



Tahoe  
Metropolitan  
Planning  
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TAHOE  
REGIONAL  
PLANNING  
AGENCY

VOLUME I  
RESPONSES TO COMMENTS



# MOBILITY 2035 REGIONAL TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY FINAL EIR / EIS



SCH: E2012-033; 2011082070

October 24, 2012





# **Lake Tahoe Regional Transportation Plan and Sustainable Communities Strategy**

## **Final Environmental Impact Report Final Environmental Impact Statement**

### **Volume 1 – Responses to Comments**

**California SCH# 2011082070**

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#### **PREPARED BY:**

**Ascent Environmental, Inc.**  
455 Capitol Mall, Suite 205  
Sacramento, CA 95814

128 Market Street, Suite 3E  
Stateline, NV 89449

**Contacts: Curtis E. Alling, AICP**  
**Francisca Ruger**  
916.444.7301

#### **PREPARED FOR:**

**Tahoe Metropolitan Planning Organization  
and  
Tahoe Regional Planning Agency**  
PO Box 5310, Stateline, NV 89449  
Contact: Karen Fink, Senior Transportation Planner  
Phone: 775.588.4547; Fax: 775.588.0917  
Email: [kfink@trpa.org](mailto:kfink@trpa.org)

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# TABLE OF CONTENTS

<b>ACRONYMS AND ABBREVIATIONS.....</b>	<b>ix</b>
<b>1 INTRODUCTION .....</b>	<b>1-1</b>
1.1 Overview.....	1-1
1.2 Public Comment .....	1-1
1.3 Organization and Format of Volume 2 of the Final EIR/EIS .....	1-1
<b>2 REVISIONS TO THE REGIONAL TRANSPORTATION PLAN .....</b>	<b>2-1</b>
2.1 Level of Service Standard Clarification .....	2-1
2.2 Changes to the Fiscally Constrained and Unconstrained Project List .....	2-1
2.2.1 Transportation Strategy Package A .....	2-2
2.2.2 Transportation Strategy Package B .....	2-3
2.2.3 Transportation Strategy Package C .....	2-3
2.2.4 Transportation Program Funding for Areawide Enhancements .....	2-4
2.2.5 Revised Regional Transportation Plan Project List.....	2-5
<b>3 LIST OF COMMENTERS AND RESPONSES TO COMMENTS .....</b>	<b>3-1</b>
3.1 Format of Comments and Responses .....	3-1
3.2 List of Commenters .....	3-1
3.3 Responses to Comments on the Draft EIR/EIS.....	3-11
3.3.1 Master Responses .....	3-13
Master Response 1 .....	3-13
Master Response 2 .....	3-15
Master Response 3 .....	3-17
Master Response 4 .....	3-25
Master Response 5 .....	3-29
Master Response 6 .....	3-33
Master Response 7 .....	3-34
Master Response 8 .....	3-38
Master Response 9 .....	3-42
Master Response 10 .....	3-47
Master Response 11 .....	3-57
Master Response 12 .....	3-62
Master Response 13 .....	3-65
3.3.2 Responses to Written and Oral Comments.....	3-72
Response A1 .....	3-72
Response A2 .....	3-72
Response A3 .....	3-72
Response A4 .....	3-74
Response A5 .....	3-75
Response A6 .....	3-83
Response A7 .....	3-85
Response A8 .....	3-97
Response A9 .....	3-98
Response A10 .....	3-102
Response A11 .....	3-102

Response A12 .....	3-102
Response A13 .....	3-105
Response A14 .....	3-105
Response A15 .....	3-106
Response A16 .....	3-119
Response A17 .....	3-120
Response A18 .....	3-123
Response A19 .....	3-126
Response A20 .....	3-129
Response A21 .....	3-129
Response A22 .....	3-129
Response A23 .....	3-133
Response A24 .....	3-135
Response A25 .....	3-135
Response A26 .....	3-142
Response A27 .....	3-142
Response A28 .....	3-142
Response A29 .....	3-142
Response A30 .....	3-143
Response A31 .....	3-143
Response A32 .....	3-143
Response A33 .....	3-152
Response A34 .....	3-153
Response A35 .....	3-153
Response A36 .....	3-153
Response A37 .....	3-155
Response A38 .....	3-155
Response A39 .....	3-174
Response A40 .....	3-179
Response A41 .....	3-179
Response A42 .....	3-180
Response A43 .....	3-181
Response A44 .....	3-181
Response A45 .....	3-182
Response O1 .....	3-183
Response O2 .....	3-184
Response O4 .....	3-186
Response O5 .....	3-186
Response O6 .....	3-186
Response O7 .....	3-187
Response O8 .....	3-187
Response O9 .....	3-222
Response O10 .....	3-223
Response O11 .....	3-223
Response O12 .....	3-223
Response O13 .....	3-224
Response O14 .....	3-224
Response O15 .....	3-225
Response O16 .....	3-225

Response O17.....	3-351
Response O18.....	3-351
Response O19.....	3-351
Response O20.....	3-351
Response O21.....	3-351
Response O22.....	3-352
Response O23.....	3-353
Response O24.....	3-366
Response O25.....	3-366
Response O26.....	3-367
Response O27.....	3-387
Response O28.....	3-387
Response O29.....	3-387
Response O30.....	3-388
Response O31.....	3-388
Response O32.....	3-388
Response O33.....	3-389
Response O34.....	3-389
Response O35.....	3-389
Response O36.....	3-391
Response O37.....	3-391
Response O38.....	3-392
Response O39.....	3-392
Response O40.....	3-393
Response O41.....	3-394
Response O42.....	3-394
Response O43.....	3-394
Response O44.....	3-394
Response O45.....	3-395
Response O46.....	3-395
Response O47.....	3-395
Response O48.....	3-396
Response O49.....	3-396
Response O50.....	3-396
Response O51.....	3-397
Response O52.....	3-397
Response O53.....	3-397
Response O54.....	3-397
Response I1 .....	3-398
Response I2 .....	3-398
Response I3 .....	3-398
Response I4 .....	3-398
Response I5 .....	3-399
Response I6 .....	3-399
Response I7 .....	3-399
Response I8 .....	3-401
Response I9 .....	3-401
Response I10 .....	3-401
Response I11 .....	3-401

Response I12 .....	3-401
Response I13 .....	3-402
Response I14 .....	3-402
Response I15 .....	3-402
Response I16 .....	3-402
Response I17 .....	3-402
Response I18 .....	3-403
Response I19 .....	3-403
Response I20 .....	3-403
Response I21 .....	3-404
Response I22 .....	3-404
Response I23 .....	3-405
Response I24 .....	3-405
Response I25 .....	3-407
Response I26 .....	3-407
Response I27 .....	3-411
Response I28 .....	3-412
Response I29 .....	3-412
Response I30 .....	3-413
Response I31 .....	3-413
Response I32 .....	3-413
Response I33 .....	3-413
Response I34 .....	3-414
Response I35 .....	3-414
Response I36 .....	3-414
Response I37 .....	3-415
Response I38 .....	3-415
Response I39 .....	3-415
Response I40 .....	3-415
Response I41 .....	3-415
Response I42 .....	3-415
Response I43 .....	3-416
Response I44 .....	3-416
Response I45 .....	3-416
Response I46 .....	3-416
Response I47 .....	3-417
Response I48 .....	3-417
Response I49 .....	3-421
Response I50 .....	3-422
Response I51 .....	3-422
Response I52 .....	3-423
Response I53 .....	3-423
Response I54 .....	3-424
Response I55 .....	3-424
Response I56 .....	3-424
Response I57 .....	3-425
Response I58 .....	3-426
Response I59 .....	3-426
Response I60 .....	3-426

Response I61 .....	3-426
Response I62 .....	3-427
Response I63 .....	3-427
Response I64 .....	3-427
Response I65 .....	3-427
Response I66 .....	3-428
Response I67 .....	3-428
Response I68 .....	3-428
Response I69 .....	3-432
Response I70 .....	3-433
Response I71 .....	3-433
Response I72 .....	3-433
Response I73 .....	3-433
Response I74 .....	3-434
Response I75 .....	3-434
Response I76 .....	3-434
Response I77 .....	3-434
Response I78 .....	3-434
Response I79 .....	3-434
Response I80 .....	3-434
Response I81 .....	3-435
Response I82 .....	3-435
Response I83 .....	3-436
Response I84 .....	3-436
Response I85 .....	3-436
Response I86 .....	3-436
Response I87 .....	3-437
Response I88 .....	3-437
Response I89 .....	3-437
Response I90 .....	3-439
Response I91 .....	3-439
Response I92 .....	3-439
Response I93 .....	3-440
Response I94 .....	3-440
Response I95 .....	3-440
Response I96 .....	3-440
Response I97 .....	3-440
Response I98 .....	3-441
Response I99 .....	3-441
Response I100 .....	3-441
Response I101 .....	3-441
Response I102 .....	3-442
Response I103 .....	3-442
Response I104 .....	3-443
Response I105 .....	3-443
Response I106 .....	3-443
Response I107 .....	3-443
Response I108 .....	3-444
Response I109 .....	3-444

	Response I110 .....	3-444
	Response I111 .....	3-444
	Response I112 .....	3-444
	Response I113 .....	3-446
	Response I114 .....	3-449
	Response I115 .....	3-450
	Response I116 .....	3-450
	Response I117 .....	3-450
	Response I118 .....	3-450
	Response I119 .....	3-455
	Response I120 .....	3-456
	Response I121 .....	3-456
	Response I122 .....	3-456
	Response I123 .....	3-456
	Response I124 .....	3-457
	Response I125 .....	3-457
	Response I126 .....	3-457
	Response I127 .....	3-457
	Response I128 .....	3-457
	Response I129 .....	3-458
	Response I130 .....	3-464
	Response I131 .....	3-464
	Response I132 .....	3-464
	Response I133 .....	3-465
	Response I134 .....	3-465
	Response I135 .....	3-465
	Response I136 .....	3-466
	Response I137 .....	3-467
	Response I138 .....	3-467
	Response I139 .....	3-467
	Response I140 .....	3-467
	Response I141 .....	3-468
	Response FL1 .....	3-469
	Response FL2 .....	3-469
	Response OH1-OH18 .....	3-470
<b>4</b>	<b>REVISIONS AND CORRECTIONS TO THE DRAFT EIR/EIS .....</b>	<b>4-1</b>
4.1	Introduction .....	4-1
4.2	Draft EIR/EIS Revisions and Corrections .....	4-1
4.2.1	Editorial Corrections, Clarifications, and Revisions .....	4-1
<b>5</b>	<b>REFERENCES .....</b>	<b>5-1</b>



## Exhibits

Exhibit 2-1	Douglas County Resort Recreation Area Land Use Designated Area .....	2-4
Exhibit 2-2	City of South Lake Tahoe Resort Recreation Land Use Designated Area .....	2-5
Exhibit 3-1	Proposed Edgewood Mountain Resort Recreation District and Surrounding Land Uses .....	3-51
Exhibit 3-2	Preliminary Land Capability Designations within the Proposed Edgewood Mountain Resort Recreation District .....	3-52
Exhibit 3-3	Proposed Heavenly California Base Resort Recreation District and Surrounding Land Uses .....	3-54
Exhibit 3-4	Approximate Land Capability within the Heavenly California Base Resort Recreation District .....	3-55
Exhibit 3-5.	AADT and Peak Month Traffic Volumes in the Tahoe Region (1974-2009) .....	3-294
Exhibit 3-6	Changes in Visitation in Communities of the Tahoe Region .....	3-376

## Tables

Table 2-1.	RTP List of Projects Included in Transportation Strategy Packages A, B, and C .....	2-1
Table 3-1	List of Commenters .....	3-2
Table 3-2.	Estimates of Region-wide Existing, Allowable, and New Coverage by Land Capability District based on 1974 Bailey and NRCS Soils Land Capability Maps .....	3-23
Table 3-3.	Revised Estimates of Region-wide Existing Soft and Hard Coverage by Land Capability District Based on the 1974 Bailey and 2007 NRCS Soils Land Capability Maps .....	3-23
Table 3-4.	Estimated Changes in Pollutant Loading in Centers .....	3-32
Table 3-5.	Development Rights Inventory (as of March 6, 2012) .....	3-44
Table 3-6.	Units of Use, Bonus Units, and Commercial Floor Area Inventory for Alternative 3 .....	3-44
Table 3-7	Revised Development Rights Inventory (as of October 24, 2012) .....	3-46
Table 3-8	Revised Units of Use, Bonus Units and Commercial Floor Area Inventory for Alternative 3 .....	3-46
Table 3-9.	Estimated Land Capability and Coverage within the Proposed Edgewood Mountain Resort Recreation District .....	3-52
Table 3-10	Estimated Land Capability and Coverage within the Proposed Heavenly California Base Resort Recreation District .....	3-55
Table 3-11.	Population Totals for 2020 and 2035 for Project Alternatives .....	3-93
Table 3-12.	Total Coverage Estimates per Alternative .....	3-139
Table 3-13.	Total Coverage Estimates for the Final Draft Plan .....	3-139
Table 3-14.	Commercial Floor Area (CFA) Accounting .....	3-147
Table 3-15.	Tourist Accommodation Bonus Units (TAU) Accounting .....	3-148
Table 3-16.	Allocation of Residential Housing Units by Alternative .....	3-156

Table 3-17.	PTOD-Town Centers Areas .....	3-156
Table 3-18.	California VMT and Vehicle Trips Summary – RTAC Methodology .....	3-161
Table 3-19.	Tahoe Region VMT and Vehicle Trips Summary – RTAC Methodology .....	3-161
Table 3-20.	Year 2010 TRPA Model Output .....	3-162
Table 3-21.	2005 Base Year VMT (California) .....	3-163
Table 3-22.	El Dorado & Placer County VMT and VT Summary – Boundary Method .....	3-173
Table 3-23.	California VMT and VT Summary – RTAC Methodology .....	3-173
Table 3-24.	Tahoe Region VMT and VT Summary – RTAC Methodology .....	3-173
Table 3-25.	Total Region-wide Mobile-Source Emissions in 2035 .....	3-178
Table 3-26.	Alternative 3 Operational Mobile-Source Emissions (Entire Tahoe Basin) .....	3-289
Table 3-27.	Conservative Range of Potential Net Increase in Recreational Boating-Related Emissions ....	3-298
Table 3-28.	Comparison of Roadway Names in Draft EIS Tables 3.3-12 and 3.6-5 .....	3-320
Table 3-29.	Tahoe Region Overnight Visitors .....	3-368
Table 3-30.	Pre- and Post-TRIA VMT Estimates .....	3-379

## ACRONYMS AND ABBREVIATIONS

208 Plan	Section 208 Water Quality Management Plan
AADT	average annual daily traffic
ADA	Americans with Disabilities Act
APS	Alternative Planning Scenario
ARB	California Air Resource Board
BMP	Best Management Practice
CalEEMod	California Emissions Estimator Model
CalGreen	California Green Building Code
CAPCOA	California Air Pollution Control Officers Association's
CATT's	Contractors Association of Truckee Tahoe's
CEQ	federal Council on Environmental Quality
CEQA	California Environmental Quality Act
CFA	commercial floor area
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
Compact	Tahoe Regional Planning Compact
CRPR	California Rare Plant Rank
CSLC	California State Lands Commission
CTC	California Tahoe Conservancy
DPR	California Department of Parks and Recreation
Draft EIR/EIS	RTP/SCS EIR/EIS
Draft EIS	Regional Plan Update EIS
Draft EIS	Draft Environmental Impact Statement
Draft Plan	Draft Goals and Policies and Draft Code of Ordinances
EIP	Environmental Improvement Program
EIS	Environmental Impact Statement
EMFAC	Mobile-Source Emission Factor Model
ERU	residential unit of use

FCO	Financial Contribution Only
Final Draft Plan	Final Draft Goals and Policies and Final Draft Code of Ordinances
Final EIR/EIS	RTP/SCS EIR/EIS
Final EIS	Regional Plan Update EIS
Final EIS	Final Environmental Impact Statement
FTA	Federal Transit Administration
GHG	greenhouse gas
HRA	Hydrologically Related Area
IPES	Individual Parcel Evaluation System
ITE	Institute of Transportation Engineers
KBCCIP	Kings Beach Commercial Core Improvement Project
LCD	Land Capability District
LCFS	low carbon fuel standard
LCT	Lahontan cutthroat trout
LiDAR	Light Detection and Ranging
LOP	limited operating period
LOS	level of service
LRWQCB	Lahontan Regional Water Quality Control Board
LTAB	Lake Tahoe Air Basin
LTIMP	Lake Tahoe Interagency Monitoring Program
MOAs	Memoranda of Agreement
MPOs	Metropolitan Planning Organizations
NDEP	Nevada Division of Environmental Protection
NDSL	Nevada Division of State Lands
NEAT	natural environment as treatment
NEPA	National Environmental Policy Act
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NTBA	North Tahoe Business Association

PASs	Plan Area Statements
PLRM	Pollutant Load Reduction Model
PM <sub>10</sub>	particulate matter
PM <sub>2.5</sub>	fine particulate matter
ppm	parts per million
PSD	prevent significant deterioration
PTOD	pedestrian and transit oriented development
ROG	reactive organic gases
RPUC	Regional Plan Update Committee
RTAC	Regional Targets Advisory Committee
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
SB	Senate Bill
SCS	Sustainable Communities Strategy
SEZ	stream environment zones
SIG	Spatial Informatics Group
SOV	single-occupancy vehicle
STIP	California State Transportation Improvement Program
TACs	toxic air contaminants
TAUs	tourist accommodation units
TAZ	Traffic Analysis Zones
TDR	transfer of development rights
TMDL	Total Maximum Daily Load
TMPO	Tahoe Metropolitan Planning Organization
TPY	ton per year
TRIA	Trip Reduction Impact Analysis
TRPA	Tahoe Regional Planning Agency
TRTS	Tahoe Regional Transportation Survey
URBEMIS	Urban Emissions Model
VMT	vehicle miles traveled

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# 1 INTRODUCTION

## 1.1 OVERVIEW

This is the joint Final Program Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) presenting an evaluation of the environmental effects associated with the adoption and implementation of the Lake Tahoe Regional Transportation Plan (RTP), also known as *Mobility 2035*, including the Sustainable Communities Strategy (SCS) for the California portion of the Lake Tahoe Region (RTP/SCS or Proposed Plan). The Tahoe Metropolitan Planning Organization (TMPO) and Tahoe Regional Planning Agency (TRPA) are the lead agencies for this joint EIR/EIS prepared in accordance with the California Environmental Quality Act (CEQA) and TRPA's Code of Ordinances and Rules of Procedure. In its entirety, the Final EIR/EIS consists of the Draft EIR/EIS (published April 25, 2012), Final EIR/EIS Volume 1 – Responses to Comments, and Final EIR/EIS Volume 2 – Public Comments on the Draft EIR/EIS. This is Volume 1 of the Final EIR/EIS.

The Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes policies, project implementation plans, and funding strategies to improve and shape the transportation network in the Region in a way that reduces reliance on the automobile, reduces mobile sources of air pollution, and achieves other environmental goals. The RTP/SCS provides for mitigation of adverse transportation conditions in the Lake Tahoe Region and helps achieve applicable Environmental Threshold Carrying Capacities, analogous to the function of the Lake Tahoe Environmental Improvement Program as it relates to other environmental conditions and threshold standards. The RTP/SCS, in conjunction with the Lake Tahoe Regional Plan, sets the vision, policies, and objectives for the transportation program and Tahoe Transportation District (TTD) Capital Improvement Program (CIP) and other projects that implement the RTP/SCS. Environmental review of adoption of these plans and their implementation through the TTD CIP is being coordinated to support a comprehensive and efficient planning and implementation approach for these critical transportation projects. The RTP/SCS EIR/EIS addresses the benefits and impacts of the overall program and lays the groundwork for streamlined, environmental compliance for transportation projects.

The RTP identifies the transportation projects planned for implementation in the Tahoe Region through 2035. Transportation improvements are proposed to meet the needs of the wide variety of Region users: pedestrians, bicyclists, commuting motorists, and resort visitors, to name a few. Projects identified in the RTP range from water quality and traffic flow improvements on major highways to the installation of new bicycle paths and development of a regional public-transit, ferry system on the Lake. The RTP seeks to enhance public mobility and safety while at the same time delivering meaningful environmental improvements throughout the transportation network.

## 1.2 PUBLIC COMMENT AND REVISION OF THE DRAFT RTP

On April 25, 2012, TMPO and TRPA distributed to public agencies and the general public the Draft EIR/EIS, in coordination with the Regional Plan Update Draft Environmental Impact Statement (Draft EIS). The Draft EIR/EIS and Draft EIS were distributed for a 63-day public comment period, ending on June 28, 2012. The public comment period exceeded the requirements of Section 21091(a) of the California Public Resources Code. During the review period multiple opportunities were provided for the public to comment on the Draft EIR/EIS and Draft EIS, including the following public meetings:

- ▲ April 25, 2012 (9:00 a.m.): TRPA Governing Board meeting at The Chateau, 955 Fairway Boulevard, Incline Village.

- ▲ April 26, 2012 (9:30 a.m.): TRPA Governing Board meeting at TRPA Board Rooms, 128 Market Street, Stateline.
- ▲ May 11, 2012 (9:30 a.m.): Tahoe Transportation Commission meeting at the Embassy Suites, 4130 Lake Tahoe Boulevard, South Lake Tahoe (RTP/SCS and Draft EIR/EIS only).
- ▲ May 23, 2012 (9:30 a.m.): TRPA Governing Board Meeting at North Tahoe Events Center, 8318 North Lake Boulevard, Kings Beach.
- ▲ May 24, 2012 (9:30 a.m.): TRPA Governing Board Meeting at TRPA Board Rooms, 128 Market Street, Stateline.
- ▲ June 27, 2012 (9:30 a.m.): TRPA Governing Board Meeting at North Tahoe Events Center, 8318 North Lake Boulevard, Kings Beach.
- ▲ June 28, 2012 (9:30 a.m.): TRPA Governing Board Meeting at TRPA Board Rooms, 128 Market Street, Stateline.

Additionally, the following public workshops/open houses were held during the review period to provide the public with information about the RTP/SCS and EIR/EIS and Regional Plan Update and EIS:

- ▲ May 21, 2012 (5:00-8:00 p.m.): Public Workshop at The Chateau, 955 Fairway Boulevard, Incline Village.
- ▲ May 22, 2012 (5:00-8:00 p.m.): Public Workshop at TRPA Board Rooms, 128 Market Street, Stateline.

In response to the call for review and comment, 357 comment letters and presentations of oral testimony were received on both the Draft EIR/EIS and the Draft EIS, including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses, and 99 form letters sponsored by two organizations (Friends of West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters). Many of the comment letters provide some form of policy recommendation.

In response to public and agency comments, recommendations offered by the administrations of the States of California and Nevada (i.e., the Bi-State Consultations) to address issues of controversy, recommendations offered by the Tahoe Transportation Commission, which served as the Technical Advisory Committee for the RTP update, and other considerations, the Draft Regional Transportation Plan (as presented in Alternative 3 of the Draft EIR/EIS) was revised to incorporate changes to Chapter 2, Goals and Policies, to reflect changes made to the Transportation Element of the Draft Regional Plan; and to incorporate other edits into the chapter text of the Draft RTP, to better describe the demographics of the Lake Tahoe Region and the potential for public-private partnerships to pursue new transportation revenue sources for the Region. Substantive changes that resulted from this process are shown in Chapter 2, Revisions to the Regional Transportation Plan.

As a result of an update to the federal transportation bill made on July 6, 2012, federal funding available for transportation projects to Metropolitan Planning Organizations nation-wide was reduced. In light of this change to financial resources, and the need to maintain a fiscally constrained Regional Transportation Plan, TMPO made minor modifications to the assignment of planned future projects to the fiscally constrained project list and unconstrained project list. The full list of planned transportation projects and water quality projects related to transportation facilities remains the same. Revisions in the EIR/EIS are discussed in Chapter 2, Revisions to the Regional Transportation Plan.

This Final EIR/EIS has been prepared to respond to written and oral comments received on the Draft EIR/EIS and to make appropriate revisions to the document consistent with the TRPA Rules of Procedure and in accordance with Sections 15089 and 15132 of the State CEQA Guidelines. Chapter 3 of this Final EIR/EIS Volume 1 includes responses to significant environmental issues raised in comments received during the public review period.

Some comments warrant revisions to the text of the Draft EIR/EIS, and are incorporated into the text of this Final EIR/EIS (see Chapter 4 of this Final EIR/EIS Volume 2).

## 1.3 EIR/EIS CERTIFICATION AND PLAN APPROVAL

As described in detail in Chapter 1, Introduction, of the Draft EIR/EIS, the update of the Regional Plan and preparation of the RTP and SCS are related planning efforts being completed and considered for approval concurrently. Both a land use plan and a transportation plan are required by Article V of the Tahoe Regional Planning Compact (Public Law 96-551) and, as such, the Regional Plan Update addresses both land use and transportation policies. Federal law requires (for designated metropolitan areas) preparation of a long-range transportation plan that includes specific transportation projects and that is coordinated with air quality statutory requirements. California law requires a regional transportation plan to address transportation issues, assist local and state decision-makers in shaping transportation infrastructure, and include an SCS (combined transportation and land use plan) designed to achieve targets set by the California Air Resources Board (ARB) for the reduction of greenhouse gas (GHG) emissions from cars and light trucks. With the designation of TRPA by the U.S. Congress as the TMPO and by the State of California as the Regional Transportation Planning Agency for the California side of the Basin, TRPA assumed federal and state transportation planning responsibilities and authorities.

Therefore, while the RTP remains integral to the comprehensive Regional Plan, it has been produced and is periodically updated as a stand-alone plan in keeping with its multiple purposes and authorities. As such, the RTP is subject to separate environmental review that assesses the specific transportation projects and programs—in addition to broader policies—needed to meet federal and California requirements. The Final EIR/EIS for the RTP and SCS was prepared pursuant to both the California Environmental Quality Act (CEQA) and TRPA environmental regulations, and is also now under consideration for certification and approval.

After reviewing the Final EIS for the Regional Plan Update and the Final EIR/EIS for the RTP and SCS, TRPA and TMPO (for only the RTP Final EIR/EIS), will consider the adequacy of the environmental documents and approval actions. The TRPA Governing Board will consider the compliance of the Regional Plan Update Final EIS with the TRPA environmental review requirements and if confirmed, will use the EIS to consider approval of the Final Draft Regional Plan. As part of the approval process, the Final Draft Plan will be subject to findings requirements set forth in Chapter 4 of the Code, including the finding that the project will not cause the environmental threshold carrying capacities to be exceeded (Code Section 4.4.1.A); that the Regional Plan, as amended, achieves and maintains the thresholds (Code Section 4.5); and that, in accordance with Sections 4.2 and 4.3, the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieve and maintain the thresholds (Code Section 4.6).

Upon adoption, the actions by TRPA, acting as both the land use planning agency and the TMPO, will fully coordinate land use and transportation strategies. TRPA will consider and select a land use alternative to adopt as part of the Regional Plan Update. TRPA will use the RTP/SCS EIR/EIS to consider incorporation of the SCS as part of the Regional Plan and, among other actions, (1) adopt the RTP as the Compact-required transportation plan and (2) approve the Regional Plan Update with the selected land use alternative to serve as the SCS for the California portion of the Region. The RTP, with its transportation strategies and SCS, will be considered for action by TMPO, which will select a transportation alternative for approval with a linkage to one of the Regional Plan Update land use alternatives (which creates the land use foundation for the SCS and the travel modeling supporting the selected transportation strategies); however, TMPO will not approve the land use plan, which is an action that is the responsibility of TRPA. These coordinated approval actions will ensure that the Regional Plan Update, RTP, and SCS are mutually consistent and achieve the goals of the Compact and relevant state and federal laws and regulations.

Consideration of the adequacy of the environmental document and approval of the Regional Plan Update is scheduled to occur at the December 12, 2012 meetings of TRPA and TMPO.

## 1.4 ORGANIZATION AND FORMAT OF THE FINAL EIR/EIS

This Final EIR/EIS Volume 1 is organized as follows:

- ▲ Chapter 1, “Introduction,” provides an overview of the Final EIR/EIS, RTP/SCS context, and the environmental review process and presents a discussion of the EIR/EIS certification and RTP/SCS approval.
- ▲ Chapter 2, “Revisions to the Regional Transportation Plan,” describes changes that have been made to the Draft Regional Transportation Plan by TMPO based on comments received, and other considerations, including strengthening of certain environmental protections.
- ▲ Chapter 3, “List of Commenters and Responses to Comments Raising Environmental Issues,” includes a list of all agencies, organizations, and individuals that submitted written or oral comments on the Draft EIR/EIS during the public review period. A response is provided to each comment, including those pertaining to the RPU EIS. This chapter also includes a set of master responses addressing comments raised multiple times. Copies of all the comment letters submitted during the public review period (and public hearing comment transcripts) are provided in Volume 2 of the Final EIR/EIS.
- ▲ Chapter 4, “Revisions and Corrections to the Draft EIR/EIS,” presents corrections, clarifications and other revisions to the Draft EIR/EIS text, including those based on issues raised by the comments on the Draft EIR/EIS or changes initiated by TMPO staff. Revisions are shown as excerpts from the Draft EIR/EIS text, with strikethrough (~~strikethrough~~) text for deletions and underlined (underlined) text for additions. The changes appear in the order of their location in the Draft EIR/EIS.
- ▲ Chapter 5, “References,” lists references cited in this Final EIR/EIS.

Please refer to RTP/SCS Final EIR/EIS Volume 2 for copies of all written comments received during the public review period and transcripts of comments received during scheduled public meetings and hearings.

## **2 REVISIONS TO THE REGIONAL TRANSPORTATION PLAN**

On April 25, 2012, a Draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) were released in coordination with the Draft Regional Plan Update and Draft Environmental Impact Statement (EIS) for public review and comment. The Draft EIR/EIS analyzed the environmental effects of five RTP/SCS alternatives, each representing different combinations of land use planning framework and transportation strategy package. In response to the call for review and public comment on all draft documents, 357 comment letters and presentations of oral testimony were received on both the Draft EIR/EIS and the Draft EIS; including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses and 99 form letters sponsored by two organizations (Friends of the West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters).

In response to public and agency comments, recommendations offered by the administrations of the States of California and Nevada (i.e., the Bi-State Consultations) to address issues of controversy, recommendations offered by the Tahoe Transportation Commission and the full Technical Advisory Committee for the RTP update, and other considerations, the Draft RTP/SCS (as presented in Alternative 3 of the Draft EIR/EIS) was revised to incorporate changes to Chapter 2, Goals and Policies, to reflect changes made to the Transportation Element of the Draft Regional Plan; and to incorporate other minor edits into the chapter text of the Draft RTP to better describe the demographics of the Lake Tahoe Region and the potential for public-private partnerships to pursue new transportation revenue sources for the Region.

In addition to the changes recommended through the processes above, staff also made changes to the Draft RTP/SCS to reflect changes to the federal transportation bill, which was updated in July of 2012. The Final Draft RTP/SCS is based on Alternative 3 from the Draft RTP/SCS, with the modifications noted below.

### **2.1 LEVEL OF SERVICE STANDARD CLARIFICATION**

The Final Draft RTP/SCS includes a new transportation policy that would allow a project to exceed vehicle level of service (LOS) standards when it includes multi-modal amenities (such as transit, bicycling, and walking facilities) adequate to provide mobility for users (Draft EIS page 2-46). The Final Draft Regional Plan and Final Draft RTP/SCS have been revised to clarify that a project may only exceed vehicle LOS standards when the multi-modal amenities are proportional to the project-generated traffic in relation to overall traffic conditions on affected roadways (Final Draft Goals and Policies page III-6 of the Regional Plan, Final Draft Chapter 2 page 2-10 of the RTP).

This policy clarification would specify that multi-modal amenities must be sufficient to address any increase in project-generated traffic, consistent with the original intent of the policy. The clarified standard would not affect any of the analysis or assumptions for Alternative 3 in the Draft EIR/EIS. Thus, this change would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

### **2.2 CHANGES TO THE FISCALLY CONSTRAINED AND UNCONSTRAINED PROJECT LIST**

As a result of an update to the federal transportation bill made on July 6, 2012, federal funding available for transportation projects to Metropolitan Planning Organizations nation-wide was reduced. In light of this change to financial resources, and the need to maintain a fiscally constrained Regional Transportation Plan (23 CFR

450.322 and California Government Code Section 65080(b)), TMPO made minor modifications to the assignment of planned future projects to the fiscally constrained project list and unconstrained project list. The full list of planned transportation projects and water quality projects related to transportation facilities remains the same.

Each RTP/SCS alternative includes a list of one of three groups of transportation projects and roadway-related water quality projects (Transportation Strategy Packages A, B, or C) that constitute the projects intended to implement the adopted goals, policies, and programs. Chapter 2 of the Draft EIR/EIS, RTP/SCS Alternatives, describes the transportation strategy packages. These transportation strategy packages consist of various projects from the fiscally “constrained” and “unconstrained” project lists. The federal transportation bill Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) (23 CFR 450.322[f][10][i]) requires that the RTP be “fiscally constrained,” meaning that the costs of projects planned in the RTP must be implementable with “reasonably foreseeable” revenues during the plan’s timeframe. Under California state law, the Region’s strategy for meeting greenhouse gas reduction targets must also be fiscally constrained. In addition to addressing projected available funds and projected costs of constrained projects, the RTP can also “include recommendations for additional financing strategies” to inform an “unconstrained” list of projects, should additional funding be available in either the short or long term. This would allow for projects to be considered and implemented as funding becomes available.

As a practical matter, reassigning a project from the fiscally constrained list to the unconstrained list may affect the timing of its implementation (i.e., delayed implementation as financing is identified), but it is still a reasonably foreseeable project that has been included in the environmental impact evaluation. Projects reassigned to the unconstrained list are either later phases of larger projects (bicycle and pedestrian trails) so they were not previously considered to be implemented in the near term or improved facilities for existing activities (aquatic invasive species inspections).

Subsequent to the publication of the Draft EIR/EIS, the mix of projects included on the “constrained” and “unconstrained” lists has been revised in the RTP to reflect an updated understanding of reasonably foreseeable revenues. The following revisions have occurred:

## **2.2.1 TRANSPORTATION STRATEGY PACKAGE A**

Transportation Strategy Package A provides the project list for RTP/SCS Alternatives 1 and 5.

### **TRANSPORTATION SYSTEM MANAGEMENT AND ITS STRATEGIES - REASSIGNED FROM THE CONSTRAINED TO THE UNCONSTRAINED PROJECT LIST:**

- ▲ South Lake Tahoe Basin Aquatic Invasive Species Inspection Station
- ▲ North East Lake Tahoe Basin Aquatic Invasive Species Inspection Station
- ▲ North West Lake Tahoe Basin Aquatic Invasive Species Inspection Station

### **STORMWATER STRATEGIES (CALTRANS) - REASSIGNED FROM THE UNCONSTRAINED TO THE CONSTRAINED PROJECT LIST:**

- ▲ In South Lake Tahoe, from Herbert Avenue to Takela Drive. Stormwater runoff treatment. Financial Contribution Only (FCO).
- ▲ PLA 89 EA 3F440 In Tahoe City, from Route 89/29 junction to 0.5 mile north of Alpine Meadows Road. Install drainage facilities. PPN 05286



## 2.2.2 TRANSPORTATION STRATEGY PACKAGE B

Transportation Strategy Package B provides the project list for RTP/SCS Alternative 2.

