately.

As the California Attorney General has recommended in this Guidance to Local Governments to Mitigate Wildfire Risk from Proposed Developments in Fire-Prone Areas, there must be a thorough evacuation analysis performed.

To quote the Best Practices guidance, “[t]he CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.” Tahoe Basin is obviously and most definitely a wildfire risk area. Therefore, the California Environmental Quality Act (CEQA) requires that this analysis be completed.

LAND USE

CEQA law requires that all affected stakeholders should be represented in any public participation process. The amendments were proposed with no input from the 35 original plan team members who spent four years crafting the TBAP. These developer and tourist driven amendments are the result of the County consulting with a handful of people representing tourism, and developers including the (North Lake Tahoe Resort Association, The North Tahoe Business Association, The Downtown Association, The Prosperity Center) etc. leaving the entire rest of the community out of the process.

In a general plan process, the entire community is involved. Stakeholder groups may include: • Community and neighborhood groups • Environmental groups, School districts, charter schools, and county offices of education • Transportation commissions • Utilities and public service providers, etc. The Planning Commission approved the amendments August 10th, with no regard to the 60 business, environmental groups, and community members, or the North Tahoe Public Utility District (NTPUD) board member that told the commissioners that infrastructure is limited in the Kings Beach grid with not enough fire hydrants and that more analysis is needed before the TBAP amendments should be approved. Amendment that would create smaller lots and denser conditions. What is the point of public input if it is ignored?

Land use patterns are proposed to be changed by TBAP amendments by adding different types of housing where they did not exist before. i.e., housing in industrial areas and adding multi-person zoning

into areas previously zoned for multiple family dwellings. Reduction of lot sizes results in more compact development and changes to the built environment. There was no explanation of why certain areas in the TBAP did not originally include all types of housing in each community to begin with. The inclusion of multi person comes with a density increase-from 25 persons to 62 persons per acre in all areas allowing multiple family and employee housing from Kings Beach to Tahoma. This increase with no parking minimums has not been analyzed but is based on a weak argument that it is compatible in scale to multiple family development density allowances. The parking and traffic impacts would be very different in a comparison analysis of both housing types.

No minimum parking requirements for commercial and other housing, retail and hotel projects could cause further congestion, traffic, and air quality impacts to our surrounding residential neighborhoods as it is unrealistic to expect that people will not have cars, especially our workers. i.e., the plumbers, electricians, construction workers, teachers, hospital workers, as well as ski area employees etc. As stated previously people will park their cars in neighborhoods and on the street.

Palisades reports that 50% of their 3,000 employees have cars. 100% of their professional employees have cars. TRPA reports in their own housing initiatives that 66 % of the employees have 1 car and that only 4% do not have cars. Dollar Hill Apartments has 17 affordable 350 sf to 625 sf apartments and 25 parking spaces which the manager says is not enough and car shifting during winter months is a daily activity.

Land Coverage: According to the Placer County addendum- "The Area Plan EIR concluded that the TBAP's effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers resulting in environmental gains, and that it would not adversely effect the development pattern or land uses within the plan area and the TBAP would preserve open space and accelerate the pace of SEZ restoration with the plan areas".

Where is the evidence that more open space has been preserved and that accelerated SEZ restoration has resulted from either the existing TBAP or will happen with the proposed amendments? There is no requirement that entitlements and land coverage transfers come from outside Town Centers or that SEZ land be restored. Additionally, by reducing setbacks how does this preserve open space? In fact, the built environment will appear more congested with smaller lot sizes allowing 15 unit acre densities. Open space preservation? This is not explained but is a subjective comment not based on accounting.

PIECEMEALING

Placer County says that piecemealing is not occurring because the amendments are not specific projects however, this first step voted in by Placer County leads the way for the Tahoe Regional Planning Agency (TRPA) to solidify their proposed new development code changes that will forever change the character and quality of life of our nature based, charming, rustic, and artistic communities. To retract the building heights and mass out of the amendments and allow it to come back later through TRPA code changes is also completely disingenuous even though there is no specific project at this time driving the changes. It also creates piecemeal planning issues for Placer County and TRPA in the future when developers come in one at a time to request changes for more height and more mass.

SHORT TERM RENTALS

The impacts from 3,900 Short Term Rental permits have not been analyzed in previous environmental documents. The TRPA Basin Carrying Capacity identifies in their cumulative impact studies the remaining entitlements for residential units and tourist accommodation units yet the conversion of single-family dwellings to tourist accommodation or short-term rentals with all of the ensuing impacts of traffic, excessive noise, parking conflicts, neighborhood impacts, and reductions in available workforce housing, has not been analyzed. If each STR needed a TRPA Tourist Accommodation Allocation (TAU) then the TRPA carrying capacity in the Tahoe Basin would be far exceeded.

The Short-Term Rentals have also impacted the workforce housing resulting in a potential loss of up to 600 homes for families based on studies worldwide stating that 10-15% of the STR's would be rented to the workforce if they were reduced or did not exist. (Pew Charitable Trusts and the Harvard Business Review (HBR) have published research showing a correlation between the number of short-term rentals and the quantity of affordable housing units decrease. The effect of STR's has also been to increase rents by as much as 20% and increase housing prices up to 14% as it is big business to rent homes short term.

(The Town of Truckee has 1,550 STR's for a population of 20,000 people, and there is a mandatory waiting period of a year before an entitlement can be applied for. This eliminates the investment as the only reason for home purchase and the amount of STR's is far lower than other locations around the lake thus offering opportunities for the workforce to rent second homes).

Breckenridge, Boulder, and Aspen seem to have the most forward thinking-community conscience driven programs of all the mountain communities. Basically, the STR's are capped based on zones. 1). Tourism Zone 2). The Downtown Core 3). Residential Areas. The residential STR cap in a neighborhood is 10%. Fees are assessed based on number of bedrooms, and ALL the revenue generated by fees like our TOT taxes is earmarked for specific workforce housing related programs and STR impacts.

INVASIVE SPECIES

Lake Tahoe has now been reported to have the third highest concentration of microplastics of thirty-eight lakes studied in twenty-three countries: Lake Tahoe has a higher level of microplastics than the ocean trash heap - Los Angeles Times (latimes.com). <https://tahoe.ucdavis.edu/microplastics>
<https://www.latimes.com/california/story/2023-07-14/lake-tahoe-troubling-concentrationmicroplastics>

This is no doubt the result of the huge amount of waste that is dumped into Lake Tahoe from the recreational boating public and the enormous amounts of waste left in throughout the basin, including on our beaches by the 25 million tourists (TTD and Nevada Dept of Transportation statistics) that come to Lake Tahoe, many of whom recreate along the lake's shoreline.

SUMMARY

With EIR data from 2016, our conditions have changed, and land use proposed changes are significant. Impacts associated with a growing population from outside the basin, traffic from construction in July and August, congestion from LOS F for more days of the year than predicted with roadway capacity numbers half of what was projected, wildfire safety, evacuation, changes to land use patterns, reductions in parking and no mitigation measures identified to reduce impacts of proposed changes to less than significant levels.

We support policies and programs that will increase truly affordable housing, the County to enact policy decisions to require more affordable housing for new projects on or near project sites and to conduct studies of what housing is truly needed to support our workforce.

There must be a balance to provide new housing without sacrificing the Tahoe Basins best asset, its naturally beautiful and sustainable ecosystem. Not only does it support all of our hearts and souls, but it also supports the creatures that live here as well as our recreation and economy.

Leah Kaufman

Kristina Hill

(Both former TRPA employees and Land Use Planners at Tahoe for over 30 years)

From: jmtornese@aol.com <jmtornese@aol.com>
Sent: 10/11/2023 5:08:22 PM
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Subject: TBAP Amendments - FOWS Comment Letter for 10/16/23 BOS Meeting
Attachments: [TBAP amendments.FOWS comments for 10.16.2023 Placer BOS hearing.pdf](#)

Dear Placer Board of Supervisors & staff,

The attached letter is submitted on behalf of Friends of the West Shore for the BOS meeting on 10/16/23 regarding the TBAP Amendments. Please distribute this comment letter to the BOS and all other interested parties.

Please confirm receipt.

Thank you!
Judith Tornese, President
Friends of the West Shore



Placer County Board of Supervisors
3091 County Center Drive
Auburn, CA 95603

October 11, 2023

Dear Supervisors:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments and associated Addendum #1 to a previously-certified Environmental Impact Report (Addendum). We also appreciate the efforts of staff to continue to relay information and discuss the amendments with the public.

The California Environmental Quality Act (CEQA) requires that subsequent environmental review is required when circumstances have changed, there are new significant environmental effects or a substantial increase in severity of previously identified significant effects, there are additional significant effects not discussed in the EIR, significant effects previously examined will be substantially more severe, and/or when there are additional mitigation measures that could be adopted to mitigate impacts but were declined. However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with existing conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, which have changed significantly from the baseline data years analyzed by previous environmental documentation (e.g. 2010-2011 [traffic] or 2020 [population]) from which the Area Plan reviews continue to tier. Basing solutions to new problems on old, un-representative data is not an effective way to plan.
- Emergency Evacuation and access for responders
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects
- Cumulative Impacts of other approved but not yet constructed projects in the area
- Increasing residential and visitor populations without addressing existing problems from - let alone adding to - traffic, congestion, and emergency access/evacuation
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets; and
- The concern with the continued loss of scenic views for the residents and visitors to enjoy

Detailed comments are enclosed. FOWS requests that the amendments be postponed unless and until a comprehensive environmental impact report (EIR) based on existing conditions is performed. Thank you for considering these comments.

Sincerely,

Judith Tornese,
President

FOWS previously submitted comments to the Placer County Planning Commission (PCPC) [enclosed]. The following comments are in addition to the PCPC comments:

INCREASED NATURAL HAZARDS AND EMERGENCY EVACUATION

FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

EIR Addendum fails to account for new information and conditions:

The Addendum repeats information from the outdated TBAP FEIR from 2016,¹ which notably tiered from the even more outdated TRPA 2012 Regional Plan Update (RPU) EIR/S.

The 2016 FEIR for the TBAP concluded no impacts to evacuation/wildfire danger based on a variety of assumptions and speculation that is not supported by the facts.

1. Claim: There are limited development commodities available.

Fact: The 2016 FEIR conclusion was based on a limited number of commodities remaining available at that time.² However, TRPA has since amended its code to allow conversions from all types of commodities to other types (Chapter 51.4). In addition, the popularity of vacation rentals has significantly increased, making the “limited TAUs” reference in the FEIR irrelevant since residences are being used as TAUs but not regulated as such. Vacation rentals area also trending larger and accommodating far more visitors than anticipated in 2012, plus visitors tend to contribute more heavily to peak traffic conditions than residents and would be less familiar with the area and protocols during an emergency evacuation. In addition, there is concern with how to notify visitors if an emergency evacuation should be necessary. Most residents and

¹ “Impact 18-3 addressed impacts related to interfering with implementation of an emergency response plan or emergency evacuation plan. The Area Plan EIR determined that operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact (Area Plan EIR pg. 18-23).

Impact 18-4 addressed impacts from exposing people to wildland fire hazards. The Area Plan EIR emphasized that the TBAP could result in a modest increase in the number of visitors in the plan area, and thus the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”

² “As described on page 5-10 of the Draft EIR/EIS and shown in Table 5-2, the commodities remaining for new development of future residential, commercial, and tourist uses within the Plan area are very limited. The remaining commodities available to Placer County include 43 residential development rights (an increase of 0.4 percent over existing); 77,175 square feet of commercial floor area (CFA), including remaining, unused rights and banked CFA, an increase of 5.9 percent); and 61 tourist accommodation units (TAUs), including remaining rights and banked TAUs (an increase of 2.3 percent).” (p. 3.1-32/33)

homeowners are likely to have signed up with Placer's emergency notification system, but visitors would not receive those alerts.

2. Claim: Key intersections will be staffed by public safety officers manually directing traffic, and there will be no accidents or other factors limiting capacity.³

Fact: This assumption is mere speculation. For example, the 2016 FEIR did not analyze questions such as:

- Will adequate emergency personnel be able to take on this position immediately when a wildfire breaks out?
- What if the roads are already congested – how will the personnel travel to these strategic traffic-directing positions?
- Will emergency personnel also be located at every alternative/side street that people may attempt to use in their panic?
- How will people react in a panicked situation where they are fleeing a fast-moving fire?
- What happens if the smoke is so dense and/or spot fires are happening in these locations where officers will presumably be directing traffic? Will people be able to see them and follow directions?
- What happens if an accident or stalled vehicle blocks the only egress route?
- What about other possibilities such as error in evacuation-related technology. For example, fire officials mentioned during an 8/17/23⁴ Town Hall webinar that there was a glitch in their system that caused the plan to stagger evacuations to not work. Plans do not always work as intended, nor does technology. Also, there is spotty cell service in the Tahoe Basin, so that technology also may not be available for emergency evacuation.

3. Claim: Traffic will exceed roadway capacity under any scenario

Fact: This is correct, however there has been no analysis of the impacts to evacuation and roadway capacity based on existing (e.g. 2023) conditions or how long it takes for roadway capacity to be exceeded under existing conditions and with the proposed amendments.

Ironically, the FEIR also recognizes that traffic would exceed roadway capacities even outside of peak hours.⁵ This is based on traffic data from a period of time with less traffic than current conditions and without considering the impacts of approved/not-yet-built projects or current large projects undergoing agency approvals.

4. Claim: "[G]iven the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur."⁶

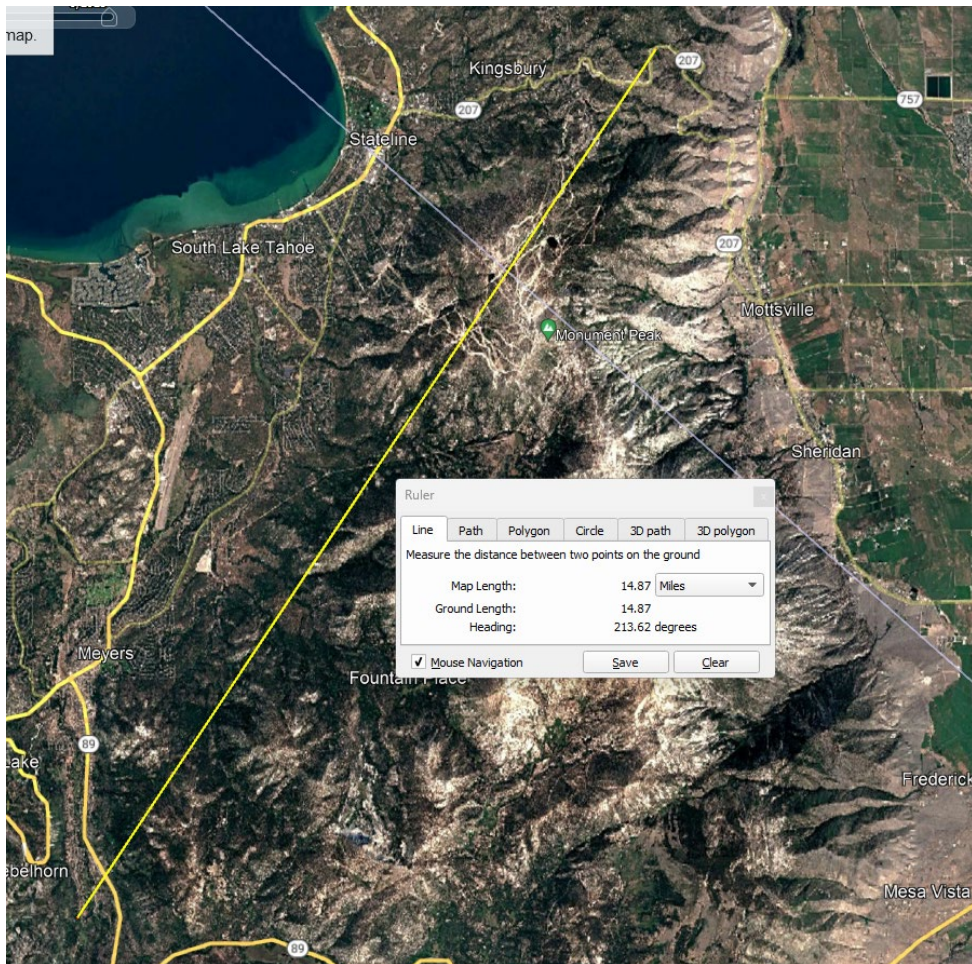
Fact: The entire South Shore area from Christmas Valley/Tahoe Paradise, including Meyers, South Lake Tahoe, Stateline, and Kingsbury Grade was evacuated for the Caldor Fire in 2021, and gridlock occurred even though people had advance warning, the highway was four lanes, and there were multiple routes to evacuate. This area spanned approximately **15 miles**.

³ 2016 FEIR, p. 3.3-34.

⁴ <https://www.placer.ca.gov/9252/Evac-and-Emergency-Prep-Town-Hall>

⁵ "Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods." (FEIR, P. 3.3-32)

⁶ FEIR, p. 3.1-32.



5. Claim: Reliance on the analysis in the 2016 FEIR (and the 2012 TRPA RPU it tiered from) are sufficient for 'analyzing' the impacts of the proposed TBAP amendments

Fact: New Wildfire Guidance for CEQA analysis ("Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act") was released by the CA Attorney General in October 2022 which was not available in 2016 (attached).

Fact: Wildfires do not behave the way they used to in 2012 or even 2016:

a) Rates of spread/size of wildfire:

The rates of spread, distance of spotting, and size of fires has grown significantly. For example:

- "[L]ong-time firefighters will tell you 'these days, wildland fires are far from ordinary.' Exacerbated by drought and climate change, they can spread over hundreds of thousands of acres and burn with an intensity that once was uncommon... On the night of Aug. 16, when the Caldor fire was only three days old. the wind picked up, bending the flames northeast toward Lake Tahoe Basin, about 30 miles away. Fanned by the wind and fueled by dense, overstocked forests, the fire grew

- at unprecedented rates ranging from 10,000 to 40,000 acres per day." (United States Forest Service, Lake Tahoe Basin Management Unit, 2021⁷). [Emphasis added]
- "Western wildfires have dramatically intensified over the last decade alone, he pointed out. Climate change is spurring the worsening blazes with rising temperatures and prolonged drought...[California] is now increasingly prone to catastrophic "megafires," capable of gobbling up hundreds of thousands of acres and destroying entire towns. According to the California Department of Forestry and Fire Protection, 12 of the state's top 20 largest blazes on record have all occurred within the last five years." (Scientific American, 2022⁸) [Emphasis added]
 - During the camp fire, embers traveled upwards of 7 miles away, starting new fires.⁹

There have been significant changes in wildfire behavior and forest conditions in the past seven years that have not been addressed by the analysis.

- b) ***Evacuation conditions:*** While the evacuations for the Caldor and Mosquito Fires were successful, circumstances were different. The Lake Tahoe Basin officials had weeks to anticipate the Caldor Fire and the time to employ a staggered evacuation of different areas so that the entire area was not evacuated on the same day or within the same time period. There were also numerous highways available for evacuation. There is just one two-lane highway for evacuating the West Shore (SR 89). The circumstances are simply not comparable. In addition to gridlock, all it would take is for one vehicle to stall or one accident to occur and block the roadway during an evacuation. While it has been stated that emergency officials would set it up for both lanes of the highway to be going in the direction of evacuees, there is still no guarantee that an accident wouldn't block both lanes, plus this would also get back to the issues raised previously about whether emergency personnel would be immediately available in all relevant locations to direct traffic in the first place. There would be no alternative, unlike existed during the Caldor Fire's staggered evacuations. In addition, most evacuees during the Caldor Fire were locals that would be expected to be more familiar with evacuation emergencies since smoke had driven tourism down in the days prior to the evacuation. During typical peak periods, it should be assumed that a large number of evacuees would not be locals and would therefore be even less prepared to deal with an evacuation situation. These are just more examples of the types of conditions, potential outcomes, and other options that should be evaluated in a full EIR.
- c) ***Rate of spread and evacuation time:*** The 2016 FEIR states: "*assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1).*" Since these estimates were based on outdated traffic counts and other assumptions that are no longer representative of existing conditions, and they assume humans will behave calmly, public safety officials will immediately show up at all affected intersections to smoothly direct traffic, no accidents will occur or vehicles will stall, and so on, it is expected that these times would

⁷ <https://www.fs.usda.gov/features/caldor-fire-defending-lake-tahoe-basin>

⁸ <https://www.scientificamerican.com/article/what-megafires-can-teach-us-about-california-mega-floods/>

⁹ NIST Technical Note 2135. A Case Study of the Camp Fire – Fire Progression Timeline (2021); <https://doi.org/10.6028/NIST.TN.2135>

be much longer. The 2018 Camp Fire in Paradise, CA, did most of its damage within just four hours.¹⁰

CEQA Triggers warranting additional analysis:

Circumstances have changed – Fire severity and behavior has become significantly more severe and dangerous, megafires are more common, and the old ways of fighting fires are no longer working to slow or stop such fires. Plus, there are significantly more full-time residents and visitors in the Basin, especially during the time of year when fire danger is highest.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, there are new effects related to public safety that warrant analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The increased popularity of vacation rentals has resulted in an increase in visitor traffic and the placement of visitors in neighborhoods, rather than in the more “walkable” Town Centers where the 2012 RPU claimed tourist units would be focused. While the amendments include measures to affect the cap on VHRs based on the development of new tourist accommodation units, this still means more tourists are driving to the basin (whether to now existing VHRs or the future hotels/motels). There is no consideration of a reduction in VHRs and re-evaluation of the capacity of the area to handle *current* extensive visitation, let alone *increased* visitation. There are also no mitigation measures aiming to discourage day visitation or adequately establish a public transit system that visitors will actually use from outside of the Basin.