### **TRANSPORTATION SYSTEM MANAGEMENT AND ITS STRATEGIES - REASSIGNED FROM THE CONSTRAINED TO THE UNCONSTRAINED PROJECT LIST:**

- ▲ South Lake Tahoe Basin Aquatic Invasive Species Inspection Station
- ▲ North East Lake Tahoe Basin Aquatic Invasive Species Inspection Station
- ▲ North West Lake Tahoe Basin Aquatic Invasive Species Inspection Station

### **BIKE AND PEDESTRIAN STRATEGIES - REASSIGNED FROM THE CONSTRAINED TO THE UNCONSTRAINED PROJECT LIST:**

- ▲ North Tahoe Bike Trail Outer Phase (Cedar Flats to North Tahoe Regional Park)
- ▲ Brockway Vista Multi-Use Trail
- ▲ Lake Forest Road Bike Trails - From SR 28
- ▲ Bijou Neighborhood Bicycle Route Improvements
- ▲ Pope/Baldwin Path Reconstruction and Expansion - From 15th St to Spring Creek/Fallen Leaf Lake
- ▲ Nevada Stateline to Stateline Bikeway (Outer Phase) - from Washoe County Line to Douglas County Line
- ▲ South Tahoe Greenway (Phase II) - from Meyers to Sierra Tract
- ▲ Lakeside Trail Phase 2C - from Mackinaw to Commons Beach

### **STORMWATER STRATEGIES (CALTRANS) - REASSIGNED FROM THE UNCONSTRAINED TO THE CONSTRAINED PROJECT LIST:**

- ▲ In South Lake Tahoe, from Herbert Avenue to Takela Drive. Stormwater runoff treatment. Financial Contribution Only (FCO)
- ▲ PLA 89 EA 3F440 In Tahoe City, from Route 89/29 junction to 0.5 mile north of Alpine Meadows Road. Install drainage facilities. PPN O5286

## 2.2.3 TRANSPORTATION STRATEGY PACKAGE C

Transportation Strategy Packages C provides the project list for RTP/SCS Alternatives 3 and 4.

### **TRANSPORTATION SYSTEM MANAGEMENT AND ITS STRATEGIES - REASSIGNED FROM THE CONSTRAINED TO THE UNCONSTRAINED PROJECT LIST:**

- ▲ South Lake Tahoe Basin Aquatic Invasive Species Inspection Station
- ▲ North East Lake Tahoe Basin Aquatic Invasive Species Inspection Station
- ▲ North West Lake Tahoe Basin Aquatic Invasive Species Inspection Station

## **BIKE AND PEDESTRIAN STRATEGIES - REASSIGNED FROM THE CONSTRAINED TO THE UNCONSTRAINED PROJECT LIST:**

- ▲ North Tahoe Bike Trail Outer Phase (Cedar Flats to North Tahoe Regional Park)
- ▲ Brockway Vista Multi-Use Trail
- ▲ Lake Forest Road Bike Trails - From SR 28
- ▲ Bijou Neighborhood Bicycle Route Improvements
- ▲ Pope/Baldwin Path Reconstruction and Expansion - From 15th St to Spring Creek/Fallen Leaf Lake
- ▲ Nevada Stateline to Stateline Bikeway (Outer Phase) - from Washoe County Line to Douglas County Line
- ▲ South Tahoe Greenway (Phase II) - from Meyers to Sierra Tract
- ▲ Lakeside Trail Phase 2C - from Mackinaw to Commons Beach

## **STORMWATER STRATEGIES (CALTRANS) - REASSIGNED FROM THE UNCONSTRAINED TO THE CONSTRAINED PROJECT LIST:**

- ▲ In South Lake Tahoe, from Herbert Avenue to Takela Drive. Stormwater runoff treatment. Financial Contribution Only (FCO)
- ▲ PLA 89 EA 3F440 In Tahoe City, from Route 89/29 junction to 0.5 mile north of Alpine Meadows Road. Install drainage facilities. PPN O5286

The full list of planned transportation projects and water quality projects related to transportation facilities remains the same. The changes in the RTP project list assignments could result in the delay of the construction of aquatic invasive species inspection stations and certain bicycle and pedestrian trail sections. Aquatic invasive species inspections would continue at their current locations, so no environmental effects related to invasive species control would occur. The bicycle and pedestrian trail sections reassigned to the unconstrained project list were considered already to be later phases of projects in the Draft EIR/EIS, so near-term implementation was not anticipated. Therefore, the potential for delay in project financing would not substantially change the analysis of their contribution to vehicle trip reductions or other environmental effects. The implementation timing of the water quality projects reassigned to the fiscally constrained list could be accelerated, which would mean their water quality benefits may be realized sooner than previously anticipated. Because changes in the assignments to the constrained list were for relatively minor projects and the overall list of planned projects remains the same as presented in the Draft EIR/EIS, these revisions to the constrained and unconstrained project lists would not result in alteration of the environmental impact conclusions or significance determinations for any resource topics addressed in the Draft EIR/EIS.

### **2.2.4 TRANSPORTATION PROGRAM FUNDING FOR AREAWIDE ENHANCEMENTS**

Section 2.1 of the RTP/SCS Draft EIR/EIS notes, among other things, that a purpose of the RTP is to “enhance public mobility and safety while at the same time delivering meaningful environmental improvements throughout the transportation network.” This purpose includes using the availability of transportation program funding for areawide environmental enhancements that would help achieve threshold carrying capacity standards as part of the land use reconfiguration and transportation project development. For instance, the transportation program can help restore and bank coverage, purchase and retire development rights, and supplement private sector efforts to protect water quality and restore sensitive habitats. During the implementation of the RTP and the Region’s transportation program, coordination among TRPA, TMPO, TTD, state transportation agencies, state resources agencies, and local jurisdictions and utility districts will be

important to identify the most cost-effective ways to use transportation funding for these areawide enhancements.

## 2.2.5 REVISED REGIONAL TRANSPORTATION PLAN PROJECT LIST

The revised list of constrained and unconstrained projects is included in Table 2-1, below. Revisions are shown with strikethrough (~~strikethrough~~) text for deletions and underlined (underlined) text for additions. This list includes corridor revitalization projects, Transit Projects, Bike and Pedestrian Projects, TMDL/Stormwater Projects (California Department of Transportation [Caltrans], Nevada Department of Transportation [NDOT], and local), TSM and TDM Projects, and Operation and Maintenance of existing facilities, including roadways, bicycle and pedestrian facilities, transit, and stormwater control facilities.

Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
<b>Corridor Revitalization Projects</b>							
See below	US 50 Bicycle and Pedestrian Improvement Project(s)	Costs are included in Caltrans Water Quality Projects listed below	Bike/Ped/WQ	El Dorado	Caltrans/CSLT	2016	See below
A, B, C	Kings Beach Commercial Core Improvement Project	\$35,000,000	Bike/Ped/WQ	Placer	Placer	2015	C
B, C	Sierra Boulevard Complete Streets Project from US Hwy 50 to Barbara Avenue (includes US 50 and Sierra Boulevard intersection improvements)	\$3,155,000	<del>C-I/Shared Use</del> Safety/Bike/Ped/WQ	CSLT	CSLT	2015	C
A, B, C	State Route 89/Fanny Bridge Community Revitalization Project	<del>\$17,000,000</del> \$20,000,000	Bridge/Intersection	Placer	Placer	<del>2016</del> 2018	C
B, C	US 50 South Shore Community Revitalization Project ( <del>Loop Road</del> )	<del>\$65,000,000</del> \$75,000,000	Bike/Ped/WQ	El Dorado/Douglas	TTD	2017	C
<b>Corridor Revitalization Projects Sub-Total</b>		<del>\$120,155,000</del> \$133,155,000					
<b>Transit Projects</b>							
A, C	Lake Tahoe Waterborne Transit Project	\$42,200,000	Transit Capital	NV/CA	TTD	2015	C
A, C	Lake Tahoe Waterborne Transit Operations	\$4,600,000	Transit Operations	NV/CA	TTD	Annual	C
B, C	BlueGO Service Operational Enhancements	\$749,500	Transit Operations	El Dorado/Douglas	TTD	Annual	C
B, C	BlueGO Transit Capital Enhancements	\$9,940,000	Transit Capital	El Dorado/Douglas	TTD	2016-2022	C
B, C	TART Service Operational Enhancements	\$734,867	Transit Operations	Placer	Placer	Annual	C

**Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C**

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
B, C	TART Transit Capital Enhancements	\$1,896,300	Transit Capital	Placer	Placer	2016	C
B, C	East Shore Service Operational Enhancement	\$518,000	Transit Operations	Various locations	Various	Annual	C
B, C	East Shore Transit Capital Enhancement	\$5,200,000	Transit Capital	Various locations	TTD	2016	C
B,C	Inter-Regional Service Operational Enhancement (cost shown is annual subsidy required, not total cost)	\$560,512	Transit Operations	Various locations	Various	Annual	C
B, C	Inter-Regional Transit Capital Enhancement	\$3,793,751	Transit Capital	Various locations	Various	2016	C
B	Other Transit Operational and Capital Enhancements	<del>\$28,552,300</del> \$24,552,300	Transit Operations/Capital	Various locations	Various	2016-2035	U
A,C	City of South Lake Tahoe Aviation Capital	\$17,850,000	AIP Capital	CSLT	CSLT	<del>2024</del> 23	C
<b>Transit Projects Sub-Total</b>		<del>\$116,595,230</del> \$112,595,230					
<b>Bike and Pedestrian Projects</b>							
B, C	Pioneer Trail Pedestrian Upgrades Project from Lake Tahoe Blvd/US Hwy 50 to Larch Avenue	<del>\$1,519,687</del> \$1,500,000	Sidewalk	CSLT	CSLT	2014	C
B, C	Harrison Ave from Lakeview Ave to Los Angeles Avenue	\$1,200,000	C-I/Shared Use	CSLT	CSLT	2014	C
A, B, C	Nevada Stateline to Stateline Bikeway from Incline Village to Sand Harbor	<del>\$19,942,000</del> \$10,000,000	C-I/Shared Use or Class II/Bike Lane	Washoe	Washoe/NDOT /TTD	<del>2016</del> 2023	C
A, B, C	<del>Sawmill Rd from Lake Tahoe Blvd to US Hwy 50</del> Road from Echo View Estates to US Hwy 50	<del>\$2,605,000</del> \$1,500,000	C-I/Shared Use	El Dorado	El Dorado	<del>2013</del> 2014	C
B, C	Lake Tahoe Blvd from D Street to Boulder Mountain Drive	<del>\$2,746,324</del> \$2,700,000	C-I /Shared Use and Class II/Bike Lane	El Dorado	El Dorado	2014	C

Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
B, C	Dollar Creek Shared-use Trail	\$2,500,000	C-I /Shared Use	Placer	Placer	2015	C
<del>B, C</del>	North Tahoe Bike Trail Phase II (Cedar Flats to North Tahoe Regional Park)	<del>\$13,500,000</del>	C-I /Shared Use	Placer	Placer	2021	<del>C</del> U
A, B, C	South Tahoe Greenway from Sierra Tract to Stateline <u>Phase I</u>	<del>\$8,000,000</del> \$5,000,000	C-I /Shared Use	CSLT	CTC	2015	C
<del>B, C</del>	Brockway Vista Multi-Use Trail	\$3,000,000	C-I /Shared Use	Placer	Placer	2017	<del>C</del> U
A, B, C	Nevada Stateline to Stateline South Demo from Stateline to Round Hill Pines Beach	<del>\$12,000,000</del> \$9,000,000	C-I/ Shared Use	Douglas	TTD	<del>2013</del> 2014	C
A, B, C	US Hwy 50-El Dorado Beach Trail — <del>from Ski Run Blvd to from</del> El Dorado Beach <u>to Ski Run Boulevard</u>	<del>\$3,049,627</del> \$2,950,000	C-I/ Shared Use	CSLT	CSLT	<del>2014</del> <u>2015</u>	C
<del>A, B, C</del>	<del>Lakeside Trail Phases V, VI —from Grove Street to SR 28 [Project Removed Due to Completion]</del>	<del>\$2,985,252</del>	<del>C-I/ Shared Use</del>	Placer	<del>TCPUD</del>	<del>2012</del>	<del>C</del>
B, C	Homewood Multi-Use Trail from Fawn <u>Street</u> to Cherry <u>Street</u>	<del>\$1,949,884</del> \$1,950,000	C-I/ Shared Use	Placer	TCPUD	<del>2013</del> <u>2014</u>	C
<del>B, C</del>	Lake Forest Road Bike Trails - from SR 28	\$242,783	C-I/ Shared Use	Placer	Placer	<del>2013</del> <u>2015</u>	<del>C</del> U
B, C	West Shore Bike Trail Extension – from Meeks Bay to Sugar Pine Point State Park	<del>\$2,099,844</del> \$2,000,000	C-I/ Shared Use	Placer	TCPUD/TTD	<del>2016</del> <u>2015</u>	C
B, C	US Hwy 50 from Existing Linear Park Trail to Park Ave	<del>\$374,355</del> \$374,000	C-I/ Shared Use	CSLT	CSLT	2023	C
<del>B, C</del>	Bijou Neighborhood Bicycle Route Improvements	\$153,928	C11 & C-III/Bike Lane	CSLT	CSLT	2015	<del>C</del> U
<del>B, C</del>	Pope/Baldwin Path Reconstruction and Expansion - from 15th St to Spring Creek/Fallen Leaf Lake	\$2,000,000	C-I/ Shared Use	El Dorado	USFS	2019	<del>C</del> U
B, C	South Lake Tahoe Bicycle Bridges Repair	<del>\$232,687</del> \$230,000	C-I/ Shared Use	CSLT	CSLT	2013	C



Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
B, C	US Hwy 50 - from Kingsbury Grade to Lake Parkway	<del>\$133,543</del> \$130,000	Sidewalk	Douglas	Douglas	2015	C
B, C	Third Street - Safe Routes to School Improvements	\$300,000	C-III /Bike Route/ Sidewalk	CSLT	CSLT	2016	C
B, C	Tahoe Island Drive Safe Routes to School Project	\$560,000	C-III Bike Route/ Sidewalk	CSLT	CSLT	2016	C
B, C	Washington Avenue Safe Routes to School Project	\$180,000	C-III Bike Route/ Sidewalk	CSLT	CSLT	<del>2016</del> 2024	C
B, C	Blackwood Avenue Safe Routes to School Project	\$210,000	Sidewalk	CSLT	CSLT	<del>2014</del> 2024	C
B, C	Spruce Avenue Safe Routes to School Project	\$300,000	Sidewalk	CSLT	CSLT	<del>2014</del> 2024	C
B, C	Nevada Stateline to Stateline Crystal Bay to Incline	\$20,000,000	C-I/Shared Use	Washoe	TTD	<del>2020</del> 2022	C
A, B, C	Washoe County Master Plan Bike/Ped Improvements	\$690,000	C-I, C-II, C-III, Sidewalk	Washoe	Washoe	2015	C
A, B, C	Lake Parkway Sidewalk	<del>\$582,982</del> \$580,000	Sidewalk	Douglas	NDOT	2013	C
B	Nevada Stateline to Stateline Bikeway - from Sand Harbor to Carson County Line	\$11,400,000	C-I /Shared Use or Class II/Bike Lane	Washoe	Washoe/NDOT / TTD	2023	U
B, C	Nevada Stateline to Stateline Bikeway - from Washoe County Line to Douglas County Line	\$11,400,000	C-I /Shared Use	Washoe/ Douglas	TTD	2023	U
B, C	South Tahoe Greenway - from Meyers to Sierra Tract	\$14,187,000	C-I /Shared Use	El Dorado	CTC	2021	U
B, C	Park Ave (West) - from Pine Blvd to US Hwy 50/End of Linear Park Path	<del>\$120,535</del> \$121,000	C-I/ Shared Use	CSLT	CSLT	2025	C
B	US Hwy 50 - From H Street (South) to CSLT City Limits	\$884,390	C-I/ Shared Use	CSLT	CSLT	2023	U

Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
B, C	US Hwy 50 - City of South Lake Tahoe City Limits to Sawmill Blvd	<del>\$2,600,000</del> \$2,900,000	C-I/ Shared Use	El Dorado County	El Dorado County	<del>2025</del> 2024	C
B, C	AL Tahoe Trail - from Lake Tahoe Blvd/US Hwy 50 to Al Tahoe Bike Trail	<del>\$798,000</del> \$793,000	C-I /Shared Use	CSLT	CSLT	2016	C
B, <del>C</del>	Lakeside Trail Phase 2C- from Mackinaw to Commons Beach	\$3,000,000	C-I/ Shared Use	Placer	TCPUD	2020	<del>C</del> U
B, C	West Shore Trail Improvements - from SR 28/89 to Tahoma	\$700,000	C-I/ Shared Use	El Dorado County/ TCPUD	El Dorado County/TCPUD	2020	C
B, C	Truckee River Trail Widening - from Tahoe City to Squaw Valley	\$1,875,000	C-I/ Shared Use	Placer	TCPUD	<del>2018</del> 2024	C
B, C	Sunnyside to Sequoia Trail - from Sunnyside Resort to Lower Sequoia/SR 89	\$975,000	C-I/ Shared Use	Placer	TCPUD	2018	C
B	National Avenue East Side - from Toyon Road to Existing Forest Service Path	\$480,000	C-I/ Shared Use	Placer	Placer	2017	C
B	State Route 28 (North Side) - from Preston Field to Northwood Blvd	\$591,559	C-I/ Shared Use	Washoe	Washoe/NDOT	2018	U
B, C	Venice Drive - from Tahoe Keys to 15th Street	\$35,000	C-III /Bike Route	CSLT	CSLT	2019	C
B, C	Class I Path Reconstruction	\$700,000	Class I	CSLT	CSLT	2014	C
B	NSR 207/Kingsbury Grade from Basin Bndy/US Hwy 50	\$20,000,000	C-II /Bike Lane	Douglas	NDOT	<del>2023</del> 2030	U
<u>B</u>	<u>South Tahoe Greenway from Sierra Tract to Stateline Phase II [project was formerly on the constrained list as a combined project with "South Tahoe Greenway "Y" Connector" project in the row below]</u>	<u>\$3,000,000</u>	<u>C-I / Shared Use</u>	<u>CSLT</u>	<u>CSLT</u>	<u>2018</u>	<u>U</u>

Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
<u>B</u>	<u>South Tahoe Greenway “Y” Connector [project was formerly on the constrained list as a combined project with “South Tahoe Greenway from Sierra Tract to Stateline Phase II” project in the row above]</u>	<u>\$3,000,000</u>	<u>C-I / Shared Use</u>	<u>CSLT</u>	<u>CSLT</u>	<u>2018</u>	<u>U</u>
B	Other Bike and Pedestrian Projects	\$2,007,182	C-1 & C-III / Bike Route & C-1 Shared Use	Various locations	Various	2023	U
<b>Bike and Pedestrian Subtotal</b>		<del>\$174,811,562</del> <b>\$160,799,842</b>					
<b>Stormwater Strategies – Caltrans (Capital)</b>							
A, B, C	ED 50 EA 1A731 Meyers Road to Incline Road. PPNO 3233A	\$21,672,000	Erosion Control/WQ	El Dorado	Caltrans	<del>2013</del> 2014	C
A, B, C	ED 50 EA 1A732 In and near South Lake Tahoe, from South Tahoe Airport entrance to South 89. PPNO 3233B	\$18,761,000	Erosion Control/WQ	El Dorado	Caltrans	2014	C
A, B, C	ED 89 EA 1A842 In and near South Lake Tahoe, from <del>US Hwy Route-50</del> to Cascade Road. Stormwater + bike lanes from “Y” to SLT City limits. PPNO 3453B	\$30,023,000	Erosion Control/WQ	El Dorado	Caltrans	2014	C
A, B, C	ED 89 EA 1A843 Near South Lake Tahoe, from Cascade Rd. to north of Eagle Falls Sidehill Viaduct. PPNO 3453C	\$21,553,000	Erosion Control/WQ	El Dorado	Caltrans	2016	C
A, B, C	ED 89 EA 1A844 N. Near South Lake Tahoe, from north of Eagle Falls Viaducts to Meeks Creek. PPNO 3453D	\$31,072,000	Erosion Control/WQ	El Dorado	Caltrans	2015	C
A, B, C	<del>ED 89 EA 1A845 In El Dorado County n</del> Near Tahoma from Meeks Creek Bridge to Wilson. Avenue (PM 24.9/27.2) – PPNO 3453E	\$18,879,000	Erosion Control/WQ	El Dorado	Caltrans	2017	C

Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> <u>2013</u> Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
A, B, C	<del>PLA 89 EA 2A920 In El Dorado and Placer Counties at and n</del> Near Tahoe City from 0.2 miles south of the El Dorado/Placer County Line to the Truckee River Bridge (PM27.2/27.4 and 0.0/T8.5). PPNO 3454	\$68,962,000	Erosion Control/WQ	Placer	Caltrans	2015	C
A, B, C	ED 50 EA 3C380, In South Lake Tahoe, north of Route 89 to Trout Creek Bridge. <u>Stormwater plus bikeBicycle lanes and pedestrian improvements.</u> PPNO 3258	\$39,290,000	Erosion Control/WQ	El Dorado	Caltrans	<del>2015</del> <u>2016</u>	C
A, B, C	ED 50 EA 1A734 , In South Lake Tahoe west of Ski Run Blvd. to Nevada Stateline. PPNO 3233D	\$7,640,000	Erosion Control/WQ	El Dorado	Caltrans	2013	C
<u>A, B, C</u>	ED 50 EA 1F110 In South Lake Tahoe, from Herbert Avenue to Takela Drive. <u>Stormwater runoff treatment.</u> PPNO 3296	<u>\$4,375,000</u>	<u>Erosion Control/WQ</u>	<u>El Dorado</u>	<u>Caltrans</u>	<u>2013</u>	<u>C</u>
<u>A, B, C</u>	PLA 89 EA 3F440 In Tahoe City, from <u>Route89/28 junction to .05 mile north of Alpine Meadows Road.</u> Install drainage facilities. PPNO 05286	<u>\$4,000,000</u>	<u>Erosion Control/WQ</u>	<u>Placer</u>	<u>Caltrans</u>	<u>2014</u>	<u>C</u>
<u>B</u>	TMDL Projects – amount unknown to be <u>determined</u>	<u>\$0</u>	<u>Erosion Control/WQ</u>	<u>El Dorado/Placer</u>	<u>Caltrans</u>	<u>2035</u>	<u>U</u>
<u>B, C</u>	<del>New TMDL and Retrofit Projects (\$3M per year for five years, starts 2016) (This project will be placed on the Unconstrained list in the final RTP, with funding amount to be determined.)</del>	<u>\$3,000,000</u>	TMDL	Various locations	Caltrans	2020	C
Stormwater Strategies Projects - Subtotal Caltrans		<del>\$260,852,000</del> <u>\$266,227,000</u>					
Stormwater Strategies Projects - NDOT							

**Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C**

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> <u>2013</u> Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
A, B, C	DO20090015-12 US 50 Spooner Summit Storm Drain project from Spooner Summit to CC/DO County line. DO 13.00 to 14.00 to conduct NEPA study for the construction of drop inlet replacement, placement of new drop inlets, slop flattening, grading, concrete curb and gutters, channel work	\$45,000	Erosion Control/WQ	Carson	NDOT	2013	C
A, B, C	CC 199808-12 SR 28 from the 0.13 ME of the CC/WA county line to the CC/WA county line. CC 3.82 to 3.95	\$729,000	Erosion Control/WQ	Carson	NDOT	2013	C
A, B, C	WA20090176-12 SR 28 Tahoe Blvd at the intersection of MT Rose Highway (SR431). WA8.13 Construct a roundabout	\$2,000,000	Erosion Control/WQ	Washoe	NDOT	2013	C
A, B, C	DO2011001-13 US50 from Cave Rock to SR 28 Spooner Junction. Final design and construction of slope stability, water quality and erosion control improvements	\$7,425,000	Erosion Control/WQ	Washoe	NDOT	2013	C
B, C	New TMDL and Retrofit Projects (\$1M per year for 5 years, starts 2016)	\$1,000,000	TMDL	Various locations	NDOT	<del>2020</del> <u>2023</u>	C
B	Tahoe Mobile BMP Project	\$2,550,000	Erosion Control/WQ	Douglas/Washoe	NDOT	2031	U
B	Long-Term TMDL Strategies	\$144,150,000	Erosion Control/WQ	Douglas/Washoe	NDOT	2031	U
<b>Stormwater Strategies Projects - Subtotal NDOT</b>		<b>\$157,899,000</b>					
<b>Local Roadway TMDL Strategies</b>							
A, B, C	CSLT Short-Term TMDL	\$25,850,000	Erosion Control/WQ	CSLT	CLST	2015	C
B, C	CSLT Long-Term TMDL Implementation	\$1,000,000	Erosion Control/WQ	CSLT	<u>CLST</u>	2023	C

**Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C**

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
A, B, C	El Dorado Short-Term TMDL	\$17,609,076	Erosion Control/WQ	El Dorado	El Dorado	2015	C
B, C	El Dorado Long-term TMDL Implementation	\$ 1,200,000	Erosion Control/WQ	El Dorado	El Dorado	2023	C
A, B, C	Placer Short-Term TMDL	\$32,289,655	Erosion Control/WQ	Placer	Placer	2015	C
B, C	Placer Long-Term TMDL Implementation	\$5,065,000	Erosion Control/WQ	Placer	Placer	2023	C
A, B, C	Stormwater Washoe Central Incline Village Phase I	\$2,500,000	Erosion Control/WQ	Washoe	Washoe	2013	C
A, B, C	Stormwater Washoe Central Incline Village Phase II	\$3,000,000	Erosion Control/WQ	Washoe	Washoe	2013	C
A, B, C	Stormwater Washoe West Incline Village Phase I	\$3,000,000	Erosion Control/WQ	Washoe	Washoe	2014	C
A, B, C	Douglas Short-Term TMDL	\$2,750,000	Erosion Control/WQ	Douglas	Douglas	2015	C
B, C	Douglas Long-Term TMDL	\$250,000	Erosion Control/WQ	Douglas	Douglas	2023	C
B	Other Long-term TMDL	\$8,600,000	Erosion Control/WQ	Various locations	Various	2035	U
B	Stormwater Washoe WC6	\$3,300,000	Erosion Control/WQ	Washoe	Washoe	2015	U
B	Stormwater Washoe WC7	\$1,700,000	Erosion Control/WQ	Washoe	Washoe	2016	U
<b>Total Local Roadway TMDL Projects</b>		<b>\$108,113,731</b>					
<b>Transportation System Management and Transportation Demand Management Projects</b>							
A, B, C	US 50 Signal Synchronization ("Y" to Stateline) & Adaptive Signals / Enhancements	<del>\$1,000,000</del> \$5,000,000	Signal Coordination	CSLT	Caltrans	2016	C

Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> 2013 Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
A, B, C	Tahoe City Traffic Management Program	\$25,000	Traffic Control	Placer	Placer	Annual	C
A, B, C	Intersection Detection Equipment (CSLT, various Locations)	\$150,000	ITS	CSLT	CSLT	2016	C
A, B, C	Changeable Message Signs in Nevada	\$500,000	ITS	NV	NDOT	2018	C
A, B, C	Sierra Traffic Operation System (ITS at Various Locations in CA)	\$1,700,000	ITS	El Dorado	El Dorado	2018	C
A, B, C	Traffic Monitoring Stations in Nevada	\$200,000	ITS	NV	NDOT	2018	C
A, B, C	NDOT Complete Streets Project	\$100,000	Complete Streets	NV	NDOT	2018	C
<u>B, C</u>	<u>Meyers Corridor Operations Study</u>	<u>\$700,000</u>	<u>Complete Streets</u>	<u>El Dorado</u>	<u>El Dorado</u>	<u>2016</u>	<u>C</u>
B, C	SR28 Circulation Improvements at Sand Harbor Entrance	\$100,000	Lane Configuration	Washoe County	TTD	2019	C
B, C	East Shore Parking Improvements	\$2,000,000	Parking Management	Washoe County	TTD	2020	C
<del>A, B, C</del>	South Lake Tahoe Basin Aquatic Invasive Species Inspection Station	\$1,300,000	AIS Capital	El Dorado	TRPA	2013	<del>C</del> <u>U</u>
A, B, C	East Lake Tahoe Basin Aquatic Species Inspection Station	\$1,300,000	AIS Capital	Douglas	TRPA	2013	C
<del>A, B, C</del>	North East Lake Tahoe Basin Aquatic Invasive Species Inspection Station	\$1,300,000	AIS Capital	Washoe	TRPA	2013	<del>C</del> <u>U</u>
<del>A, B, C</del>	North West Lake Tahoe Basin Aquatic Invasive Species Inspection Station	\$1,300,000	AIS Capital	Placer	TRPA	2013	<del>C</del> <u>U</u>
<u>B</u>	<u>Caltrans Complete Street</u>	<u>\$100,000</u>	<u>Complete Streets</u>	<u>El Dorado</u>	<u>Caltrans</u>	<u>2020</u>	<u>U</u>
<del>B</del>	<del>Emergency Transportation System Security Coordination</del>	<del>10,000</del>		<del>CA/NV</del>			<del>C</del> <u>U</u>
<b>Total Transportation System Management and TDM Projects</b>		<del>\$10,985,000</del> <b>\$15,775,000</b>					
<b>Operations and Maintenance</b>							

**Table 2-1. RTP List of Projects Included in Transportation Strategy Packages A, B, and C**

Transportation Strategy Package Alternative	Projects	Cost <del>2012</del> <u>2013</u> Dollars	Project Objective	Location	Implementing Agency	Est. Year Construction Complete	Constrained (C) or Unconstrained (U)
A, B, C	Bike and Pedestrian Facilities O&M - Placer, TCPUD, ELDO, CSLT, Douglas, Washoe (existing)	\$502,272	Operations and Maintenance	Various	Various	Annual	C
A, B, C	Transit O&M - BlueGO, TART, Washoe, Placer, Douglas (existing)	\$7,207,119	Operations and Maintenance	Various	Various	Annual	C
A, B, C	Streets and Roads O&M - Placer, ELDO, CSLT, Douglas, NDOT, Caltrans, Washoe (existing, <u>does not reflect future TMDL implementation</u> )	\$12,745,042	Operations and Maintenance	Various	Various	Annual	C
A, B, C	Stormwater Treatment Facilities O&M - Placer, ELDO, CSLT, NDOT, Washoe (existing)	\$1,810,601	Operations and Maintenance	Various	Various	Annual	C
A, B, C	Safety and Rehabilitation Projects (Minor Projects-NV)	\$1,800,000	Roadway/ Rehabilitation	NV	NDOT	2030	C
A, B, C	<del>Safety and Rehabilitation Projects (Minor SHOPP Projects-CA)</del>	\$2,800,000	Roadway/ Rehabilitation	CA	Caltrans	2030	C
A, B, C	Emergency Roadway Repair Program	\$100,000	Roadway/ Rehabilitation	CA/NV	Caltrans/NDOT	Annual	C
<b>Total Operations and Maintenance</b>		<b>\$26,965,034</b>					
Footnotes: Amendment #2 Bike and Pedestrian Projects Revised cost expenditure on original bicycle and pedestrian projects Added 30 new bicycle and pedestrian projects totaling \$49,605,468. Project No's. 104-133 Removed bicycle and pedestrian projects No's. 24, 28, 29, 32, 33, 34, and 35							



## 3 LIST OF COMMENTERS AND RESPONSES TO COMMENTS

This RTP/SCS Final EIR/EIS includes all comments received during the public review period for the Draft EIR/EIS and responds to significant environmental issues raised in those comments. All comment letters and transcripts of oral comments are provided in Volume 2 of this Final EIR/EIS. As described in Chapter 1, Introduction, TMPO and TRPA, the lead agencies under CEQA and the Tahoe Regional Planning Compact, provided a 63-day review period for the Draft EIR/EIS that began on April 25, 2012, and ended on June 28, 2012. During the review period, public meetings were held on April 25, April 26, May 11, May 21, May 22, May 23, May 24, June 27, and June 28, 2012, to solicit comments on the Draft EIR/EIS. Details about these public comment opportunities are provided in Chapter 1, Introduction.

### 3.1 FORMAT OF COMMENTS AND RESPONSES

Comment letters in Volume 2 and responses to comments in this chapter of the Final EIR/EIS are arranged and coded as follows:

- ▲ Agencies (A)
- ▲ Organizations (O)
- ▲ Individuals (I)
- ▲ Form Letters (FL)
- ▲ Open House (OH)

Each letter and each comment within a letter have been given an identification number. Responses are numbered so that they correspond to the appropriate comment. Where appropriate, responses are cross-referenced between letters or to a Master Response. Master Responses are provided for topics that are raised by multiple commenters and/or would benefit from a more comprehensive response than would be provided to address a single comment.

Some of the comments received do not address environmental issues or the adequacy of the Draft EIR/EIS and instead offer policy suggestions or recommendations. This Final EIR/EIS does not provide detailed responses to comments that address policy matters or that do not relate to the environmental analysis; rather, policy recommendations have been summarized separately and responded to as part of the publicly available Staff Summary for the October 24, 2012 TRPA Governing Board meeting (available at <http://www.trpa.org/default.aspx?tabindex=3&tabid=16>), and in a series of issue sheets summarizing policy input on a variety of topic areas (available at <http://www.trpa.org/default.aspx?tabindex=6&tabid=418>). Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluations in Section 3.3.1 for additional information.

### 3.2 LIST OF COMMENTERS

The Draft Regional Plan Update, Regional Plan Update Draft EIS, Draft RTP/SCS, and RTP/SCS Draft EIR/EIS were circulated for public review and comment simultaneously. TRPA and TMPO received many comments that addressed multiple documents. Some comments specified the document that the commenter was addressing; however, many did not include this distinction. To ensure that the final environmental documents address all pertinent comments, the responses to comments in Chapter 3 of the Regional Plan Update Final EIS and the

RTP/SCS Final EIR/EIS are identical and include all comments received during the public comment period. Table 3-1 provides a list of all agencies, organizations, and persons who submitted comments during the public review period and/or provided oral comments at the public hearings. The table includes a column that indicates to which planning document or documents the comment letter pertains.

<b>Table 3-1 List of Commenters</b>			
<b>Commenter</b>	<b>LetterID</b>	<b>Date</b>	<b>Comment Applies to</b>
<b>Agencies</b>			
TRPA Advisory Planning Commission – Steve Teshara, Commissioner	A1	4/25/2012	RPU
TRPA Advisory Planning Commission – Steve Teshara, Commissioner	A2	4/26/2012	RTP/SCS
California Tahoe Conservancy – Patrick Wright, Executive Director	A3	6/28/2012	RPU, RTP/SCS
California Department of Public Health – Vicki Kramer, Ph.D., Chief, Vector-Borne Disease Section	A4	6/28/2012	RPU
California Department of Transportation, District 3 – Jody Jones, District Director	A5	6/28/2012	RPU, RTP/SCS
California State Lands Commission – Cy R. Oggins, Chief, Division of Environmental Planning and Management	A6	6/28/2012	RPU
City of South Lake Tahoe – Clair Fortier, Mayor; Tom Davis, Mayor Pro Tem; Bruce Grego, Councilmember; Angela Swanson, Councilmember; Hal Cole, Councilmember	A7	6/20/2012	RPU
City of South Lake Tahoe – Clair Fortier, Mayor; Tom Davis, Mayor Pro Tem; Bruce Grego, Councilmember; Angela Swanson, Councilmember; Hal Cole, Councilmember	A8	6/20/2012	RPU
City of South Lake Tahoe – Clair Fortier, Mayor; Tom Davis, Mayor Pro Tem; Bruce Grego, Councilmember; Angela Swanson, Councilmember; Hal Cole, Councilmember	A9	6/20/2012	RPU
City of South Lake Tahoe – Hilary Roverud, Director of Development Services	A10	4/26/2012	RPU
City of South Lake Tahoe – Hilary Roverud, Director of Development Services	A11	6/28/2012	RPU
California Tahoe Conservancy – Patrick Wright, Executive Director	A12	6/28/2012	RPU
California Tahoe Conservancy – Patrick Wright, Executive Director	A13	6/28/2012	RPU
California Department of Justice – Daniel L. Siegel, Supervising Deputy Attorney General, for Kamala D. Harris, Attorney General	A14	6/27/2012	RPU
California Department of Justice – Daniel L. Siegel, Supervising Deputy Attorney General, for Kamala D. Harris, Attorney General	A15	6/27/2012	RPU
California Department of Justice – Daniel L. Siegel, Supervising Deputy Attorney General	A16	4/26/2012	RPU
California Department of Parks and Recreation – Tamara Sasaki, Sr. Environmental Scientist	A17	6/28/2012	RPU
California Department of Parks and Recreation – Tamara Sasaki, Sr. Environmental Scientist	A18	6/28/2012	RTP/SCS

<b>Table 3-1 List of Commenters</b>			
<b>Commenter</b>	<b>LetterID</b>	<b>Date</b>	<b>Comment Applies to</b>
Douglas County Board of Commissioners & Community Development – Lee Bonner, Chairman; Nancy McDermid, Vice Chair; Greg Lynn; Michael Olson; Doug Johnson; Mimi Moss, AICP, Director, Douglas County Community Development Department	A19	6/21/2012	RPU, RTP/SCS
Douglas County – Brandy McMahon, Senior Planner	A20	6/15/2012	RPU
Douglas County – Brandy McMahon, Senior Planner	A21	4/26/2012	RPU
County of El Dorado Department of Transportation – Kimberly A. Kerr, Interim Director of Transportation; Roger Trout, Director of Development Services Department	A22	6/27/2012	RPU, RTP/SCS
United States Environmental Protection Agency – Zac Appleton, Environmental Review Office, Communities and Ecosystems Division	A23	6/28/2012	RPU
United States Environmental Protection Agency – Jack Landy, Lake Tahoe Basin Coordinator	A24	6/28/2012	RPU
Lahontan Regional Water Quality Control Board – Patty Z. Kouyoumdjian, Executive Officer	A25	6/28/2012	RPU
Lahontan Regional Water Quality Control Board – Patty Z. Kouyoumdjian, Executive Officer	A26	6/28/2012	RPU
Lake Tahoe Community College – Kindred Murillo, Ed. D., Superintendent/President	A27	6/28/2012	RPU
Nevada Division of Environmental Protection – Alexi Lanza, P.E., Permits Branch – Bureau of Water Pollution Control	A28	5/3/2012	RTP/SCS
Nevada Tahoe Conservation District – Mahmood Azad, P.E., Principal Engineer/Fisheries Biologist	A29	4/30/2012	RPU
California State Clearinghouse – Scott Morgan, Director	A30	6/29/2012	RPU
Placer County Board of Supervisors – Jennifer Montgomery, Supervisor	A31	5/16/2012	RPU
County of Placer Community Development Resource Agency, Planning Services Division – Michael J. Johnson, AICP, Agency Director	A32	6/19/2012	RPU, RTP/SCS
County of Placer Community Development Resource Agency, Engineering and Surveying – Rebecca Taber	A33	5/22/2012	RPU
Placer County Flood Control and Water Conservation District – Andrew Darrow, P.E., Development Coordinator	A34	5/22/2012	RPU
County of Placer Community Development Resource Agency, Planning Services Division – Crystal Jacobsen, Planning Services Division	A35	5/22/2012	RPU
County of Placer Facility Services Department – Andy Fisher, Parks Division; Nick Trifiro, Property Management Division	A36	5/22/2012	RPU
Placer County Museums Division – Ralph Gibson, Program Manager	A37	5/22/2012	RPU
Placer County Air Pollution Control District – Yushuo Chang, Supervisor,	A38	6/28/2012	RPU

<b>Table 3-1 List of Commenters</b>			
<b>Commenter</b>	<b>Letter ID</b>	<b>Date</b>	<b>Comment Applies to</b>
Planning and Monitoring Section			
Placer County Air Pollution Control District – Yushuo Chang, Supervisor, Planning and Monitoring Section	A39	6/28/2012	RTP/SCS
County of Placer Community Development Resource Agency – Steve Buelna, Supervising Planner	A40	4/26/2012	RPU
Placer County Executive Office – Jennifer Merchant, Tahoe Manager	A41	6/27/2012	RPU
Nevada State Historic Preservation Office – Rebecca Lynn Palmer, Deputy Historic Preservation Officer	A42	6/19/2012	RPU
Tahoe City Public Utility District – Cindy Gustafson, District General Manager	A43	6/27/2012	RPU
Placer County Department of Public Works – Peter Kraatz, Deputy Director	A44	6/27/2012	RPU, RTP/SCS
Tahoe Transportation District – Carl Hasty, District Manager	A45	4/26/2012	RTP/SCS
<b>Organizations</b>			
California Native Plant Society – Aaron E. Sims, Rare Plant Botanist	O1	6/15/2012	RPU
Contractors Association of Truckee Tahoe – Pat Davison, Executive Director	O2	4/26/2012	RPU, RTP/SCS
Contractors Association of Truckee Tahoe – Pat Davison, Executive Director	O3	6/28/2012	RPU
Contractors Association of Truckee Tahoe – Pat Davison, Executive Director	O4	5/23/2012	RPU
Contractors Association of Truckee Tahoe – Pat Davison, Executive Director	O5	6/13/2012	RPU
Contractors Association of Truckee Tahoe – Pat Davison, Executive Director	O6	6/28/2012	RPU
Community Collaborative of Tahoe-Truckee – Brooke Rose, Coordinator	O7	5/23/2012	RTP/SCS
Friends of Tahoe Vista – Ellie Waller, Community Volunteer/Activist	O8	6/28/2012	RPU
Friends of Tahoe Vista – Ellie Waller, Community Volunteer/Activist	O9	5/23/2012	RPU
Friends of the West Shore – Alexander Leff, Conservation Director	O10	5/13/2012	RPU
Friends of the West Shore – Alexander Leff, Conservation Director	O11	5/30/2012	RPU
Friends of the West Shore – Mochaél Lozeau, Lozeau Drury LLP	O12	6/8/2012	RPU
Friends of the West Shore – Alex Leff, Conservation Director	O13	5/23/2012	RPU
Friends of the West Shore – Jennifer Quashnick	O14	6/28/2012	RPU
Lake Tahoe Community College – Kindred I. Murillo, Superintendent/President	O15	6/27/2012	RPU
League to Save Lake Tahoe – Darcie Goodman-Collins, Ph. D., Executive Director; Tahoe Area Sierra Club – Laurel Ames, Co-Conservation Chair; Friends of the West Shore – Susan Gearhart, President; Alexander Leff, Conservation Director	O16	6/28/2012	RPU, RTP/SCS
Lake Tahoe Visitors Authority – Carol Chaplin, Executive Director	O17	4/26/2012	RPU
Lake Tahoe Visitors Authority – Carol Chaplin, Executive Director	O18	6/28/2012	RPU
North Lake Tahoe Chamber/CVB/Resort Association – Sandy Evans-Hall, Chief	O19	6/27/2012	RPU

Table 3-1 List of Commenters			
Commenter	Letter ID	Date	Comment Applies to
Executive Officer/Executive Director			
North Lake Tahoe Chamber/CVB/Resort Association – Sandy Evans-Hall, Chief Executive Officer/Executive Director	O20	4/25/2012	RPU
North Lake Tahoe Chamber/CVB/Resort Association – Sandy Evans-Hall, Chief Executive Officer/Executive Director	O21	6/22/2012	RPU
North Tahoe Business Association, Joy M. Doyle, Executive Director	O22	6/21/2012	RPU, RTP/SCS
North Tahoe Citizen Action Alliance – David McClure, Vice President	O23	6/28/2012	RPU, RTP/SCS
North Tahoe Citizen Action Alliance – Dave McClure, Vice President	O24	4/23/2012	RTP/SCS
North Tahoe Citizen Action Alliance – Dave McClure, Vice President	O25	5/23/2012	RTP/SCS
North Tahoe Preservation Alliance – Joy Dahlgren on behalf of Ann Nichols, President; Mountain Area Preservation Foundation – Alexis Olear	O26	6/12/2012	RPU
North Tahoe Preservation Alliance – Ann Nichols, President	O27	6/1/2012	RPU
North Tahoe Preservation Alliance – Ann Nichols, President	O28	6/1/2012	RPU
Tahoe Area Sierra Club – Laurel Ames, Conservation Co-Chair; League to Save Lake Tahoe – Darcie Goodman-Collins, PhD, Executive Director; Friends of the West Shore – Susan Gearhart, President ; Sierra Club-Toiyabe Chapter – David Hornbeck, Vice Chair; North Tahoe Preservation Alliance – Ann Nichols, President; Nevada Conservation League – Scot Rutledge, Executive Director; North Tahoe Citizens Action Alliance – Jerry Wotel, President; Friends of Lake Tahoe – Roger Patching, President/CEO; Friends of Tahoe Vista – Ellie Waller	O29	6/1/2012	RPU
North Tahoe Preservation Alliance – Ann Nichols, President	O30	4/25/2012	RPU
North Tahoe Preservation Alliance – Ann Nichols, President	O31	6/27/2012	RPU
North Tahoe Preservation Alliance – Ann Nichols, President	O32	5/23/2012	RPU
North Tahoe Preservation Alliance – Ann Nichols, President	O33	5/23/2012	RPU
Sierra Business Council – Greg Jones, Vice President	O34	6/27/2012	RPU
Snow Lands Network – Bob Rowen, Vice President for Advocacy; Winter Wildlands Alliance – Forrest McCarthy	O35	6/26/2012	RPU
South Tahoe Association of Realtors – Hayley Williamson, Government Affairs Director	O36	6/4/2012	RPU
South Tahoe Association of Realtors – Hayley Williamson, Government Affairs Director	O37	5/24/2012	RPU
Sustainable Tahoe – Jacquie Chandler, Executive Director	O38	6/25/2012	RPU
Sustainable Tahoe – Jacquie Chandler, Executive Director	O39	6/27/2012	RPU
Sustainable Tahoe – Jacquie Chandler, Executive Director	O40	6/27/2012	RPU
Tahoe Area Sierra Club – Laurel Ames, Co-Conservation Chair	O41	4/25/2012	RPU
Tahoe Area Sierra Club – Laurel Ames, Co-Conservation Chair	O42	4/26/2012	RPU

<b>Table 3-1 List of Commenters</b>			
<b>Commenter</b>	<b>LetterID</b>	<b>Date</b>	<b>Comment Applies to</b>
Tahoe Area Sierra Club – Bob Anderson, Chair	O43	6/28/2012	RPU
Gary Davis Group – Gary Davis, President	O44	6/27/2012	RPU
Tahoe Sierra Board of Realtors – John Falk, Governmental Affairs Director	O45	6/27/2012	RPU
Lake Tahoe South Shore Chamber of Commerce – Casey Blann, Chair, Board of Directors	O46	6/28/2012	RPU, RTP/SCS
Tahoe Prosperity Center – Betty Gorman, President	O47	4/26/2012	RPU
Lake Tahoe South Shore Chamber of Commerce – Betty Gorman, President	O48	5/24/2012	RPU
Tahoe City Downtown Association – Gary Davis, P.E., Secretary	O49	5/21/2012	RPU, RTP/SCS
League to Save Lake Tahoe – Nicole Gergans, Natural Resources Manager	O50	6/28/2012	RPU, RTP/SCS
League to Save Lake Tahoe – Shannon Eckmeyer, Land Use Specialist	O51	5/16/2012	RPU
League to Save Lake Tahoe – Darcie Collins, Ph.D., Executive Director	O52	6/27/2012	RPU
League to Save Lake Tahoe – Shannon Eckmeyer, Land Use Specialist	O53	5/23/2012	RPU
Tahoe Prosperity Center – Thomas Greene, Chair of the Board	O54	5/24/2012	RPU
<b>Individuals</b>			
Derrek Aaron	I1	6/25/2012	RPU
Don Acolino, General Manager, Embassy Suites Hotel	I2	4/26/2012	RPU
Dominic Acolino, General Manager, Embassy Suites Hotel	I3	5/24/2012	RPU
Mike Allen, Vail Resorts	I4	6/28/2012	RPU
Mindi Befu, Sierra at Tahoe	I5	6/18/2012	RPU
Mindi Befu, Sierra at Tahoe	I6	5/24/2012	RPU
Larry Benoit, Ph. D.	I7	6/26/2012	RPU
Larry Benoit, Ph. D.	I8	5/24/2012	RPU
Brian Bigley	I9	6/25/2012	RPU
Shannon Birkholm	I10	4/25/2012	RPU
Casey Blann	I11	5/24/2012	RPU
Mike Bradford, Lakeside Inn	I12	6/28/2012	RPU
Lorie Chapman	I13	5/1/2012	RPU
Natalie Collin	I14	5/24/2012	RPU
Jason Collin	I15	6/28/2012	RPU
Jon Copeland	I16	6/27/2012	RPU
Cathy, Tom, and Will Crumpton	I17	6/26/2012	RPU
Jessica Cunningham	I18	6/28/2012	RPU
Mary Cushing	I19	5/14/2012	RPU

Table 3-1 List of Commenters			
Commenter	LetterID	Date	Comment Applies to
Joy Dahlgren	I20	6/17/2012	RTP/SCS
Joy Dahlgren	I21	6/17/2012	RTP/SCS
Joy Dahlgren	I22	6/26/2012	RPU
Joy Dahlgren	I23	6/27/2012	RPU
Susan Daniels, Coldwell Banker Residential Brokerage	I24	6/28/2012	RPU
Susan Daniels	I25	6/27/2012	RPU
Lewis S. Feldman, Feldman McLaughlin Thiel LLP	I26	6/28/2012	RPU
Nancy A. Dodge	I27	6/27/2012	RPU, RTP/SCS
Seana Doherty, Fresh Tracks Communications	I28	6/27/2012	RPU, RTP/SCS
John Drum	I29	6/28/2012	RPU
Theresa May Duggan	I30	5/23/2012	RPU
Carol Endicott	I31	6/12/2012	RPU
Diana Evans	I32	6/28/2012	RPU, RTP/SCS
Jerome Evans	I33	5/24/2012	RPU
Jerome Evans	I34	6/28/2012	RPU, RTP/SCS
Diana Evans	I35	6/28/2012	RPU, RTP/SCS
Nicholas Exline, Midkiff and Associates	I36	6/27/2012	RPU, RTP/SCS
Nicholas Exline, Midkiff and Associates	I37	4/26/2012	RPU
Randall Faccinto, Partner, Stoel Rives LLP	I38	6/8/2012	RPU
Carl Fair	I39	6/21/2012	RPU
Lew Feldman, Feldman McLaughlin Thiel LLP	I40	4/26/2012	RPU
Lew Feldman, Feldman McLaughlin Thiel LLP	I41	6/13/2012	RPU
Lew Feldman, Feldman McLaughlin Thiel LLP	I42	6/28/2012	RPU
Dave Ferrari	I43	5/21/2012	RPU
Dave Ferrari	I44	6/27/2012	RPU
Elise Fett	I45	5/23/2012	RPU, RTP/SCS
Joe Filipko, Realtor	I46	5/24/2012	RPU, RTP/SCS
Tom Fortune, Director of Base Operations, Heavenly Lake Tahoe	I47	6/28/2012	RPU
John Friedrich	I48	6/28/2012	RPU
Gary Davis, Gary Davis Group Design and Engineering	I49	6/28/2012	RPU, RTP/SCS
Susan Gearhart	I50	5/23/2012	RPU, RTP/SCS
Michael Gorman	I51	4/25/2012	RPU
Michael Gorman	I52	4/25/2012	RPU