Recommendation:

FOWS recommends a full, new EIR providing a comprehensive analysis of existing 2023 conditions, the current state of knowledge regarding wildfire threats, trends, rates of spread, and forecasted impacts due to climate change and other factors, and all factors that would affect emergency evacuation and access. FOWS also recommends the use of current modeling tools that can assess the various ways fire could spread based on a variety of factors and that this information be utilized to evaluate the impacts of the project and plan accordingly.

In addition, an adequate environmental analysis based on the California Attorney General’s “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California

¹⁰ “The Camp Fire caused at least 85 civilian fatalities, with one person still missing as of August 2, 2019,^[8] and injured 12 civilians and five firefighters. It covered an area of 153,336 acres (620.5 km²; 239.6 sq mi), and destroyed more than 18,000 structures, with most of the destruction occurring within the first four hours.”¹⁰ [Emphasis added].

Environmental Quality Act” Guidance is needed to ensure public health and safety are appropriate analyzed, disclosed, and mitigated.

ENVIRONMENTAL & TRAFFIC ANALYSIS

FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the ‘evaluation’ of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers previously provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined/averaged), and exclude data from 2020 to present.¹¹ Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

Comments on the Addendum:

The previous Area Plan analysis was based on traffic conditions that have significantly changed. The years being evaluated were questioned at the 8/1 Town Hall meeting and staff said that the amendments have been in the planning stages “for years”, the implication being that current conditions were not used because the process started several years ago. First, we believe an updated analysis is required by CEQA and would require impacts be analyzed based on existing conditions. Second, there is no question that there are currently more people and more traffic, along with worsening fire danger, compared to the 2016 Area Plan review and 2011 RPU review, so why would the county *knowingly* make a problem worse without first assessing how to reduce the already existing problem? It is imperative that land use planning ADAPTS to changing conditions. We should not be pursuing plans that will knowingly create public safety and environmental impacts simply because the planning has been ‘in the works’.

For example, if one examines the most recently available published traffic volumes from Caltrans (2021) for intersections within the Tahoe Basin, the average increase in average annual daily traffic (AADT) is 50%. In fact, six of the nine count locations from Bliss S. P. Road to the Tahoe City Maintenance Station experienced increases of over 50%, with the Ward Creek bridge along the West Shore increasing by 82%!

¹¹ Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

DISTRICT	RTE	RTE_SFX	CNTY	PM_PFX	PM	PM_SFX	DESCRIPTION	BACK_PEAK_HOUR	BACK_PEAK_MADT	BACK_AADT	AHEAD_PEAK_HOUR	AHEAD_PEAK_MADT	AHEAD_AADT	Change since 2020 (AHEAD_AADT)	
														Increase since 2020	%
2021 Annual															
03	089		ED		19.54		BLISS MEMORIAL STATE PARK ROAD	340	3450	2200	420	4000	2650	700	35.90%
03	089		ED		22.77		RUBICON GLEN DRIVE	420	4000	2650	380	3900	2450	650	36.11%
03	089		ED		27.406		EL DORADO/PLACER COUNTY LINE	680	7700	4150				1450	53.70%
03	089		PLA		0		EL DORADO/PLACER COUNTY LINE				680	7700	4150	1450	53.70%
03	089		PLA		.85		MC KINNEY CREEK ROAD	980	10000	5400	490	10400	5700	2000	54.05%
03	089		PLA		5.812		WARD CREEK BRIDGE	1000	8400	6900	1000	8400	6900	3100	81.58%
03	089		PLA		6.46		FIR AVENUE	950	7800	5900	950	7800	6000	2100	53.85%
03	089		PLA	T	8.569		TAHOE CITY, JCT. RTE. 28 EAST	1100	18100	12700	2000	27000	15700	5500	53.92%
03	089		PLA		8.9		TAHOE CITY STATE HIGHWAY MAINTENANCE	1450	16000	11900	1450	16000	11900	2200	22.68%
2020 Annual														AVERAGE:	49.50%
03	089		ED		19.540		BLISS MEMORIAL STATE PARK ROAD	250	2550	1800	310	2950	1950		
03	089		ED		22.770		RUBICON GLEN DR	310	2950	1950	280	2900	1800		
03	089		ED		27.406		EL DORADO/PLACER COUNTY LINE	430	3600	2700					
03	089		PLA		0.000		EL DORADO/PLACER COUNTY LINE				430	3600	2700		
03	089		PLA		0.850		MC KINNEY CREEK ROAD	620	5000	3500	310	5200	3700		
03	089		PLA		5.812		WARD CREEK BRIDGE	480	4000	3800	480	4000	3800		
03	089		PLA		6.460		FIR AVE	480	4000	3800	480	4000	3900		
03	089		PLA	T	8.569		TAHOE CITY, JCT. RTE. 28 EAST	1100	14700	10300	1000	13700	10200		
03	089		PLA		8.900		TAHOE CITY STATE HIGHWAY MAINTENANCE	1400	13000	9700	1400	13000	9700		

Change since 2020 (AHEAD_AADT)	
Increase since 2020	%
700	35.90%
650	36.11%
1450	53.70%
1450	53.70%
2000	54.05%
3100	81.58%
2100	53.85%
5500	53.92%
2200	22.68%
AVERAGE:	49.50%

CEQA Triggers warranting additional analysis:

Circumstances have changed – One need not look far to see a new article or report about how crowded the Basin currently is and warnings to avoid the traffic jams in Tahoe and recreate somewhere else. Since 2020, the residential population has increased as a result of remote work and the “COVID migration” of thousands of people who moved to the Basin full time. In the last few years, visitation to the basin has also significantly increased. Relying on population and traffic counts from 2000-2020 fails to capture these existing conditions and underrepresents the already congested and dangerous traffic levels in the Basin (as noted above, average AADT increase by 50% between 2020 and 2021). The Addendum includes no analysis of the impacts of the amendments, plus cumulative projects, in addition to the problems associated with current conditions. Circumstances have significantly changed and an updated traffic analysis is warranted.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe the new effects related to public safety and emergency access/evacuation (if not also the impacts to lake clarity, which should be a priority as well), warrant an updated analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The Addendum does not evaluate additional mitigation measures that could focus on addressing existing congested traffic.

Recommendation:

FOWS recommends an updated traffic analysis be performed in a comprehensive EIR based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.

ALTERNATIVES

As noted in our previous comments, alternative options for providing affordable housing need to be analyzed and should be done as part of a comprehensive EIR analysis. Such options include:

1. Better regulation of and a reduction in short term rentals to provide more workforce and local housing;
2. Providing realistic incentives to second homeowners to encourage renting to locals;
3. Develop subsidized housing by government agencies and/or non-profits to allow development of units that would only be used for workforce affordable housing, and not mixed with luxury

and tourist units which only allot a small portion of the development (i.e. 10%) to affordable housing.

4. Land Trusts, in which the government agency or non-profit owns the land and leases or sells the housing to low-income residents. It would be deed-restricted. The cost is lower since the resident buyer does not own the land. When they leave, it remains affordable housing.

ATTACHMENT - FOWS COMMENTS TO PLANNING COMMISSION



Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

August 8, 2023

Dear Members of the Planning Commission:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments and associated Addendum #1 to a previously-certified Environmental Impact Report (Addendum). We also appreciate the efforts of staff to continue to relay information and discuss the amendments with the public, such as through the recent 8/1 online Town Hall meeting.

CEQA requires that subsequent environmental review is required when circumstances have changed, there are new significant environmental effects or a substantial increase in severity of previously identified significant effects, there are additional significant effects not discussed in the EIR, significant effects previously examined will be substantially more severe, and/or when there are additional mitigation measures that could be adopted to mitigate impacts but were declined. However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with existing conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, which have changed significantly from the baseline data years analyzed by previous environmental documentation (e.g. 2010-2011 [traffic] or 2020 [population]) from which the Area Plan reviews continue to tier. Basing solutions to new problems on old, un-representative data is not an effective way to plan.
- Emergency Evacuation and access for responders
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects
- Cumulative Impacts of other approved but not yet constructed projects in the area
- Increasing residential and visitor populations without addressing existing problems from - let alone adding to - traffic, congestion, and emergency access/evacuation
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets; and
- The concern with the continued loss of scenic views for the residents and visitors to enjoy

Detailed comments are enclosed. FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions is performed. Thank you for considering these comments.

Sincerely,

Judith Tornese,
President

The following list outlines FOWS concerns and recommendations regarding the proposed TBAP amendments. FOWS has submitted similar comments and recommendations in the past, however they have not been addressed in the Addendum. Additional information based on the new Addendum follows each topic in blue text.

EMERGENCY EVACUATION

FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

RECOMMENDATION:

FOWS recommends a comprehensive analysis of existing conditions, wildfire danger, and all factors that would affect emergency evacuation and access. In addition, an adequate environmental analysis based on the California Attorney General's "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" Guidance is needed to ensure public health and safety are protected. Such parameters were not analyzed for the TBAP or 2012 RPU adoptions and wildfire danger has significantly increased in the past ten years.

ADDENDUM:

The Addendum repeats information from the outdated Area Plan analysis,¹ which notably tiered from the TRPA 2012 Regional Plan Update (RPU) EIR/S, which used 2010 and 2011 data. Further, there is no consideration of the "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" released in October 2022 by the California Attorney General.