Table 3-1 List of Commenters			
Commenter	LetterID	Date	Comment Applies to
James Grant, Heavenly Ski Resort	I53	6/28/2012	RPU
Ron Grassi	I54	6/25/2012	RPU
Greta Hambsch	I55	6/21/2012	RPU
Andrew Strain, Vice President of Planning and Governmental Affairs, Heavenly Lake Tahoe	I56	6/25/2012	RPU
Andrew Strain, Vice President of Planning and Governmental Affairs, Heavenly Lake Tahoe	I57	6/28/2012	RPU
Robert Hedley, Yee Hedley Group	I58	6/12/2012	RPU
Gunnar Henriouille	I59	6/26/2012	RTP/SCS
Brooke Hernandez	I60	5/24/2012	RPU
Christina Hill	I61	5/23/2012	RPU
Tamara Hollingsworth	I62	6/28/2012	RPU, RTP/SCS
Deb Howard	I63	5/24/2012	RPU
Claudia Huntington	I64	4/29/2012	RPU
Bill Johnson	I65	6/27/2012	RPU
Michael Kahn	I66	5/12/2012	RPU
Don Kanare	I67	6/22/2012	RPU
Leah Kaufman, Principal Planner, Leah Kaufman Planning and Consulting	I68	6/26/2012	RPU
Megan Kelly	I69	5/29/2012	RPU, RTP/SCS
Tom Kenna	I70	5/23/2012	RPU, RTP/SCS
Wilma Gomes	I71	5/18/2012	RPU
Susan Lowe, Senior Vice President, Chase International	I72	5/24/2012	RPU
James Macdonell	I73	5/14/2012	RPU
Thane McCall	I74	5/1/2012	RPU
Joanne McGrail	I75	5/14/2012	RPU
Dan McHale, General Manager, Inn by the Lake	I76	6/22/2012	RPU, RTP/SCS
Dan McHale, General Manager, Inn by the Lake	I77	6/28/2012	RPU
Bob McKay, Tahoe Beach Club	I78	5/24/2012	RPU
Mort Meiers	I79	5/24/2012	RPU
Gary Mendel	I80	6/14/2012	RPU
Danna Meyer	I81	6/27/2012	RPU
Gary Midkiff, Midkiff and Associates	I82	6/28/2012	RPU, RTP/SCS
Gary Midkiff, Midkiff and Associates	I83	4/26/2012	RPU



Table 3-1 List of Commenters			
Commenter	LetterID	Date	Comment Applies to
Gary Midkiff, Midkiff and Associates	I84	5/24/2012	RPU
Alex Mourelatos, Mourelatos Lakeshore Resort	I85	6/22/2012	RPU
Paul Nan, Lake Tahoe Appraisers	I86	6/27/2012	RPU
Ann Nichols, President, North Tahoe Preservation Alliance	I87	4/25/2012	RPU
Eva Nichols	I88	5/14/2012	RPU
Ann Nichols, President, North Tahoe Preservation Alliance	I89	6/1/2012	RPU
Ann Nichols, President, North Tahoe Preservation Alliance	I90	6/1/2012	RPU
Steve Noll, Principal, Design Workshop, Inc.	I91	5/29/2012	RPU
Steve Noll, Principal, Design Workshop, Inc.	I92	6/28/2012	RPU
Stacy Noyes, Lakeside Inn and Casino	I93	4/25/2012	RPU
Perry Obray	I94	6/14/2012	RTP/SCS
Heidi Pesterfield	I95	5/14/2012	RPU
Dave Polivy, Owner, Tahoe Mountain Sports; North Tahoe Business Association Board of Directors	I96	5/23/2012	RPU
Dave Polivy, Owner, Tahoe Mountain Sports; North Tahoe Business Association Board of Directors	I97	6/27/2012	RPU
Carolyn Pretzer	I98	5/14/2012	RTP/SCS
Steve Price	I99	5/23/2012	RPU
Christina Proctor	I100	5/24/2012	RTP/SCS
Peter Przybyslawski	I101	6/26/2012	RTP/SCS
Clint Purvance, Physician and Administrator, Barton Health	I102	6/14/2012	RPU
Jennifer Quashnick	I103	6/14/2012	RPU
Hank Raymond	I104	4/30/2012	RPU
Hank Raymond	I105	5/24/2012	RTP/SCS
Hank Raymond	I106	6/14/2012	RTP/SCS
Hank Raymond	I107	4/30/2012	RPU
Hank Raymond	I108	5/24/2012	RPU, RTP/SCS
Carl Ribaudo	I109	4/26/2012	RPU
Blake Riva, Senior Partner, East West Partners	I110	5/26/2012	RPU
Marc Royer	I111	4/27/2012	RPU
May Open House Comments	I112	5/21-22/2012	RPU, RTP/SCS
Chuck Scharer, President and CEO, Edgewood	I113	6/27/2012	RPU, RTP/SCS
Chuck Scharer, President and CEO, Edgewood	I114	4/26/2012	RPU

Table 3-1 List of Commenters			
Commenter	LetterID	Date	Comment Applies to
Robert Schiffner	I115	5/17/2012	RPU
Kim Schmidt	I116	5/15/2012	RPU
Richard Shaw, Partner, Design Workshop	I117	4/26/2012	RPU
Steven Kenninger and Gail A. Jaquish, Ph. D., Sierra Colina, LLC	I118	6/28/2012	RPU
Jennifer Merchant	I119	6/25/2012	RPU
Dave Myers, Senior Director of Mountain Operations for Kirkwood Mountain Resort	I120	6/22/2012	RPU, RTP/SCS
Dana Spencer	I121	6/28/2012	RPU
Stacey [No last name provided]	I122	5/24/2012	RPU
Michelle Sweeney	I123	6/28/2012	RPU
Michelle Sweeney	I124	6/28/2012	RPU
Sean Sweeney	I125	5/24/2012	RPU
Michelle Sweeney	I126	6/28/2012	RPU
Sam Tagart	I127	5/13/2012	RPU
Scott Teach	I128	6/27/2012	RPU
Steve Teshara, Principal, Sustainable Community Advocates	I129	6/28/2012	RPU, RTP/SCS
Judith Tornese	I130	5/16/2012	RPU, RTP/SCS
Greg Traxler, Partner, Resort Equities	I131	6/26/2012	RPU
Ann Truscott, RN, Telemedicine Coordinator and Wellness Services, Barton Health	I132	4/25/2012	RPU
Bill Durgin and Elizabeth Tuoto, Nevada Pacific Consulting, LLC	I133	6/28/2012	RPU
Leanne Wagoner, Barton Health	I134	5/18/2012	RPU
Ronda Walker	I135	5/18/2012	RPU, RTP/SCS
Ellie Waller, Friends of Tahoe Vista	I136	5/23/2012	RPU
Steve Teshara, Commissioner, Advisory Planning Commission	I137	5/13/2012	RPU, RTP/SCS
Ellie Waller, Friends of Tahoe Vista	I138	5/23/2012	RPU
Trinkie Watson	I139	6/4/2012	RPU
Peter Eicher, California Tahoe Conservancy	I140	5/13/2012	RTP/SCS
Lisa O'Daly, California Tahoe Conservancy Heidi Hildrum Christian Strobel Laurie Brazil Carl Ribaud Pat Davison, Contractor's Association of Truckee Tahoe Darcie Collins, League to Save Lake Tahoe	I141	4/25 and 4/26/2012	RPU, RTP/SCS

Table 3-1 List of Commenters			
Commenter	Letter ID	Date	Comment Applies to
Pete Sontag, Heavenly Mountain Resort Mason Overstreet, Friends of the West Shore Laurel Ames, Tahoe Area Sierra Club Carl Hasty, Tahoe Transportation District Steve Buelna, Supervising Planner, County of Placer Community Development Resource Agency Thomas Greene, Chair of the Board, Tahoe Prosperity Center			
Form Letters			
Friends of the West Shore	FL1	6/14/2012	RPU
Lake Tahoe Community Realtor	FL2	5/16/2012	RPU
Open House			
Elise Fett	OH-1	5/21/2012	RTP/SCS
No Name	OH-2	5/21/2012	RPU
No Name	OH-3	5/21/2012	RPU
Gail High	OH-4	5/21/2012	RPU, RTP/SCS
No Name	OH-5	5/21/2012	RPU, RTP/SCS
No Name	OH-6	5/21/2012	RPU
No Name	OH-7	5/21/2012	RPU
No Name	OH-8	5/21/2012	RPU
No Name	OH-9	5/21/2012	RPU
No Name	OH-10	5/21/2012	RPU
No Name	OH-11	5/21/2012	RPU
No Name	OH-12	5/21/2012	RPU
Zeigler	OH-13	5/21/2012	RPU
No Name	OH-14	5/22/2012	RPU
No Name	OH-15	5/22/2012	RPU
No Name	OH-16	5/22/2012	RPU
No Name	OH-17	5/22/2012	RPU
No Name	OH-18	5/22/2012	RPU

### 3.3 RESPONSES TO COMMENTS ON THE DRAFT EIR/EIS

Responses to significant environmental issues raised in written and oral public comments on the RTP/SCS Draft EIR/EIS are provided in this section. All comment letters are reproduced in their entirety in Volume 2 of this Final EIR/EIS. Where a commenter has provided multiple comments, each comment is indicated by brackets and an identifying letter/number notation in the margin of the comment letter.

Responses in this chapter consist of Master Responses and specific responses. Master Responses are presented first. They address comment topics raised by multiple commenters and/or issues that would benefit from a more comprehensive response that would be provided in a single, focused, individual response. Specific responses are intended to address the environmental topic(s) raised by a particular comment. They are divided into Agency Comments, Organization Comments, and Individual Comments.

Responses are numbered to correspond to specific comments in Volume 2. To assist the reader, a paraphrased summary of the key comment issue is provided at the beginning of each response. In some instances, responses to comments may warrant modification of the text of the Draft EIR/EIS. In those cases, information that is to be deleted is shown in strikethrough (~~strikethrough~~) and additions are shown in underline (underline). Text changes resulting from comments and their accompanying responses have been incorporated into the original Draft EIR/EIS text, as indicated in the responses.

All of the text changes made in response to public comments result in insignificant modifications to the original Draft EIR/EIS text, as explained in the introductory text and demonstrated in the body of Chapter 4, “Revisions and Corrections to the Draft EIR/EIS,” of this Final EIR/EIS. As a result, none of the changes included in this Final EIR/EIS resulted in new significant effects on the environment or substantial increase in the severity of any previously identified significant effects, so the changes do not warrant recirculation of all or part of the EIR/EIS for another public review.

Throughout this section, text refers to this RTP/SCS Final EIR/EIS and to the Draft EIR/EIS that preceded it, as well as to the Regional Plan Update Final EIS and the Draft EIS that preceded it. To avoid confusion, an effort has been made in the responses to comments to clarify and specify which document is being discussed. The following guidance is provided to assist the reader:

- ▲ All references to “Draft EIS” or “Final EIS” pertain to the Regional Plan Update EIS.
- ▲ All references to “Draft EIR/EIS” or “Final EIR/EIS” pertain to the RTP/SCS EIR/EIS.

These abbreviations are also identified in the list of acronyms and abbreviations provided at the end of the Table of Contents.

### 3.3.1 MASTER RESPONSES

#### Master

#### Response 1      Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation

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Many comments do not address environmental impacts or the adequacy of the Draft EIS, but instead address various provisions of the Draft Plans, Code of Ordinances, or Threshold Evaluation. These “policy comments” offer a variety of perspectives regarding the Regional Plan Update, ranging from simple statements of support or opposition to very detailed recommendations regarding specific provisions of each document.

In response to the call for review and public comment on all draft documents, 357 comment letters were received; including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses and 99 form letters sponsored by two organizations (Friends of West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters). These comment letters contained approximately 1,500 discreet comments. More than one-third of the approximately 1,500 comments did not address environmental impacts or the adequacy of the Draft EIS and instead provided some form of policy or procedural recommendation or opinion directed to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

Because the policy comments do not address environmental impacts or the adequacy of the Draft EIS, they are not directly responded to in the Final EIS. Instead, the October 24, 2012 TRPA Staff Summary that accompanies this Final EIS summarizes policy comments and the resulting changes that were made to the Draft Plan (Alternative 3).

The Staff Summary provides an overview of the Threshold Evaluation, Final Draft Plan and comments that have been received, organized in nine topic areas:

1. Planning and Permitting using Area Plans
2. Development Allocations and Transfers
3. Community Character
4. Recreation Areas and Uses
5. Land Coverage
6. Transportation
7. Water Quality
8. Air Quality
9. Noise Control

Exhibit C of the Staff Summary provides responses to comments received on the April Draft Threshold Evaluation. Exhibit D summarizes comments on the April Draft Regional Plan and Code in more detail and provides an explanation of how the comments are addressed in the Final Draft Plan and Code.

Laws and regulations pertaining to the environmental documents (i.e., Compact, Code of Ordinances, Rules of Procedure, and for the RTP/SCS EIR/EIS, also the California Environmental Quality Act [CEQA] and CEQA Guidelines) require written responses to significant environmental issues raised in public comments. Accordingly, this final environmental document provides required responses to comments on such issues as the completeness, accuracy, and adequacy of the environmental analysis and documents. Many comments, letters, and much of the oral testimony received since release of the draft documents, however, do not address the environmental review. They express opinions, make suggestions, pose questions, and express concerns about the substance of the planning proposals – the Regional Plan Update and RTP/SCS, themselves; about the

Threshold Evaluation; or about how the Draft Plans are proposed to be implemented (e.g., through Area Plans and amendments to the Code of Ordinances). Comments that do not address significant environmental issues raised during the public review period are summarized and identified in this Final EIS, but as noted above, specific responses are not provided herein.

All public comments on the Draft Plans and Threshold Evaluation have been made available to the TRPA Governing Board, Advisory Planning Commission, Tahoe Metropolitan Planning Organization Board, and the Tahoe Transportation Commission for consideration and have been continuously posted on the web and available to the public since receipt (available at: <http://www.trpa.org/RPUEISComments/>). Public comments on the Draft Plans were also summarized in a series of issue sheets (available at the TRPA Regional Plan Update Committee webpage <http://www.trpa.org/default.aspx?tabindex=6&tabid=418>), which were presented to the above-mentioned governing bodies. Although preparation of written responses to such comments is not required as part of the final environmental document, TRPA has nonetheless separately addressed comments on the 2011 Threshold Evaluation Report, Draft Plans and implementation documents. Additional information on plan and policy comments are included in the October 24, 2012 TRPA Staff Summary available at <http://www.trpa.org/default.aspx?tabindex=0&tabid=422>.

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**Master  
Response 2      Duration of Public Comment Period**

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TRPA received many requests for additional time for public review of the draft environmental documents. A total of 65 comments reference this issue. Similar requests were conveyed to the Governing Board at the beginning of the public review period for the Regional Plan Update Draft EIS and Regional Transportation Plan/Sustainable Communities Strategy Draft EIR/EIS. Oral testimony at the Governing Board meetings on April 25 and 26, 2012 included arguments for and against a 60-day and 90-day public review period. Following consideration of these requests during its public meeting, the Governing Board voted to approve a 63-day period for public review of the draft environmental documents in an effort to ensure adequate time for consideration of a Final Draft Regional Plan after the conclusion of the public review period for the environmental documents. The duration of 63 days was selected to allow testimony at the June 28, 2012 Governing Board meeting to be included in the EIS comment period.

As context for the Governing Board decision, TRPA has devoted nearly 10 years to the Regional Plan update process and input has been received from thousands of people. As the process extended beyond the initial schedule, many stakeholders raised concerns that further extending the timeframe to update the Plan could create significant environmental and economic impacts and could compromise the future of TRPA as a planning agency. New science associated with the TMDL had revealed that high pollutant loads are generated from older developments without adequate BMPs and that environmentally-beneficial redevelopment and associated improvements in the quality of urban runoff could be facilitated with adoption of a new Regional Plan. Concerns culminated with passage by the State of Nevada of SB 271, which called for Nevada's withdrawal from TRPA if the Regional Plan was not updated in a timely manner, among other issues.

In August 2011, at the 14th annual Tahoe Summit—a gathering of federal, state, and local government representatives; private landowners; and the public to recommit to the partnership work to restore Lake Tahoe—the Governors of the two states and three United States Senators strongly urged TRPA to complete the Regional Plan Update by the end of calendar year 2012. It was in this context that the TRPA Governing Board considered the public request for additional time to consider the Draft proposals and Draft EIS. In the Board's deliberations it was weighed whether more time was advisable up front to consider the Draft EIS, or whether time would be needed at the end of the process when considering final proposals and a Final EIS. After substantial consideration, the Board voted for the latter.

By approving the 63-day review period, public hearings on a proposed final plan can be initiated sooner (in October rather than as late as December 2012). In addition, an extension would have delayed decision on the Regional Transportation Plan, the approval of which is needed to secure federal transportation funding slated for the Tahoe Basin.

The public review period for the draft environmental documents represents just one component of an extraordinarily extensive public input process on the Regional Plan Update and Regional Transportation Plan. An unprecedented process of public engagement lasting many years laid the groundwork for and led up to the final consideration of a Draft and Final Plan and EIS. Many public meetings and workshops have taken place around the Tahoe Basin to create opportunities for the public to provide input beginning with the Pathway and Place-based Planning processes and including public comments during preparation of the draft Regional Plan Update, draft Regional Transportation Plan, and accompanying environmental analyses. The public input process was initiated in 2005 with the launching of the Pathway process. Scores of public meetings, workshops, small group discussions, and hearings were held leading up to the adoption of a Regional Vision Summary in July 2007. Over 2,500 people participated in Pathway's public input process. The Regional Vision Summary set the stage for development of the Regional Plan Update.

Since 2007, more than 28 public meetings and workshops have been held for input on the Regional Plan, Regional Transportation Plan, and scoping of the environmental documents. As summarized in Section 1.10 of the Regional Plan Update Draft EIS, public input on the environmental review began in September 2007 with a release of the Notice of Preparation and the conduct of two public scoping meetings. Additional public meetings were held by the Governing Board in 2009 and 2010. TRPA received hundreds of written comments during this time and conducted over 180 meetings with interested parties. Governing Board public meeting discussions continued in 2011, including the formation of a Regional Plan Update Committee to solicit additional public and agency input on the alternatives under consideration. The Regional Plan Update Committee held 15 full day public meetings in late 2011 and early 2012, where they reviewed and accepted public input on every Policy in the Regional Plan, along with the implementing ordinances.

As summarized in Section 1.8 of the Regional Transportation Plan/Sustainable Communities Strategy Draft EIR/EIS, public input on its environmental review began in September 2011 with a release of the Notice of Preparation and the scheduling of two public scoping meetings. The scoping sessions were held at public meetings before the Tahoe Transportation Commission and TRPA Advisory Planning Commission. Appendix B of the Draft EIR/EIS contains summaries of all the public comments received during the scoping process. Numerous additional meetings were held by TMPO staff with interested parties as the draft plan and EIR/EIS were prepared.

The public review period for the Regional Plan Update Draft EIS and Regional Transportation Plan/Sustainable Communities Strategy Draft EIR/EIS began on April 25 and extended through June 28, 2012. Therefore, the public had 63 days to develop comments on the adequacy and completeness of the draft environmental documents. During this period, nine public meetings and workshops were conducted to solicit public input (as noted on page 1-10 of the Regional Transportation Plan/Sustainable Communities Plan Draft EIR/EIS and page 1-13 of the Regional Plan Update Draft EIS). The dates, times, and places of the public meetings and workshops were released in advance by TRPA and TMPO (on April 4, 2012). The 63-day comment period set by the Governing Board was for focused review of the environmental documents. The public also had additional time beyond June 28 to comment on the draft plans with no time limit set for plan review and comment. A focused period of review related only to the environmental documents was necessary to meet schedules targeted by the States and TRPA for completion of the planning processes by the end of calendar year 2012. While many comments received related to the plans, extensive and detailed comments were received on the Draft EISs suggesting that there was sufficient time available for a comprehensive review of the draft environmental documents during the 63-day review period. Moreover, TRPA gave full and adequate notice months in advance regarding the expected timing of the 60-day public comment period, so that reviewers were able to plan accordingly.

The comments on the length of the public review period, in and of themselves, do not raise environmental impact issues or concerns regarding the adequacy, accuracy, or completeness of the analysis in the environmental documents. The length of the comment period conformed to all legal requirements, and exceeded the typical California Environmental Quality Act (CEQA) public review period of 45 days for EIRs. TRPA and TMPO will continue to comply with all TRPA and CEQA requirements related to the respective approval processes associated with the environmental documents. Recognizing the extensive, overall public input process during plan preparation and review, advance scheduling of the public review period of the draft environmental documents, and the full conformance with all legal requirements, the 63-day public review period for the TRPA and TMPO draft environmental documents was supportive of effective public input, reasonable, adequate, and appropriate.



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**Master  
Response 3      Programmatic Coverage Assessment**

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**SUMMARY**

Several comments express concern about the programmatic approach to coverage assessment presented in the Draft EIS, including the application of coverage standards on a Region-wide versus a parcel-by-parcel basis; potential undercounting of coverage by excluding consideration of some “soft” coverage in the Basin; and the differences in impact between hard and soft coverage. Comments in letters A15 and O16 address these issues. Specifically, comments point to the Bailey Land Capability System, suggesting that the intent of the adopted system is to consider coverage at the parcel level, and that Region-wide analysis does not properly assess the potential localized effects. Comments request that the EIS identify the number of parcels that currently exceed base allowable coverage, the number that may exceed base allowable coverage with implementation of the Regional Plan, and the role of soft coverage in the overall analysis.

TRPA carefully reviewed the Draft EIS analysis and determined it to be adequate as presented. With appropriate rationale and based on reasonable methods and assumptions (described in detail below), the Draft EIS estimates the amount and distribution, by land capability district, of new coverage for each alternative and, where possible, coverage reductions in sensitive lands. The analysis determined that proposed policies coupled with existing protective Code provisions and other regulations, including those requiring project-specific environmental analysis and parcel-level field verification, would result in less-than-significant coverage impacts. No changes to the environmental analysis are necessary in response to these comments.

As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS – Volume 1, Alternative 3 has been substantially modified in ways that narrow the scope of proposed changes to coverage policies. Key changes reflected in the Final Draft Plan are summarized as follows:

- ▲ Maintain existing prohibition of coverage transfer between HRAs.
- ▲ Restrict direct off-site excess coverage mitigation across HRA boundaries to more sensitive land.
- ▲ Reduce allowable coverage on parcels within 300 feet of Lake Tahoe high water mark.
- ▲ Reduce maximum allowable coverage within 300 feet of Lake Tahoe high water mark under comprehensive coverage management plans.

These modifications to Alternative 3, described in detail in Chapter 2, provide additional environmental protections and would result in reduced potential for environmental impacts compared to Alternative 3 as analyzed in the Draft EIS.

**RATIONALE FOR REGION-WIDE COVERAGE ASSESSMENT**

The Draft EIS evaluates coverage from a programmatic policy perspective, with a level of detail and degree of specificity appropriate to analysis of a Regional Plan; a parcel-by-parcel analysis would be neither feasible nor necessary, as described below. In the Draft EIS, TRPA examines coverage impacts by estimating, for each alternative, the amount of new coverage generated in each Land Capability District (LCD) and reports the total amount of coverage (existing plus new) for each LCD. The analysis then compares those amounts to the base allowable coverage for the Region, considering both the 1974 Bailey Land Capability Map and 2007 USDA Natural Resource Conservation Service (NRCS) soil survey. This analysis is provided in Draft EIS Section 3.7, pages 3.7-18 through 3.7-46, and Draft EIS Appendix H. The following discussion addresses comments related to

analysis of coverage at a Regional scale versus a parcel-by-parcel basis, the regional context of the Bailey system, and the programmatic methodology used for coverage estimates.

Furthermore, before any physical alteration of the environment could occur, subsequent local-scale evaluations of coverage would be prepared. For example, as part of the Area Plan process, smaller-scale planning efforts would require additional environmental analysis, including evaluation of coverage at a more localized scale before many of the provisions relating to Area Plans in the Final Draft Plan would apply (e.g., comprehensive coverage management, increases to maximum allowable coverage). Additionally, all alternatives would retain existing parcel-scale regulatory coverage provisions, such as requirements for parcel-scale field verification of land capability and legally existing coverage, as well as adherence to maximum allowable coverage limits and excess coverage mitigation requirements at the project scale. All proposed projects would be subject to TRPA regulations for environmental review.

### **Infeasibility of Parcel-Scale or Sub-watershed Analysis**

Application of the Bailey coefficients at a regional scale is appropriate for several reasons. The Regional Plan Update EIS evaluates a program-level update to the Tahoe Regional Plan. It is infeasible and impractical to attempt to forecast parcel-level proposals on 525 square miles of land area and more than 50,000 individual parcels over the 20-plus year period of the Regional Plan. Such an analysis would require comprehensive field verification of existing coverage for each parcel in the Basin to determine which specific parcels may be eligible for additional coverage or exceed the applicable limits. To estimate future changes in land coverage at a parcel level, or even by sub-watershed, as some comments suggest, TRPA would be forced to speculate where specific future projects would be proposed and where coverage would be removed. Some of the challenges that make estimating future changes in land coverage at the parcel level unreasonable and infeasible, and that support the Region-wide approach, include the following:

- ▲ Individual community centers have varying levels of existing coverage and redevelopment potential, so the amount of new coverage associated with new development would vary between individual centers.
- ▲ Community centers would require transfers of coverage from within the same HRA. The cost and availability of coverage changes over time and are known to vary substantially between HRAs; these variables would limit the amount of new coverage likely within individual centers.
- ▲ Estimated coverage reductions from transfers have been applied proportionately to individual LCDs in TRPA's Region-wide analysis. It would be infeasible to attach such reductions to more specific locations because the demand for transferred coverage within each HRA cannot be estimated with any accuracy and the location of coverage available for transfer varies substantially within HRAs.
- ▲ Each HRA contains multiple watersheds, some of which might have no coverage available for transfer while others might have a substantial amount. This variable cannot be accurately reflected in estimates of coverage reduction for each watershed.
- ▲ For single-family residences outside community centers, the Regional average coverage per unit would not accurately represent likely coverage per unit in individual watersheds. Factors such as lot size and land value affect the actual coverage per unit in individual watersheds.
- ▲ Given the small size of many of the watersheds (and intervening zones), localized inaccuracies in the estimate of new coverage could represent a substantial percentage of the total land area or allowable coverage within the watershed.

Because of the highly speculative nature of the assumptions that would be required, a parcel-by-parcel analysis of coverage impacts of proposed Regional Plan policy changes would be neither feasible nor necessary to assess programmatic effects.

## Regional Context of the Bailey Land Capability System

The Bailey report (1974), on which the Bailey Land Capability System is based, discusses land capability analysis at a Region-wide level and states that “[t]he classification system should provide a regional framework for planning by which land uses consistent with the natural capabilities and limits of the land in the Tahoe basin may be identified” (Bailey 1974, page 25). The implementation framework of this Regional standard depends on the details of site-specific projects and application of allowable coverage on a parcel-level scale. The assertion of some comments, that the impervious coverage threshold requires compliance with the Bailey coefficients on a parcel-by-parcel scale, is incorrect.

TRPA implements Bailey through limiting impervious coverage on parcels as necessary and in accordance with relevant regulations. Regulations include some exceptions to strict Bailey coefficient recommendations at the parcel scale. For example, coverage on high-capability lands within commercial centers may, through transfers, exceed the coefficients several times over (e.g., up to 70 percent coverage). In addition, the coverage of each vacant residential parcel is not metered out strictly by the coefficients but by the coverage system under IPES, which is generally consistent with the Bailey coefficients on a broad scale but not necessarily on a parcel-by-parcel basis. The Regional Plan also addresses over-covered parcels by imposing an incremental excess coverage mitigation requirement. A project proponent whose parcel contains coverage exceeding the coefficients must either reduce the coverage by a proportionate amount or facilitate off-site coverage reduction (either directly or via a fee). The off-site coverage reduction is not tied to over-covered parcels; rather, it is intended to reduce coverage overall. These longstanding Regional Plan provisions illustrate the error of maintaining that the impervious coverage threshold must be measured only at a parcel scale. While parcel-scale analysis is meaningful for specific projects, Regional consideration of each parcel is not reasonable for the many reasons described above.

Comments reference *People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg'l Planning Agency*, No. Civ. S-84-0561 EJG, 1984 WL 6591 (E.D.Cal. June 15, 1984) as further evidence that the Bailey system must be implemented on a parcel-by-parcel basis. However, the court opinions referenced in these comments do not support this claim. The decisions in the case centered on whether implementation of the 1984 Regional Plan, which permitted new residential development to exceed the Bailey coefficients without coverage-reducing transfers, was consistent with the impervious coverage threshold. The Ninth Circuit Court of Appeals held that such *unmitigated project exceptions* did not promote attainment of the impervious coverage threshold. The Court did not rule, as the comments suggest, that TRPA is required to measure compliance with the threshold (and hence impact significance) at the parcel level. Consequently, no legal basis exists for the claim that the evaluation of impact significance for impervious coverage must be conducted at the parcel level.

## Region-wide Coverage Methodology

The Draft EIS utilizes the original 1974 Bailey map (which includes an updated SEZ overlay), as well as a revised land capability map based on 2007 NRCS Soil Survey data, to provide a range of potential Region-wide land capability estimates that would account for some of the variation in land capability that exists on the ground. As described in the Draft EIS (page 3.7-17 and Appendix H), TRPA developed potential coverage scenarios using existing data, alternative-specific policies and limitations, and reasonable assumptions based on the results of previous TRPA transfer incentive programs (e.g., the sensitive lot retirement program).

For each alternative, the coverage estimation methodology employed five separate components or steps:

- (1) estimate coverage resulting from each type of development allocation;
- (2) estimate the total amount of likely new coverage within and outside community centers;
- (3) distribute new coverage to individual LCDs;
- (4) estimate the coverage transfer requirements; and
- (5) distribute the coverage reductions to individual LCDs.

These estimates are based on reasonable assumptions and the best available data. The estimates of coverage from development (see Tables 3.7-8 and 3.7-9 of the Draft EIS) assume that all authorized development would be built for each alternative and that the distribution of that development would reflect distribution assumptions used in the TRPA Transportation Demand Model (described in Appendix E of the Draft EIS). Coverage reductions from transfers reflect the transfer ratios proposed in each alternative and the amount of coverage that would need to be transferred to allow for the amount and distribution of development authorized under each alternative. The Draft EIS also estimates coverage that would result from construction of non-motorized trails identified in the Lake Tahoe Region Bicycle and Pedestrian Plan (TMPO 2010b), as well as estimates of coverage resulting from the exemptions proposed in Alternatives 3 and 4. Total coverage is considered to be over-estimated because the methodology does not account for future decreases in coverage that would result from implementation of the existing excess coverage mitigation program, accelerated removal of excess coverage that would result from proposed Plan revisions, or continued coverage reductions from public Environmental Improvement Projects (i.e., coverage that would be retired, not transferred).

Estimates of new coverage were assigned to individual LCDs based on the proportion of each LCD in the areas where development could occur under each alternative. Coverage reductions from transfers were assumed to come from individual LCDs based on the proportion of existing coverage within each district.

## ADEQUACY OF COVERAGE CALCULATIONS AND ANALYSIS

Several comments raise issues with the Draft EIS assessment of impervious coverage, expressing concern that the Draft EIS may have underreported existing baseline coverage because it does not expressly estimate the extent of both hard and soft coverage in the Region. The following discussion summarizes important coverage definitions and concepts; clarifies features of the Final Draft Plan with respect to coverage policies, including those pertaining to soft coverage; and provides details pertaining to the tools being used and further developed by TRPA to track and manage this essential metric of soil and water quality.

### Hard and Soft Coverage

TRPA defines two types of physically existing land coverage in Chapter 90 of the Code of Ordinances:

- ▲ Hard coverage is defined as structures (e.g., roofs, decks, sidewalks, parking lots) that prevent normal precipitation from directly reaching the surface of the underlying land.
- ▲ Soft coverage is defined as compacted soil areas without structures that prevent substantial infiltration.

A structure, improvement, or covering is not considered coverage if it permits at least 75 percent of normal precipitation to directly reach the ground and permits growth of vegetation on the approved species list (Code Chapter 90, definition of Land Coverage). Cases in which coverage is permitted on a specific parcel, but does not physically exist, are considered potential coverage. Legally existing coverage refers to coverage that either was created as part of a permit condition, or has been verified by TRPA as having existed prior to 1972 (i.e., grandfathered). Illegal coverage (i.e., not created as part of a permit or grandfathered) is required to be removed. Illegal coverage cannot be transferred or restored for credits.

### Coverage Policies

Under the existing Regional Plan, restrictions on the types of coverage that are eligible for transfer to receiving parcels are listed as follows:

- ▲ Hard coverage can be transferred in all cases.
- ▲ Soft coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities and where other location-specific exemptions exist.
- ▲ Potential coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities.

Comments suggest that soft and hard coverage cause different environmental effects and should be evaluated separately. As stated in the Draft EIS on page 3.8-42, by definition, soft coverage substantially restricts infiltration and is typically a highly compacted soil surface. As a result, soft coverage can have hydrologic and water quality impacts similar to or greater than hard coverage. For example, soft coverage can generate stormwater runoff volumes that are similar to those generated by hard coverage. However, because soft coverage is an erodible surface, stormwater runoff from such surfaces can cause substantial erosion and transport of elevated levels of sediment that can ultimately reach local surface waters and Lake Tahoe. While both types of coverage prevent water infiltration, soft coverage can also be an unwanted sediment source. To address the impacts of soft coverage, the existing Regional Plan includes provisions that restrict the creation of new soft coverage and require the removal of soft coverage or the conversion of soft coverage to hard coverage with appropriate water quality BMPs (e.g., Code Sections 60.1.4.B, 60.4.4.B, 60.4.5.A, and 60.4.6.E). Please refer to the Response to Comment O16-3 for additional information on the environmental impacts of hard and soft coverage.

Under Alternative 3 and the Final Draft Plan, existing soft coverage policies would be amended to allow transfers of soft coverage from SEZs into Town Centers, the Regional Center, and the High Density Tourist District. This change would not affect the total amount of coverage allowable within the Region or portions of the Region, nor would it affect the total amount of coverage transfers that would likely occur. Instead, this change would accelerate the conversion of soft coverage to hard coverage, subject such areas to water quality BMP implementation, and allow a greater proportion of coverage transfers to remove coverage from SEZs (the most sensitive lands). As stated in Impact 3.8-4, Stormwater Runoff and Pollutant Loads, coverage transfer policies under Alternative 3 would result in a beneficial effect (pages 3.8-42 through 3.8-43).

### **Draft EIS Coverage Analysis and Assessment Tools**

For the Draft EIS analysis, impervious surface area in the Region was estimated using results of high-resolution Light Detection and Ranging (LiDAR) data and multispectral imagery (Worldview 2 Satellite, DigitalGlobe, Inc.) collected in August 2010. The data were used to produce a preliminary digital map that displayed impervious land surfaces (i.e., land coverage) and pervious land surfaces (i.e., undeveloped land). By overlaying this map with each of the two different land capability maps (Bailey 1974 and NRCS 2007), TRPA was able to determine preliminary estimates of impervious surface by land capability district at a Regional scale. The impervious surface estimates used in the Draft EIS represent the most accurate estimate of land coverage within the Tahoe Region available at the time, and a more complete and accurate regional estimate of land coverage than had ever been available previously.