CEQA Triggers:

Circumstances have changed – Fire severity and behavior has become significantly more severe and dangerous, megafires are more common, and the old ways of fighting fires are no longer working to slow or stop such fires. Plus, there are significantly more full-time residents and visitors in the Basin, especially during the time of year when fire danger is highest.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation,

¹ "Impact 18-3 addressed impacts related to interfering with implementation of an emergency response plan or emergency evacuation plan. The Area Plan EIR determined that operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact (Area Plan EIR pg. 18-23).

Impact 18-4 addressed impacts from exposing people to wildland fire hazards. The Area Plan EIR emphasized that the TBAP could result in a modest increase in the number of visitors in the plan area, and thus the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant."

existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe there are new effects related to public safety that warrant analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The increased popularity of vacation rentals has resulted in an increase in visitor traffic and the placement of visitors in neighborhoods, rather than in the more “walkable” Town Centers where the 2012 RPU claimed tourist units would be focused. While the amendments include measures to affect the cap on VHRs based on the development of new tourist accommodation units, this still means more tourists are driving to the basin (whether to now existing VHRs or the future hotels/motels). There is no consideration of a reduction in VHRs and re-evaluation of the capacity of the area to handle *current* extensive visitation, let alone *increased* visitation. There are also no mitigation measures aiming to discourage day visitation or adequately establish a public transit system that visitors will actually use from outside of the Basin.

ENVIRONMENTAL & TRAFFIC ANALYSIS

FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the ‘evaluation’ of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined), and exclude data from 2020 to present.² Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

RECOMMENDATION:

FOWS recommends an updated traffic analysis be performed based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.

² Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

ADDENDUM:

The previous Area Plan analysis was based on traffic conditions that have significantly changed. The years being evaluated were questioned at the 8/1 Town Hall meeting and staff said that the amendments have been in the planning stages “for years”, the implication being that current conditions were not used because the process started several years ago. First, we believe an updated analysis is required by CEQA and would require impacts be analyzed based on existing conditions. Second, there is no question that there are currently more people and more traffic, along with worsening fire danger, compared to the 2016 Area Plan review and 2011 RPU review, so why would the county *knowingly* make a problem worse without first assessing how to reduce the already existing problem? It is imperative that land use planning ADAPTS to changing conditions. We should not be pursuing plans that will knowingly create public safety and environmental impacts simply because the planning has been ‘in the works’.

CEQA Triggers:

Circumstances have changed – One need not look far to see a new article or report about how crowded the Basin currently is and warnings to avoid the traffic jams in Tahoe and recreate somewhere else. Since 2020, the residential population has increased as a result of remote work and the “COVID migration” of thousands of people who moved to the Basin full time. In the last few years, visitation to the basin has also significantly increased. Relying on population and traffic counts from 2000-2020 fails to capture these existing conditions and underrepresents the already congested and dangerous traffic levels in the Basin. The Addendum includes no analysis of the impacts of the amendments, plus cumulative projects, in addition to the problems associated with current conditions. Circumstances have significantly changed and an updated traffic analysis is warranted.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe the new effects related to public safety and emergency access/evacuation (if not also the impacts to lake clarity, which should be a priority as well), warrant an updated analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The Addendum does not evaluate additional mitigation measures that could focus on addressing existing congested traffic.

CUMULATIVE IMPACTS

There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.

RECOMMENDATION:

The current traffic problems are occurring prior to the development of numerous additional large projects that have been approved but not yet constructed (e.g. Homewood Mountain Resort, Boulder Bay, and other projects [as listed in comments from NTPAC]). The traffic analysis needs to incorporate the anticipated transportation and population impacts of these projects. Previous analyses using data and assumptions from over ten years ago are no longer valid due to the significant changes the region has experienced in that time.

ADDENDUM:

There is no analysis of the cumulative impacts of the proposed amendments in addition to approved but not-yet-built projects in the region and based on existing conditions. As noted throughout individual topics, we believe the CEQA triggers for additional analysis are met, especially for analyzing traffic, wildfire danger, emergency access/evacuation, and population.

AFFORDABLE HOUSING

FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What is the anticipated low-income housing cost and what is the evidence to support that it would be affordable? What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing? How could tax incentives and government subsidies incentivize additional affordable housing without changing the existing design standards (e.g. building height and width, parking provisions, etc.).

RECOMMENDATION:

FOWS supports policies and programs that will increase affordable housing, including the proposal to allow “Tiny Houses” and otherwise support Accessory Dwelling Units (ADUs). However, there are many remaining questions about other approaches to help provide more affordable housing, such as requiring new hotel projects to include workforce housing near the project. Further, we agree with comments and concerns expressed by the League to Save Lake Tahoe (LTSLT) regarding “Affordable Housing and Mixed-Use Development” and “Developing a Guide for allocation and conversion of commodities.” (12/7/2022 LTSLT Comments to Placer County Planning Commission). We recommend these questions and comments be addressed to truly encourage more affordable housing.

ADDENDUM:

The proposed amendments are based solely on the premise that more development will help provide affordable housing. The analysis has failed to examine other factors and policies that are affecting the affordability of housing and/or that could help mitigate the problem. As noted above and in previous comments, numerous questions remain:

- What about the impacts of Short-term Vacation Rentals on affordable housing?

- What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers (with higher incomes from jobs out of the area) who can now live here full time?
- Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties?
- How will the increased cost of building materials/inflation affect such housing?
- How could tax incentives and government subsidies incentivize providing affordable housing through existing housing stock?
- Can new and existing taxes that have been imposed on Tahoe businesses and/or collected from tourist units be used to help subsidize workforce housing? For example, given visitors use the same services that are provided by many of those who need the affordable/workforce housing, could the TOT tax be used to help subsidize such housing. Current over-visitation in the area would suggest that fewer funds are needed to “promote” more tourism.

CEQA Triggers:

There are additional mitigation measures that could be adopted to mitigate impacts but were declined
 – The Addendum does not evaluate additional mitigation measures that could address the shortage in affordable housing, including policies related to reducing the number of existing vacation rentals.

FOWS also reiterates previous comments in the attached 3/9/2023 comment letter not repeated herein. In addition, we add the following:

- We are concerned that the reduction in setbacks on the lake side in Town Centers will reduce/eliminate view corridors toward the lake.
- We do not support the proposal to eliminate Design Review for Multi-Family Residential Development with 15 units or fewer (1.04.E). Fifteen units of undetermined size could drastically change a neighborhood or small community and the public should have the opportunity to review and comment on such projects.

We request that the amendments be postponed unless and until a comprehensive environmental analysis based from **existing** conditions is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
 President

Cc: TRPA, Jacob Stock
 TRPA, John Hester
 Placer County, Stacy Wydra
 Placer County, Emily Setzer



Placer County Community Development Resource Agency
Attn: Crystal Jacobsen, Deputy Director
3091 County Center Drive
Auburn, CA 95603

March 6, 2023

Dear Ms. Jacobsen:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments associated with the currently-scheduled March 9th Public Workshop. However, we would first like to urge the county to postpone this in-person only meeting. Our region has experienced record-breaking storms bringing substantial amounts of snow to our area. This has resulted in significant impacts to our roadway system and created dangerous driving conditions. At this time, the NOAA forecast includes snow every day through Thursday and beyond. Even if new snowfall is minor in the 2-3 days leading up to the workshop, many will still be digging out from the storms and as we've seen multiple times this winter, roadway operations cannot 'catch up' with widening and creating safe conditions in such a short period of time due to the already-substantial snowfall. We believe the meeting should be postponed until those who want to attend can safely travel to the meeting, and/or that online attendance options be provided.

It is our understanding that no changes to the amendments have been proposed since they were last presented to the Placer County Planning Commission on 12/4/2022 and TRPA Regional Plan Implementation Committee on 12/14/2022. Therefore, our previous comments expressing concerns and recommendations regarding the following topics are attached to this letter:

- Emergency Evacuation
- Analysis of Environmental Impacts and Traffic
- Cumulative Impacts
- Affordable Housing
- Public Involvement and TBAP Planning Teams
- Multi-Use Permits
- Parking
- Scenic Resource Impacts

FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,

Judith Tornese,
President

Cc: Jacob Stock, Tahoe Regional Planning Agency



Tahoe Regional Planning Agency
Regional Plan Implementation Committee
128 Market St.
Stateline, NV 89449

December 13, 2022

Dear Members of the Regional Plan Implementation Committee and staff:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments. FOWS mission is to work toward the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. FOWS represents community interests from Emerald Bay to south of Tahoe City.

The following list outlines FOWS concerns and recommendations regarding the proposed TBAP amendments.

- **EMERGENCY EVACUATION** FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

RECOMMENDATION:

FOWS recommends a comprehensive analysis of existing conditions, wildfire danger, and all factors that would affect emergency evacuation and access. In addition, an adequate environmental analysis based on the California Attorney General's "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" Guidance is needed to ensure public health and safety are protected. Such parameters were not analyzed for the TBAP or 2012 RPU adoptions and wildfire danger has significantly increased in the past ten years.

- **ENVIRONMENTAL & TRAFFIC ANALYSIS** FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the 'evaluation' of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including

¹ Information presented by John Hester to the Placer County Planning Commission on 12/8 shows basin-wide population data only.

South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined), and exclude data from 2020 to present.² Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

RECOMMENDATION:

FOWS recommends an updated traffic analysis be performed based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.

- **CUMULATIVE IMPACTS** There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.

RECOMMENDATION:

The current traffic problems are occurring prior to the development of numerous additional large projects that have been approved but not yet constructed (e.g. Homewood Mountain Resort, Boulder Bay, and other projects [as listed in comments from NTPAC]). The traffic analysis needs to incorporate the anticipated transportation and population impacts of these projects. Previous analyses using data and assumptions from over ten years ago are no longer valid due to the significant changes the region has experienced in that time.

AFFORDABLE HOUSING FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What is the anticipated low-income housing cost and what is the evidence to support that it would be affordable? What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing? How could tax incentives and government subsidies incentivize additional affordable housing without changing the existing design standards (e.g. building height and width, parking provisions, etc.).

² Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

RECOMMENDATION:

FOWS supports policies and programs that will increase affordable housing, including the proposal to allow “Tiny Houses” and otherwise support Accessory Dwelling Units (ADUs). However, there are many remaining questions about other approaches to help provide more affordable housing, such as requiring new hotel projects to include workforce housing near the project. Further, we agree with comments and concerns expressed by the League to Save Lake Tahoe (LTSLT) regarding “Affordable Housing and Mixed-Use Development” and “Developing a Guide for allocation and conversion of commodities.” (12/7/2022 LTSLT Comments to Placer County Planning Commission). We recommend these questions and comments be addressed to truly encourage more affordable housing.

- **PUBLIC INVOLVEMENT** FOWS is also concerned that these amendments were prepared without engagement with the broader public, including the Planning Teams who spent years reviewing and compromising on the original Tahoe Basin Area Plan regulations. Now these amendments are being fast-tracked toward approvals while the general public is still just finding out about the changes.

RECOMMENDATION:

The Tahoe Basin Area Plan teams that worked for years to develop the original TBAP should be re-engaged to review the proposed amendments and alternative options.

- **MULTI-USE PERMITS** On the West Shore, the proposal to change multi-unit uses from requiring a Minor Use Permit to being Allowed 'by right' means adjacent/nearby properties would not have to be notified of such developments. This takes the public out of the equation both at the permit-level stage and now at the planning stage (due to the lack of adequate engagement and review done with the public on the amendments).

RECOMMENDATION:

This amendment should be removed from the proposed amendments and existing zoning retained.

- **PARKING** The amendments also reduce, or in some cases, eliminate the requirement for parking for new units. FOWS is concerned that this may result in more vehicles parking along public roadways and in residential areas, creating traffic concerns and other impacts. We believe it is unrealistic to assume the new residents or visitors staying in the new units will not have vehicles that need to be parked somewhere.

RECOMMENDATION:

A comprehensive analysis of parking based on existing conditions and impacts from the anticipated vehicle use/numbers by new residents and visitors needs to be performed. While FOWS supports the concept of reducing vehicle use, no evidence has been presented showing that the new residents and visitors resulting from the amendments will not have vehicles that require parking. In fact, TRPA, Placer County and others often tout the “park once” approach in the Basin. While this would presumably reduce driving once within the Basin, those vehicles still need to park somewhere. In addition, another part of discouraging vehicle use and ownership is to provide adequate means to travel in the area without a personal vehicle. The local transit system continues to fall far short of providing such service. Until and unless sufficient, secured funding is available and a convenient, consistent, and more desirable

transit system is in place and shown to mitigate trips as assumed thus far in planning review documents, plans should not assume or rely on the availability of or mere distance from transit routes as a means to mitigate additional residential and visitor vehicle use.

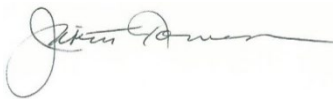
- SCENIC IMPACTS Extensive efforts went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts makes little sense; the amendments themselves show the plan would allow for more height and massing than is currently allowed and there is no mitigation that can physically prevent taller and wider buildings from blocking views. In other words, there is no way to mitigate a lost view.

RECOMMENDATION:

Increased heights and allowances for wider buildings should be removed from the proposed amendments and the current height and width maximums retained. At minimum, the TBAP planning teams should be re-engaged and these proposed amendments carefully scrutinized by those teams. In addition, visual demonstrations of maximum building sizes (e.g. heights, widths) under the existing TBAP and under the proposed amendments (and any alternatives) should be provided so the public can be adequately informed of what the changes mean.

FOWS herein incorporates comments submitted by the North Tahoe Preservation Alliance, League to Save Lake Tahoe, and Ellie Waller. We request that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: TRPA, Jacob Stock
TRPA, John Hester
Placer County, Stacy Wydra
Placer County, Emily Setzer



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

**Best Practices for Analyzing and Mitigating Wildfire Impacts of
Development Projects Under the California Environmental Quality Act**

I. Introduction

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies¹ comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.² The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire hazard, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.³ Particularly in these high-risk areas, but also throughout the

¹ Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

² CAL FIRE has published an instructive map on the wildland-urban interface in California: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf. The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at <https://www.pnas.org/doi/10.1073/pnas.1718850115>.

³ See <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Note that areas mapped by CAL FIRE as high or very high fire hazard are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.⁴ This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.⁵ The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years⁶ and eight of the State's ten largest fires since 1932 have occurred in the last decade.⁷ While lightning is a common cause of some of the State's largest

FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1>. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: <https://egis.fire.ca.gov/FHSZ/>.

⁴ Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

⁵ This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

⁶ CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf. See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at <https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R>.

⁷ Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at <https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/>. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.⁸

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.⁹ Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.¹⁰

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California¹¹ and, since 2005, wildfires have destroyed over 97,000 structures,¹² requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.¹³ Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.¹⁴ Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

Fires in Historical Context (Aug. 25, 2021) FIRE ECOLOGY, available at <https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7>.

⁸ See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf; CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf.

⁹ See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388-1402 (2007).

¹⁰ United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at <https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs>.

¹¹ CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf.

¹² Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at <https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/>.

¹³ See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at <https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php>. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at <https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html>; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at <https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke>.

¹⁴ California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 69, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

2021, the State invested \$1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional \$1.2 billion to support wildfire and forest resilience.¹⁵ The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.¹⁶

As of 2010, about one-third of California’s housing units were located within the wildland-urban interface.¹⁷ Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.¹⁸ Second, building housing units in the wildland-urban interface puts more people in harm’s way.¹⁹ Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State’s fire-fighters and the State’s budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.²⁰

¹⁵ Gavin Newsom, California State Budget (2022-2023), at p. 61, available at <https://www.ebudget.ca.gov/FullBudgetSummary.pdf>; California State Budget, Budget Addendum (2021-2022), at p. 3, available at <https://www.ebudget.ca.gov/BudgetAddendum.pdf>.

¹⁶ See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

¹⁷ Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf; see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf. At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California’s Wildland Urban Interface (June 2021), at p. 9, available at <https://www.next10.org/publications/rebuilding-resilient>.

¹⁸ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *Fremontia*, 47(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

¹⁹ See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

²⁰ See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.²¹ In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.²² The Governor’s Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.²³ We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.²⁴

11(4), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) *PLOS ONE*, available at <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable>; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 (“Statement of Reasons”), at p. 87, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

²¹ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at p. 33, available at <https://pubs.er.usgs.gov/publication/70215982> [concluding that “the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions”].

²² See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

²³ Governor’s Office of Planning and Research, *Fire Hazard Planning Technical Advisory*, 2022 Update (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf; and *Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities* (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf.

²⁴ Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration²⁵ if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.²⁶ Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines²⁷ require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.²⁸ This “baseline” of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project’s impacts on wildfire risk.

The CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.²⁹ The “environmental checklist form” in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

²⁵ Where “EIR” is used in this guidance it should also be considered to refer to a mitigated negative declaration.

²⁶ Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

²⁷ The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

²⁸ CEQA Guidelines, § 15125.

²⁹ CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,³⁰ would:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.³¹

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will “expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.”³² In answering these questions, lead agencies must consider both on- and off-site impacts.³³

B. Analyzing a project’s impact on wildfire risks

Several variables should be considered in analyzing a project’s impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.³⁴ This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

³⁰ See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

³¹ CEQA Guidelines, Appendix G, XX.

³² CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

³³ CEQA Guidelines, § 15360 [defining the environment to be considered as “the area in which significant effects would occur either directly or indirectly as a result of the project”].

³⁴ Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954>.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.³⁵ “Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.”³⁶ Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.³⁷

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.³⁸ For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.³⁹

³⁵ See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.

³⁶ Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

³⁷ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at p. 31.

³⁸ See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>.

³⁹ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at <https://escholarship.org/uc/item/6n12m6pn>; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 67, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

- **Water Supply and Infrastructure:** As part of evaluating a project's wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.⁴⁰ This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply⁴¹ and the potential loss of power, which may eliminate the supply.⁴²

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.⁴³ Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

⁴⁰ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at <https://escholarship.org/uc/item/6n12m6pn>.

⁴¹ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

⁴² See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) *FREMONTIA*, 47(2), at p. 26.

⁴³ See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf.

C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.⁴⁴

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

⁴⁴ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at <https://escholarship.org/uc/item/6n12m6pn> [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.⁴⁵
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,⁴⁶ can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.⁴⁷

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

⁴⁵ See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at <https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf>.

⁴⁶ FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at <https://www.fema.gov/sites/default/files/2020-07/planning-considerations-evacuation-and-shelter-in-place.pdf>. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at <https://escholarship.org/uc/item/6n12m6pn> [discussing the difference between “safety zones”—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

⁴⁷ See Mejia, *Pepperdine University Defends ‘Shelter in Place’ Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html>; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at <https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/>.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

D. Mitigating wildfire risk, evacuation, and emergency access impacts

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).⁴⁸ Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

⁴⁸ Pub. Resources Code, § 21081.

- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.⁴⁹ It is also important that legal obligations are structured so that defensible space measures are retained over time.⁵⁰
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure’s resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

⁴⁹ Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREEMONTIA*, 47(2), at p. 32, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at <http://dx.doi.org/10.1071/WF13158>.

⁵⁰ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.⁵¹ For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.⁵² However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.⁵³ Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.⁵⁴ While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

⁵¹ See Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that "the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies"].

⁵² Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at <https://www.nber.org/papers/w29621>.

⁵³ Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf> [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

⁵⁴ Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf>.



Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

December 5, 2022

Dear Members of the Placer County Planning Commission:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments. FOWS mission is to work toward the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. FOWS represents community interests from Emerald Bay to south of Tahoe City.

The following list outlines FOWS concerns with the proposed TBAP amendments.

- FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.
- FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the 'evaluation' of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010.
- There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.
- FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could

further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing?

- FOWS is also concerned that these amendments were prepared without engagement with the broader public, including the Planning Teams who spent years reviewing and compromising on the original Tahoe Basin Area Plan regulations. Now these amendments are being fast-tracked toward approvals while the general public is still just finding out about the changes.
- On the West Shore, the proposal to change multi-unit uses from requiring a Minor Use Permit to being Allowed 'by right' means adjacent/nearby properties would not have to be notified of such developments. This takes the public out of the equation both at the permit-level stage and now at the planning stage (due to the lack of adequate engagement and review done with the public on the amendments).
- The amendments also reduce, or in some cases, eliminate the requirement for parking for new units. FOWS is concerned that this may result in more vehicles parking along public roadways and in residential areas, creating traffic concerns and other impacts. We believe it is unrealistic to assume the new residents or visitors staying in the new units will not have vehicles that need to be parked somewhere, especially without an improved transit system.
- A lot of effort went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts makes little sense; the amendments themselves show the plan would allow for more height and massing than is currently allowed and there is no mitigation that can physically prevent taller and wider buildings from blocking views. In other words, there is no way to mitigate a lost view.

FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: Jacob Stock, Tahoe Regional Planning Agency

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 10/9/2023 12:27:10 PM
To: Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwlfpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Ellery Stahler <estahler@lands.nv.gov>; ExecutiveAssistant Washoe <executive.assistant@washoe-tribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmoneil <Kmoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>; Public Comment <PublicComment@trpa.gov>
Subject: Public Comment to TRPA Advisory Planning Commission meeting 10/11/23 - Flash Survey and coming revision of NEPA guidelines
Attachments: [Fivestory-Bayside.JPG](#)

Please confirm inclusion of this email as Public Comment for the Oct 11 2023 TRPA Advisory Planning Commission meeting

To TRPA Advisory Planning Commission,

It's more than obvious to anyone closely following the presentations by TRPA staff to committees and the public regarding the proposed Regional Plan Amendments, a turning point has been reached and public input isn't being considered and questions are no longer being sufficiently addressed but rather limited if not stifled by time constraints. It's becoming obvious that TRPA's only goal is to steam-roll ahead with these amendments and get them approved by year end. They've even said so!

If one studies the survey results and reads the 681 free text comments from the **2-day** flash survey (link at bottom), it's clear that the **majority of respondents DO NOT WANT increased height. In Question 3** - a majority of 32.4% strongly disagree and 19% somewhat disagree for a **51.4% total disagreeing**. Yet **TRPA staff led the TRPA Regional plan implementation committee (RPIC) to believe that it was "a surprising 50/50 split"**.....a misleading statement.

For the agreed to reach 50%, the "neutral and not sure" respondents (which made up 10%) would need to be included with the agreed. The facts are 22.9% somewhat agree and 15.2% strongly agree for **38.1% total agreeing. See the graph for yourself!**

No where in the question did it indicate that taller means 65' in town centers. Is this also misleading or an incomplete question?

Also, **Question 2** asking which would be the **BEST OPTION** to provide more housing Where **66% (605 of 915) indicated this option:**

Small multi-family buildings (up to 10 units) near town centers, in areas that already allow for multi-family housing

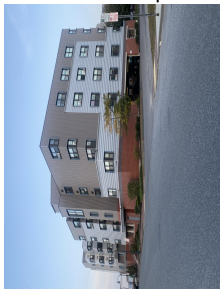
Not once did I hear this option mentioned by TRPA staff as preferred by the public to RPIC. Only the need for these amendments to increase height and density with parking reduced to zero in town centers and .75 parking/unit in multi family zones. Where do the home cleaners, construction workers and hospital employees park their necessary vehicles? **Parking management plans need to be put in place BEFORE any amendments that allow these projects to be considered** without parking, in town centers AND multi family zones. MOUs need to be based on something. Let's start with, where is a dedicated multi-story garage going to happen in Kings Beach?

Please REVIEW the survey for yourself and read the 681 comments. It's quite apparent that the public wants firstly and for immediate results over the next year or two, a limitation cap and phase down of STRs and incentive programs for owners to rent long term/seasonally their empty homes....or have a vacancy tax like other mtn resort areas. This could be an immediate partial solution until housing is available in 3-4 years.

Before any decision making moves forward the following illustrations should be made available for the public and committees to see, and the following questions about the details of the proposed amendments addressed:

1. First **TRPA must have REALISTIC renderings of town center proposals of 65' (5-story) on their "Achievable Housing" webpage and for all future meetings** (see image below).

Here is an example of a 5 story building, this one includes realistic ground floor parking!



In addition, not one rendering in the TRPA materials or affordable housing webinar on Sept 19th has more than 4 stories, which is clearly deceptive information. Even the home page image on the **TRPA Achievable Housing website** explaining the proposed amendment changes is of the current **"Domus affordable housing project" in Kings Beach that stands at 48'**. Nothing on this webpage represents the proposed 65'/ 5 stories in fact. Have a look here - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

And you will notice on this same webpage that the **flash survey results from 1255 people I'm referring to in this email are only represented as a link with NO summary/or screenshots**. While a survey immediately following TRPA's Sept 19th housing webinar had 57 respondents, and they feature it as the primary public input with a screenshot of 30 respondents (barely the majority 53% with 14% needing more information) in favor of taller and denser building (here again, they do not mention HOW tall)

2. **TRPA must have a combined map of Town Centers AND Multi Family zones (in different colors) with township boundaries** to give everyone a realistic idea of the areas affected. **This map should also have zoomed in renderings of each township area for the public to see where their property ownership lies. This map should be referred to in future live meeting presentations.**

3. TRPA must have a **chart explaining the intended allocation of bonus housing units in each township/ zone /county around the lake basin** (which was indicated in the RPIC meeting as a total of 10% of the population). Also stipulating the **allocation within each "Bucket"** of 1/2 affordable - 1/2 moderate and achievable. And finally, a chart with example rental amounts/sales prices indicated for each bucket in each county for each size unit.

4. **TRPA must clarify the calculation of each income level (affordable, missing middle/moderate, achievable) as % of AMI based on # in household with current AMI information/its source.** They also need to explain **why there is no income cap to qualify for "achievable" housing**, only a requirement to work for a local employer. How do you keep someone from just obtaining a local business license as an employer and qualifying?

5. Will **mixed use projects** be able to utilize these beneficial ordinances if they **have a dedicated workforce housing component**? Commercial/retail and workforce? Workforce and TAUs/STRs or market rate units? **Or will these ordinances ONLY be allowed for 100% workforce housing developments?** **What percentage will be "deed restricted for sale" versus "affordable rental projects" which is most needed by the seasonal workers?** **What happens if the units don't sell as "missing middle or achievable" units?** **Who absorbs the developers shortfall if they then are forced to lower the sales prices?** **Will TRPA be subject to lawsuits?**

6. **How will compliance be enforced?** - TRPA's track record for enforcing required workforce housing with previous development projects leaves much to be desired. Details how the Vail program works - 100% reporting versus what TRPA or the jurisdictions will be required to do? **Explain the audit of a 10% sample - will this sample be for each "bucket"?**

7. It's obvious from the flash survey that respondents believe STRs are contributing to a workforce housing shortage and they should be limited or banned. **Why won't TRPA take a more immediate approach** to help relieve the shortage of workforce housing NOW and **mandate a reduced cap on STR permits** like other mountain resort communities have recently done? For instance Placer county has had an average STR permit level of 3400 of the 3900 available for the past year. Why can't this be reduced to 2500 and through attrition be converted to long term/seasonal rental with incentives made available to possibly free up a chunk of housing units?

8. The flash survey also raises concerns about overtourism, environmental scenic thresholds, adequate evacuation studies and news of microplastics and invasive aquatic snails. Explain **how can TRPA substantiate approval of these amendments to the Regional Plan without an updated cumulative Environmental Impact Report** but base it on the ratified EIR for the 2012 Regional Plan? **How can a "Checklist" be sufficient to recognize and mitigate current environmental deterioration issues?** **There HAS BEEN A CUMULATIVE effect of building development and a substantial number of approved/not built projects since the last completed EIR for the Regional Plan, along with climate change, increased wildfire, pollution and invasive species...is this not obvious?** I don't see how TRPA can justify CEQA and NEPA guideline compliance and not complete a current cumulative EIR before these amendments are approved? I do see possible lawsuits.

Everyone's attention to and explanation thereof the details to these far encompassing amendments needs to be addressed for the public and will be asked at all upcoming meetings.

THE FLASH VOTE SURVEY -

I hope you will read the 681 free text comments (good bed time reading :D) to get a sense of the majority public input within the flash survey and ask your own questions.

It is available here - <https://www.flashvote.com/lake-tahoe-basin-nv-ca/surveys/regional-housing-09-23?filter=invited>

This past week, Attorney General Bonta joined a Comment Letter in Support of Proposal to Strengthen Federal NEPA Regulations (Press Release Oct 3, 2023, [LINK Here](#)).

In their comment letter, the attorneys general supports CEQ's proposal and recommend additional changes to strengthen the rule, including:

- **Strengthening analysis of climate change effects in all types of NEPA review, including requiring consideration of climate change effects when conducting environmental reviews of proposed actions that do not require preparation of an environmental impact statement.**
- **Providing direction to agencies on how to evaluate cumulative disproportionate adverse effects on environmental justice communities.**
- Incorporating provisions of CEQ's previously published greenhouse gas emissions guidance.

Kindly,

Niobe Burden Austere

One of numerous concerned property owners on the north shore of Lake Tahoe



From: Ellie <tahoellie@yahoo.com>
Sent: 10/8/2023 2:20:01 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: [BULK] Oct 11, 2023 TRPA APC and Oct 25, 2023 General Public Comment
Attachments: [APC 10-11-2023 GB 10-25--2023 Gen Comment.docx.pdf](#)

Please provide this "General Public Comment" to all TRPA Advisory Planning Commission and Governing Board members for their respective upcoming October meetings. Thank you ~Ellie Waller

TRPA Planning Commissioners and Governing Board members:

My opinion, many amendments to the 2012 (12-12-12) TRPA Regional Plan and some of the Area Plans amendments have not resulted in environmentally beneficial improvements, development on-the-ground and frankly poor decision-making by TRPA and the local jurisdictions with approvals that don't necessarily meet the criteria TRPA expected to paraphrase Executive Director, Julie Regan when South Lake Tahoe, Douglas County, Latitude 39 project <https://www.collaborativedesignstudio.com/latitude-39> was approved with a contentious Vehicle Miles Traveled (per-capita) analysis challenged. As well as not having an affordable housing requirement. Furthermore, the approval of the Incline Village, Washoe County, 947 Luxury condo project <https://nine47tahoe.com/>. It was stated by TRPA staff and the public that the affordable housing component probably won't get built even though land was dedicated by the developer for an affordable component. And a commercial component suspect allowing the project to qualify as mixed-use.

Non-Profits There are many non-profits and consultants (Tahoe Prosperity Center, Tahoe Fund, Mountain Housing Council, BAE, Cascadia, etc.) and most recently The Lake Tahoe Stewardship Plan <https://stewardshiptahoe.org/> providing TRPA and the local jurisdictions studies and suggestions without any viable environmental impact analysis being completed, just conjecture (The act of forming an opinion without definite proof; a supposition made to account for an ascertained state of things, but as yet unverified; an opinion formed on insufficient presumptive evidence; a surmise; a guess.) in my opinion

Tahoe Stewardship Plan Julie Regan, Devin Middlebrook, Jennifer Self, Jeff Cowen-TRPA, Amy Berry Tahoe- Fund, Erick Walker-USFS, Carol Chaplin-Lake Tahoe Visitors Authority, Steve Teshara-Tahoe Chamber, Heidi Hill-Drum- Prosperity Center: members just to name a few members.

This plan has many caveats that will affect the residents through proposed taxation, OFTEN called assessments not taxes. <https://stewardshiptahoe.org/wp-content/uploads/2023/06/Lake-Tahoe-Stewardship-Plan-6-19-23-FINAL.pdf> Info below from the plan and link.

Sales Tax Increment Financing Districts (TIFs) One example of a funding source derived from a reallocation of the growth in a preexisting public funding revenue stream is the Tax Increment Financing (TIF) mechanism. First introduced in 1952, property tax increment financing was designed to create a virtuous cycle of investment. **Property TIF is a tool used by municipal governments to stimulate economic development in a targeted geographical area. Property TIFs are used to finance redevelopment projects, infrastructure or other investments using the growth, or “increment” of property tax revenue.** When a TIF district is established, the baseline amount of tax revenue is recorded using the “baseline” amount of revenue currently received. Over time, the amount of property tax revenue grows, increasing actual tax receipts above the established baseline. While the baseline amount of tax revenue continues to fund existing services, the additional amount in tax revenue above the baseline is used to invest in capital improvements within the designated area. The success of property TIF districts lead to some states implementing a sales TIF mode. **Who decides the additional projects to be funded? The residents do not necessarily know where to find information or are adequately noticed when it's a Tourism Association, for example, deciding or stakeholder groups advising that do not have concerned residents in that group.**

Property and Business Improvement Districts (PBIDs) Another funding mechanism that utilizes a new assessment to generate revenue is a Property and Business Improvement District (PBID). Similar in structure to a TID, PBIDs are a stable funding source designed to provide special benefits to payors. **Unlike TIDs, PBID assessments are levied on real property rather than businesses.** PBIDs are often used to create a funding stream for the installation of trash cans, litter removal, and general maintenance for assessed property owners within a designated geographic boundary. Owners within the PBID work together to implement significant improvements, provide needed services, and improve the area. **Operations of PBIDs are governed by the property owners funding the PBID. The amount of a PBID assessment is determined, within particular legal guidelines, by property owners at the formation of the district.** The assessment may be calculated using a variety of factors such as valuation, lot size, building square footage, parcel frontage along a particular street, or parcel use. Certain types of property can be exempt from all or part of the assessment if they do not benefit from the district services. Funds raised through the assessment must be spent for the benefit of the properties paying the assessment. Like TID revenue, funds raised through a PBID cannot be diverted to other government programs. **Typically, a PBID is managed by an existing nonprofit corporation or one specifically formed to manage the district. The property owners forming the PBID decide the composition of the nonprofit's board of directors.** Not all property owners are provided detailed information before signing up or do not understand the legalese (A style of writing or speaking heavily emphasizing the abstruse technical vocabulary of the law, to the point where a speech or document may be incomprehensible to non-specialists.) assigned to the PBID. A non-profit board will be acting as a non-elected, quasi-governmental (supported by the government but managed privately) entity, in my opinion.

Voluntary Districts Both TIDs and PBIDs are examples of compulsory levies.

If enough of the business or property owners meet the legal threshold of consensus to form a TID or PBID in a certain geographical area, **then all businesses or properties proposed for assessment within the district will be required to pay the assessment.** In some cases, the implementation of such a compulsory levy may not be viable. In such a case, funding may be generated through the creation of a voluntary district. **Voluntary districts are ones in which businesses that wish to be included opt-in through an agreement with the managing entity, e.g. a City or a private non-profit corporation, to receive specified services.** Unlike other compulsory funding mechanisms, not all businesses within the designated geographic area are included - only those who opt-in to pay the charge, and only those paying the charge receive the additional services. **The businesses who wish to be included in the district typically contract with a designated non-profit to manage the assessment funds collected by the businesses.** If businesses can swiftly come to consensus about district parameters, such as the services and the amount of the assessment that will be levied, voluntary districts can provide the benefit of a quicker formation process as opposed to a TID or a PBID because voluntary districts do not require local jurisdiction approval. Furthermore, voluntary districts are subject to few, if any, government regulations, and can be less expensive to form as they typically only require drafting of the agreements. Although voluntary districts offer advantages over compulsory levies, they also have disadvantages. Unlike TIDs and PBIDs, which require that services benefit and are provided to only those paying the assessment, there is an argument that benefits of a voluntary district inevitably spill over to

those that did not opt-in to the district. Furthermore, voluntary districts may not create the same "level playing field" that a compulsory district creates.

The voluntary structure of the levy means that some may not be paying even though they benefit from the programs. Voluntary districts may also require more time and effort for collection. However, a well-crafted voluntary agreement may help with mitigating these risks. We have seen voluntary districts work quite well in smaller geographical zones where gaining a consensus, or even unanimity, of payors is achievable. **Again, in my opinion, it is never really clear who benefits, oversight is negligible, definition as an assessment versus a tax, etc. Again, how does a non-elected, quasi-governmental non-profit ascertain the wants and needs of a specific TID or PBID and what the entire community benefits?**

Achievable Housing definition and achievable housing polices to possibly be adopted

The TRPA Tahoe Living Working Group and Regional Plan Implementation Committee, and Local Government & Housing Committee members do not always accept and apply some of the concerns from public input.

https://www.youtube.com/watch?v=vJ_TR5hinY8 **September 27, 2023. ALL should listen and if you were a participant re-listen about the housing issues**

TRPA Local Government & Housing Committee June 14, 2023

<https://www.trpa.gov/wp-content/uploads/Local-Government-Housing-Committee-1.pdf>

Public Comment should be read by all

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-1-5.pdf>

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-2-5.pdf>

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-3-3.pdf>

<https://www.trpa.gov/wp-content/uploads/Written-Public-Comments-4-3.pdf>

The Tahoe Living Working Group Working Group Meeting #7 Friday, April 21, 2023

<https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>

<https://www.trpa.gov/wp-content/uploads/Cascadia-TRPA-Zoning-and-Affordability-Slides-Final-042423.pdf>

Mountain Housing Council

<https://www.mountainhousingcouncil.org/faceoff-why-not-both/> **"Mountain Housing Council (MHC) coined the term achievable local housing in 2016** to help define the range of needs in our region" **"What's Achievable Housing? The Mountain Housing Council of Tahoe Truckee put forth a policy recommendation in 2018** to expand the defined range of housing needs to include households earning between 80% and 195% of Area Median Income, in addition to those with very low or low income levels up to 80% of AMI."

Truckee is not Tahoe and outside the TRPA jurisdiction. Some of the reports have risen to the level of TRPA adopting a definition of "achievable housing" Chapter 90 TRPA Code of Ordinances. 1.8.24. Ordinance No. 2018-03, adopted 10/24/2018, Chapter 90: Section 90.2

(Accessory Dwelling Unit, Achievable Housing, Affordable Housing, Development Right, Moderate Income Housing, and Residential Units of Use) Achievable Housing.

CHAPTER 90: DEFINITIONS 90.2 Other Terms Defined Page 90-3

Page 630 of 681 of Code of Ordinances document

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county's area median income (AIM) (moderate income households and below); or
2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years. The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: Bonus Unit Incentive Program.

Achievable deed-restrictions issued before June 26, 2023 may utilize this definition or the definition of “achievable” in effect from December 20, 2018 to June 26, 2023

One-size does not fit all

1) North, South, East and West Lake Tahoe are very different when proposing zoning changes, height and density, affordability of housing, etc. come into play. Area Plans can adopt lesser standards but many refer to TRPA maximums with total disregard of public opinion. Most recently, if you weighted comment on these changes the opposition resonates. Of course, public versus developers and developers' representatives always come into play.

2) TRPA and the local jurisdictions will tell you we need relaxed zoning and scenic standards, more density, stream-lined permitting, etc. to make it feasible for developers and home-owners. There are plenty examples of these requests being applied with less than stellar results. This begs the question: How many entitlements are needed? I say too many have already been granted and still projects like the Tahoe City (Placer Tahoe Basin Area Plan provided many changes, entitlements, land purchase etc.) have not broken ground or the Community Enhancement (CEP) program, that preceded the TBAP, which produced zero projects under prescriptive requirements. The Domus Affordable Housing NOW project didn't meet the CEP criteria but received additional coverage entitlement and relaxed vegetation requirements. No play area for children, not enough parking, and no commercial component.

3) South Lake Tahoe Micro-transit <https://ss-tma.org/> program that crosses state lines that **doesn't provide equal service area** as a mitigation for the Douglas County NV, Tahoe Blue Event Center. "Our mission is to support the economic vitality of the South Shore community of Lake Tahoe the South Shore Transportation Management Association provides support and a unified leadership voice for public/private partnerships. We advocate for and improve mobility with innovative solutions to meet resident and visitor transportation needs by fostering collaboration, education and sustainable funding."

Many recent articles in national and regional news about Lake Tahoe issues that beg the question what is TRPA and the local judications actually accomplishing with ever-changing plans? Please read entire article

1). <https://www.sfgate.com/renotahoe/article/lake-tahoe-robot-hazardous-waste-cleanup-18406175.php>
By [Suzie Dundas](#) Updated Oct 5, 2023

It's no secret that [Lake Tahoe](#) has a [trash problem](#), and local nonprofit [Clean Up the Lake](#) has pulled more than [61,000 pounds](#) of debris from the lake since 2018.

In summer 2023 alone, the organization used the robot to pull nearly 5 tons of hazardous materials from the lake, including about 1 ton of alcohol bottles containing lead and cadmium. The rest included hundreds of action cameras and at least five camera drones with lithium batteries, plus a 16,000-pound electric boat.

A research team in July studying water in Emerald Bay found that Lake Tahoe's lead levels surpassed the EPA-approved limit by more than [2,500 times](#), partially due to deteriorating lead-based telecom cables on the lake floor.

2). <https://www.sfgate.com/renotahoe/article/invasive-species-of-snail-found-in-lake-tahoe-18383662.php>
Very uncommon: New invasive species found in Lake Tahoe. They may not sound threatening, but the exotic invader could devastate Lake Tahoe's ecology By [Suzie Dundas](#) Sep 23, 2023

In an announcement that will come as a disappointment to conservationists, a Tahoe environmental organization [announced on Thursday](#) that invasive New Zealand mudsnails, or NZMS, were recently found in the weeds along [Lake Tahoe](#)'s shoreline.

The snails likely made their way to Tahoe's shores on the bottom of non-motorized boats. "We don't know specifically, but they were all but certainly introduced by people, probably as stowaways on someone's recreational gear.

Though Tahoe began a robust program for [inspecting motorized watercraft](#) like jet skis and pontoon boats in 2008, non-motorized vessels are not required to undergo inspection before getting on the water (though free inspections are available at [three area watercraft inspection stations](#))

3) <https://www.sfgate.com/renotahoe/article/lake-tahoe-locals-cost-of-living-18256593.php> [Suzie Dundas](#) July 26, 2023 S—t hit the fan': Tahoe's young people may not come back.

Truckee residents Ryan and Kaleigh O'Rear moved to the [Lake Tahoe](#) area in 2017, and soon decided to make it their permanent home. They focused on their ultimate goal of buying a house, deciding to live in a mobile home park to save money and working hard to get jobs that gave them disposable income. Kaleigh paid off her student loans; Ryan gave up the dream job in ski patrolling that first brought them to Tahoe, taking instead a municipal job with a pension. They raised their annual income to be well into the six-figure range.

Tahoe Regional Planning Agency Advisory Planning Commission 10-11-23 and Governing Board 10-25-23
“General Public Comment” Ellie Waller for the record

“We wanted to buy in a place with no homeowners associations so you can build a house that isn’t going to take you 10 years and cost a million dollars,” says Ryan. But expensive requirements like multiple design reviews and square footage minimums made that plan unfeasible.

“Like, it has to be a raw-timber frame in a fire zone,” he added. “Are you f—king kidding me?”

After years of trying to make it work, the two resigned from their roles in hospitality and air traffic control and moved in with Ryan’s parents in Sebastopol.

4). <https://ktla.com/news/california/how-a-fodors-jab-served-as-a-wake-up-call-for-lake-tahoe/> How a Fodor’s jab served as a wake-up call for Lake Tahoe by: SCOTT SONNER and HAVEN DALEY Associated Press Posted: Jul 21, 2023 <https://apnews.com/27b95c563fd04e2f846cc2534aacbc8d> video included in this article

How a Fodor’s jab served as a wake-up call for Lake Tahoe. Lake Tahoe tourism officials were surprised, and a bit miffed, when a respected international travel guide put the iconic alpine lake straddling the California-Nevada line on its list of places to stay away from this year because of the harmful ecological effects of overtourism.

But with an influx of visitors and new full-time residents due to the COVID-19 pandemic already forcing local leaders to revisit the decades-old conversation about overcrowding, “Fodor’s No List 2023” may have served as a wake-up call that some sort of change is necessary.

“I can’t go to my own beaches anymore,” said Susan Daniels, 70, a lifelong resident of Kings Beach, California, whose parents met at a Tahoe-area ski resort in 1952. That includes her favorite, Sand Harbor, which lies just across the Nevada border and is known for its turquoise water and rock formations. “I cannot go to Sand Harbor, where I grew up, unless I get in line at 7 in the morning.”

5) <https://www.sfgate.com/renotahoe/article/2023-fourth-of-july-tahoe-beach-trash-doubled-18187491.php#:~:text=Careless%20and%20lawbreaking%20visitors%20to,on%20the%20fragile%20alpine%20ecosystem.>

Visitors left 8,000 pounds of trash on Tahoe beaches July 4. Another holiday, another record-breaking amount of holiday trash By [Suzie Dundas](#) July 6, 2023

“Careless and lawbreaking visitors to [Lake Tahoe](#)’s beaches left more than 8,000 pounds of trash behind July 4 — more than twice as much as last year. The shocking figure reveals the growing negative impact tourism is continuing to wreak on the fragile alpine ecosystem.”

6) <https://www.sfgate.com/renotahoe/article/sierra-nevada-mountains-towns-18347750.php?sid=6090973b420c3f15bb046c21&stn=nf>

Lake Tahoe is crowded. Try these Sierra and Gold Country towns instead. You’ll be rewarded for exploring just a bit further By [Amy Copperman](#), Special to SFGATE Oct 5, 2023

“In late 2022, Fodor’s released its “[no-travel](#)” list for 2023. [Lake Tahoe](#) appeared near the top, thanks to [overcrowding](#) that’s led to [horrible traffic](#) and associated air pollution (the fragile ecosystem is so overrun that the famous clear blue of the lake is threatened.) Yet even with [many other places in the Sierra to check out](#), people have kept flooding Tahoe.”

7) <https://www.unr.edu/nevada-today/news/2023/lake-tahoe-microplastic>

"Microplastics, small fragments of fibers from clothing, packaging, and other plastic residue have invaded freshwater lakes and watersheds globally and in alarming quantities, according to new research published in the scientific journal *Nature* under the title 'Plastic debris in lakes and reservoirs.' Lake Tahoe, known for its purity and high level of legal protection had the third highest concentration of plastic of 38 lakes tested around the world and higher than in the surface water at the ocean's gyres where the floating islands of debris emblematic of the world's plastic pollution crisis collect."

8) <https://www.sacbee.com/article252783413.html> Updated July 27, 2021 8:02 AM

"The Lake Tahoe region is in crisis. Historic real estate prices and a lack of housing options are forcing local sheriff's deputies and firefighters to commute an hour or more into the basin, threatening response times to emergencies."

"The Lake Tahoe region is in crisis. Historic real estate prices and a lack of housing options are forcing local sheriff's deputies and firefighters to commute an hour or more into the basin, threatening response times to emergencies." "Lake Tahoe is both a destination and a home, one of the nation's most beautiful tourist spots only 90 miles from Sacramento. Now, an exodus of low- and middle-income workers and renters, displaced by landlords selling their properties in a booming real estate market, has had a ripple effect that imperils the economy that affects 15 million people who flock there annually in the summer for hiking and water and in winter for skiing and snowboarding. "We already knew we had a crisis, and now, I don't know the adjective to use, it's a tragedy to me," said Placer County Supervisor Cindy Gustafson, who represents the North Lake Tahoe area. "What's happening right now, it's an emergency."

Confusion

I'm not sure what is going on at the regional level that TRPA is responsible for as stated in TRPA goals, policies and ordinances 2012 (12-12-12) Regional Plan Update adopted and amended, most current threshold analysis, Rules of Procedures, etc.

Or at the local jurisdictions level where area plans have been adopted and amended and proposed to be further amended.

My opinion, there are too many non-profits' documentation in circulation and the public doesn't know what is being utilized by TRPA or local jurisdictions and what supporting environmental impact analysis proves 1) there isn't any new growth (TRPA out of date cumulative accounting 2019 on-line), 2) local nexus impacts never analyzed, 3) vacation home rental various impacts (water, VMT, traffic, density, capacity, etc.) never analyzed, 4) pilot programs versus actual programs being implemented, 5) proposed height changes that will violate scenic thresholds, etc.

NOW TRPA and other agencies are seeking the next round of Lake Tahoe Restoration Act dollars through upcoming legislation.

<https://www.govinfo.gov/content/pkg/CRPT-118srpt55/html/CRPT-118srpt55.htm>

SEC. 10. AUTHORIZATION OF APPROPRIATIONS. Authorization of Appropriations.--There is authorized to be appropriated to carry out this Act \$ 415,000,000 [for a period of 7 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.] to remain available until September 30, 2034.

<https://www.congress.gov/congressional-report/117th-congress/senate-report/85/1>

<https://www.congress.gov/bill/117th-congress/senate-bill/1583>

<https://www.congress.gov/bill/118th-congress/house-bill/1274/all-actions?overview=closed&s=1&r=3#tabs>

This was touted as necessary at the recent Lake Tahoe Summit in August 2023. The 27th annual Lake Tahoe Summit which was held on August 9, 2023, at the Kings Beach Recreation Area

This year's summit will highlight Tahoe's Environmental Improvement Program, a successful bipartisan, bi-state collaboration among local, state, federal, and private entities. It will also examine the challenges that lie ahead in the face of climate change and increasingly unpredictable weather whiplash, as well as the growing demands on regional infrastructure.

With so many issues rising to the level of importance how does TRPA and the local judications continue to spend millions and millions and millions of dollars with so many unresolved issues?

Lastly, BUT SHOULD BE ON YOUR RADAR SCOPE: The upcoming requested approval (October 16, 2023 Placer Board of Supervisors) of the Placer County Tahoe Basin Area Plan needs MUCH SCRUTINY.

It will fall upon you as advisory and governing board members to further evaluate if the correct level of environmental analysis has been applied and accomplishes the required mitigations for the proposed changes and can adequately and accurately make findings necessary to approve the Placer County Tahoe Basin Area. As stated above, some of the plans and studies from non-profits and consultants DO NOT PROVIDE ADEQUATE ENVIRONMENTAL ANALYSIS (my opinion) TO APPROVE THE PROPOSED AMENDMENT PACKET THAT IS STATED TO REPLACE AND REPEAL THE CURRENT PLACER COUNTY TAHOE BASIN AREA PLAN.

Furthermore, don't be fooled into believing Placer County listened to the public about keeping current height restrictions as Placer staff and District Supervisor Gustafson are actively participating and encouraging TRPA to increase height, density, zero parking requirements, etc.

The currently proposed housing and height increases in the pipeline with the Tahoe Living Housing committee do not apply during this proposed amendment but will surely come forward by Placer in another proposed amendment along with Placer's suggestion to relax scenic standards among other requests.

From: Dave Coglizer <dave@westlygroup.com>
Sent: 10/5/2023 5:37:32 PM
To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; bosfive@edcgov.us <bosfive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>
Subject: RE: Please reject the proposed changes for the Tahoe Basin Area Plan

Dear TRPA Governing Board and Staff:

I urge you to reject the proposed changes to the Tahoe Basin Area Plan. The change will hurt the natural splendor by increasing the population and density. The following should be considered as a consequence of the proposed changes:

- Increased traffic. Tahoe is getting more crowded and the roadways are jammed. We need fewer high end homes (and frankly fewer people) not more.
- Increased building in Tahoe City and Kings Beach: We don't need more luxury housing.
- We need to reduce the risk of evacuating folks in the event of a fire. More people, more cars, etc will make any fire evacuation more risky.

Please do not approved this problematic plan. A new EIR/S must be issued to identify, analyze and mitigate impacts based on current 2023 conditions. There have been significant changes since the last comprehensive analysis was done by TRPA in 2012.

Sincerely,
David Coglizer
Rubicon Bay