Since the release of the preliminary impervious cover estimates used in the Draft EIS, efforts to continually refine the 2010 LiDAR and multispectral datasets have continued. In September 2012, TRPA's consulting specialists released a revised preliminary digital impervious surface map layer. The revised map is a result of additional interpretation of impervious surface types and refinements to the delineation of impervious surface boundaries, resulting in what is believed to be a more accurate representation of impervious surfaces. Importantly, the revised impervious surface mapping can now be queried to discriminate hard from soft impervious surfaces and identify feature types: (1) buildings, (2) roads, (3) trails, or (4) other (parking lots/surfaces, driveways). Preliminary accuracy tests indicate that further refinements are necessary to determine the amount of soft coverage in the Region with any precision, but the new data are considered the best available information. The results of this more refined investigation are still being analyzed and finalized; the final report is anticipated to be available in late December 2012 or early 2013.

Tables 3.7-5 and 3.7-6 in the Draft EIS show Region-wide estimates of existing and allowable coverage for each land capability district based on the 1974 Bailey map and the revised land capability map based on the 2007 NRCS soil survey. Table 3-2, below, summarizes the estimates of existing coverage presented in the Draft EIS, the revised estimates of existing coverage based on the new data released in September 2012, and the estimated

changes in coverage that could result from implementation of the Final Draft Plan. Table 3-3, below, provides estimates of existing soft and hard coverage, also based on the new data. A comparison of the estimate of existing coverage in the Draft EIS and the revised estimates indicate that the estimate of hard coverage in each LCD is lower than reported in the Draft EIS, but the estimate of soft coverage is higher; that is, the estimate of total coverage, including soft coverage, is approximately 9 percent (694 acres) higher than the previous Region-wide estimate of impervious surface. This updated baseline information, however, does not change the impact analysis in the Draft EIS, because the anticipated effects of implementing the Final Draft Plan are the same as or less than those reported under Alternative 3 of the Draft EIS.

As disclosed in the Draft EIS and in Tables 3-2 and 3-3 below, projects that qualify for certain coverage exemptions of Alternative 3 (primarily from non-motorized trails) could, if approved, result in placement of coverage in LCDs that may cause the respective regional Bailey limitations to be exceeded (e.g., LCDs 1b and 2). However, as noted in the Draft EIS for LCD 1b, the net effect of Alternative 3 would be a reduction in the total amount of coverage in SEZs (i.e., moving LCD 1b toward attainment with the threshold standard). Other provisions of the Final Draft Plan, which are not accounted for in the estimates in Table 3-2, would also result in coverage reductions in all classes of sensitive lands, including LCD 2. These provisions include revisions to the excess coverage mitigation program to accelerate coverage removal in sensitive lands, requirements that coverage reductions in LCDs 1 and 2 occur under a comprehensive coverage management system, and requirements that illegal coverage be removed as a condition of individual project approvals. As with any project that has the potential to increase coverage, and particularly those affecting sensitive lands that may or may not have coverage capacity, TRPA is mandated to use best available information to assess the coverage effect and make applicable Findings, as described below. Therefore, the coverage impact conclusion in Impact 3.7-1 would remain less than significant, despite the increase in baseline coverage resulting from the refined information.

Findings pursuant to Code of Ordinances Section 4.4, Threshold-Related Findings, and Section 4.1.1, Findings Necessary to Approve Any Project, are required prior to any project approval. To approve any project TRPA shall find:

- A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;
- B. The project will not cause the environmental threshold carrying capacities to be exceeded; and
- C. Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Specifically, before approving the site-specific application of a coverage exemption or other project with the potential to affect an LCD that may not have coverage capacity, TRPA must conclude that measures are included that achieve the project findings, including but not limited to requiring offsetting coverage reductions, identifying and removing illegal coverage, creating a regional transportation land mitigation bank, or focusing EIP land coverage removal projects and excess coverage mitigation efforts on over-covered sensitive LCDs.

In addition, TRPA will continue to refine and advance its assessment tools and technology, and will use the best information available regarding impervious coverage in the Region to make required findings for each project and to ensure that authorized coverage exemptions, taken together with coverage removal activities (of both legally existing and illegal coverage), result in a net decrease in impervious coverage in an LCD at a rate that will achieve and maintain applicable Threshold Standards when that LCD is shown to exceed the regional Bailey limitation.

**Table 3-2. Estimates of Region-wide Existing, Allowable, and New Coverage by Land Capability District based on 1974 Bailey and NRCS Soils Land Capability Maps**

Land Capability District	Allowable Impervious Cover (%)	Total Area Within Class (acres)		Impervious Surface Allowed Within Class (acres)		Draft EIS Estimate of Total Area of Impervious Cover (acres)		Revised Estimate of Total Area of Impervious Cover (acres)		Revised Estimate of Area Over or Under Covered (acres)		Estimated Change in Coverage Under Final Draft Plan (acres) <sup>2</sup>	
		1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS
1A	1	72,440	23,558	724	236	827	119	1,117	175	392	-60	19	13
1B	1	17,485	11,304	175	113	1,400	770	1,402	783	1,227	670	-7	-3
1C	1	54,807	53,957	548	540	286	435	348	505	-200	-34	2	-1
2	1	10,134	23,648	101	236	261	213	324	279	223	43	8	9
3	5	12,775	16,920	639	846	495	257	560	358	-79	-488	4	1
4	20	7,142	32,386	1,428	6,477	639	1,097	684	1,263	-745	-5,214	18	24
5	25	15,361	10,347	3,840	2,587	1,447	1,036	1,514	1,099	-2,327	-1,488	52	34
6	30	8,583	24,308	2,575	7,292	972	2,062	1,041	2,214	-1,534	-5,078	47	53
7	30	3,032	5,525	910	1,658	927	1,274	947	1,283	37	-374	41	40
Total <sup>1</sup>		201,760	201,953	10,941	19,984	7,254	7,263	7,936	7,959	-3,005	-12,025	183	170

<sup>1</sup> Total area of 1974 Bailey and 2007 NRCS Soils Land Capability Maps vary by 193 acres due to variations in waterbody delineations and outer extent of mapped area.

<sup>2</sup> Estimated change in coverage per LCD reflects authorized development as described in Appendix H, non-motorized trail coverage, and exemptions. Total new coverage varies between the Bailey and NRCS soils map due to different proportions of existing coverage per LCD and associated transfer ratios.

**Table 3-3. Revised Estimates of Region-wide Existing Soft and Hard Coverage by Land Capability District based on the 1974 Bailey and 2007 NRCS Soils Land Capability Maps**

Land Capability District	Estimated Area of Hard Impervious Cover (acres)		Estimated Area of Soft Impervious Cover (acres)		Estimated Total Area of Impervious Cover (acres)	
	1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS	1974 Bailey	2007 NRCS
1A	611	76	506	100	1,117	175
1B	1,210	674	192	108	1,402	783
1C	133	262	214	243	348	505
2	200	135	124	145	324	279
3	426	187	134	171	560	358
4	564	918	120	345	684	1,263
5	1,258	915	256	184	1,514	1,099
6	883	1,848	158	366	1,041	2,214
7	880	1,161	67	123	947	1,283
Total	6,164	6,176	1,771	1,783	7,936	7,959

## CONCLUSION

For all of the reasons stated above, including the unknowable future variability of site-specific coverage applications and the use of the best available information as the basis for assessing environmental effects, the Draft EIS reasonably assesses the impacts of new coverage in this programmatic document on a Regional scale. Moreover, as noted above, this programmatic environmental review is not the only or last opportunity to consider the impacts of parcel-scale implementation of Bailey coverage coefficients. As described in the Draft EIS on page 1-5:

[T]he environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. All of TRPA’s existing procedures requiring environmental review of projects to determine their potential for significant impacts, feasible and effective mitigation to address those impacts, findings pertaining to project effects on threshold attainment, and other environmental safeguards are still in place and will continue to ensure that proposed projects are fully evaluated prior to approval and implementation.

Thus, subsequent, additional environmental review of specific proposals will be performed that applies Bailey coverage coefficients or other coverage limitations at the parcel scale, and would be invoked in Area Plan proposals and in site-specific project applications. For all of the reasons stated, the EIS analysis of coverage is reasonable, rational, and appropriate.



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**Master  
Response 4      Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements**

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## **SUMMARY**

Several commenters expressed concern about the consistency between and coordinated implementation of the recently adopted Lake Tahoe Total Maximum Daily Load (TMDL); the proposed Regional Plan Update, including new Goals and Policies, and Code of Ordinances; and the Section 208 Water Quality Management Plan (208 Plan). Comments in letters A3, A5, A7, A22, A23, A24, A25, and A26 reference the issue. Specifically, comments suggest that the Regional Plan should officially recognize the TMDL; clarify how the Regional Plan policies are consistent with, and will facilitate implementation of the TMDL; and address the potential for duplicative and conflicting standards and reporting requirements of other agencies. Finally, comments request that the Goals and Policies include modified summaries of the 208 Plan and TMDL. Concerns related to the Draft EIS pertain primarily to the lack of official recognition of the TMDL in all alternatives.

Substantively, the comments pertain more to the relationship between the Regional Plan and the TMDL than to the Draft EIS analysis of water quality. Notwithstanding, the Draft EIS analysis was carefully reviewed in light of the comments and is determined to be adequate as presented. The Draft EIS evaluates the potential impacts to water quality from implementation of each of the Regional Plan Update alternatives, including within the framework of the TMDL, and mitigation measures are required where potentially significant impacts are identified.

The Final Draft Plan includes important new features that address the relationship between the Regional Plan and the TMDL, specifically in the use of the TMDL water quality improvement plan and TMDL reporting information in the re-certification of Area Plans (Draft Code Sections 13.6.5.B, 13.8.2, and 13.8.5) and revisions that create alignment in reporting requirements to reduce duplication and potential conflict (Draft Code Sections 50.5.2.E.3, 60.1.5.B, and 60.4.8.B). These new features address many of the policy-related comments that were received. These changes are summarized in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS.

## **OVERVIEW OF THE LAKE TAHOE TMDL**

After ten years and millions of dollars of study, the Lake Tahoe TMDL was approved by California, Nevada, and the EPA in 2011. The TMDL identifies major pollution sources for Lake Tahoe—fine sediment, phosphorus, and nitrogen—and establishes a 65-year plan to attain the adopted Threshold Standard for Lake clarity. The TMDL summarizes Lake Tahoe’s major pollution sources in the following excerpt from the *Final Lake Tahoe TMDL Daily Load Report* (LRWQCB and NDEP 2010, page ES-1):

The ongoing decline in Lake Tahoe’s deep water transparency and clarity is a result of light scatter from fine sediment particles (primarily particles less than 16 micrometers in diameter) and light absorption by phytoplankton. The addition of nitrogen and phosphorus to Lake Tahoe contributes to phytoplankton growth. Fine sediment particles are the most dominant pollutant contributing to the impairment of the lake’s deep water transparency and clarity, accounting for roughly two thirds of the lake’s impairment.

A pollutant source analysis conducted by the California State Water Resources Control Board and Nevada Division of Environmental Protection identified urban uplands runoff, atmospheric deposition, forested upland runoff, and stream channel erosion as the primary sources of fine sediment particle, nitrogen, and phosphorus loads discharging to Lake Tahoe. The largest source of fine sediment particles to Lake Tahoe is urban stormwater runoff, comprising 72 percent of the total fine sediment particle

load. The urban uplands also provide the largest opportunity to reduce fine sediment particle and phosphorus contributions to the lake.

Based on the pollution source analysis, the TMDL outlines a strategy to restore water quality in a cost-effective manner. The TMDL implementation strategy focuses on comprehensive load reduction plans, to be implemented by each of seven jurisdictions that address fine sediments, phosphorus, and nitrogen at the catchment or sub-watershed scale. The States prioritized load reduction plans for urban upland areas because urban stormwater runoff is the largest source of pollution and urban uplands (pre-existing development and roads) provide the largest opportunity for improvement. Stormwater improvements along state highways have been installed in many locations and are scheduled to be completed by 2015.

The TMDL requires implementing jurisdictions to complete load reduction plans that identify catchments (i.e., sub-watersheds) and their respective pollutant loading to Lake Tahoe. Overall, the TMDL focuses on the quality of stormwater entering Lake Tahoe rather than the quality of stormwater leaving each parcel. The TMDL also utilizes a load-based standard applied at the catchment or sub-watershed level, which can be monitored and measured.

The States of California and Nevada are designated authorities for administering the TMDL. They developed the Lake Tahoe TMDL collaboratively and are working closely with public agencies and other stakeholders to reduce the amount of fine sediment and nutrients entering the Lake. The Lahontan Regional Water Quality Control Board (LRWQCB) has issued National Pollutant Discharge Elimination System (NPDES) permits to each California jurisdiction. The Nevada Division of Environmental Protection (NDEP) is implementing the TMDL through Memoranda of Agreement (MOAs) with agencies in Nevada.

## **DRAFT REGIONAL PLAN POLICIES THAT FACILITATE IMPLEMENTATION OF THE TMDL**

The Draft Regional Plan included targeted amendments that support the findings and water quality improvement strategies of the TMDL. Significant amendments include:

- ▲ Modifying Land Use and Transportation Policies to encourage environmental redevelopment, accelerate the restoration of Stream Environment Zones, and reduce automobile dependency;
- ▲ Updating language throughout the Regional Plan to support the TMDL and require ongoing coordination between TRPA and TMDL programs;
- ▲ Authorizing the development of Area-Wide Best Management Practice (BMP) treatments to which individual parcel owners would contribute in different ways;
- ▲ Initiating programs to phase out the use of chemical fertilizers that contain phosphorus; and
- ▲ Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species.

Full implementation is expected to occur in a series of steps. The updated Regional Plan would broaden the current focus on parcel-level regulations to reflect the TMDL strategy of comprehensive catchment-based load reduction plans for fine sediments, phosphorus, and nitrogen. Parcel owners must still contribute to BMP solutions, but the prescription may differ under more flexible area-wide solutions that could be developed to achieve TMDL load reductions for each catchment. Local jurisdictions would have flexibility in designing the system that applies to each sub-watershed.

In response to public comments, TRPA convened a series of meetings with LRWQCB and NDEP to consider public comments and identify appropriate modifications to the Draft Plan. Based on these meetings, additional Plan and Code amendments were jointly recommended by LRWQCB and NDEP to improve coordination and

consistency between the Regional Plan and the TMDL. The amendments were endorsed by the Regional Plan Update Committee and the Governing Board for inclusion in the Final Draft Plan.

## REVISIONS PROPOSED IN THE FINAL DRAFT PLAN

### Coordination of Duplicative TRPA and TMDL Requirements

The Final Draft Plan includes numerous policies that would facilitate or incentivize actions that support implementation of the TMDL, but retains some reporting requirements and criteria that are different than TMDL requirements. Important revisions have been made to bring TRPA reporting requirements into alignment with those of the TMDL in cases where the existing requirements are functionally the same. Amendments are described below.

The Final Draft Plan would:

- ▲ Allow local jurisdictions to submit annual TMDL reports to TRPA instead of a separate Maintenance Efficiency Plan including very similar information (Draft Code Section 50.5.2.E.3);
- ▲ Allow large users of road deicers and abrasives to provide TRPA with information on their use through TMDL-required reporting rather than through a separate report (Draft Code Section 60.1.5.B);
- ▲ Make TRPA stormwater requirements consistent with TMDL standards in special circumstances where TRPA's infiltration standards cannot be met (Draft Code Section 60.4.8.B); and
- ▲ Include clarifying language and consistent terminology in the Water Quality Subelement to improve coordination with the Lake Tahoe TMDL (Water Quality Subelement Introduction, Goal WQ-3 and Policy WQ-3.10).

The proposed revisions would be administrative and procedural, and would result in no direct environmental impact. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts, nor would they increase the severity of any adverse impacts associated with Alternative 3.

### Additional Use of TMDL Data in the Review of Area Plans

Alternative 3 included numerous policies that would facilitate or incentivize actions that support implementation of the TMDL, but it did not explicitly incorporate TMDL water quality improvement plans and progress reports into the review and re-certification of Area Plans. The Final Draft Plan would retain the provisions in Alternative 3 that support implementation, and would be revised to specify that TRPA would use the TMDL water quality improvement plan and TMDL reporting information in the re-certification of Area Plans every four years (Draft Code Sections 13.6.5.B, 13.8.2, and 13.8.5). Incorporation of TMDL plans and reporting data are expected to ensure that Area Plan re-certification considers the best available water quality information. This revision would also increase the efficiency of Area Plan review and re-certification because it would rely on data that will be readily available rather than creating an additional and duplicative reporting requirement.

### Water Quality Management Plan for the Tahoe Region (208 Plan)

The TMDL and the 208 Plan are described in the Draft EIS in Section 3.8, Hydrology and Water Quality (pages 3.8-4, 3.8-6 to 3.8-7, and 3.8-12 to 3.8-13). TRPA is the area-wide planning agency under Section 208 of the federal Clean Water Act. Pursuant to this, and under the authority of the Compact, TRPA has adopted standards, policies, and ordinances directed at protecting and improving the water quality of Lake Tahoe and other waters of the Tahoe Region. The existing Water Quality Management Plan for the Tahoe Region (208 Plan) was prepared by TRPA in the 1980s. It was developed in compliance with Section 208 of the Clean Water Act and currently contains elements that overlap with the Regional Plan, including the Handbook of Best Management

Practices, the Stream Environment Zone Protection and Restoration Program, and the Capital Improvement Program for Erosion and Runoff Control. The 208 Plan will be updated to reflect the adopted Lake Tahoe TMDL and the Final Draft Regional Plan.

## **CONCLUSION**

As noted above, comments on this topic pertain more to the relationship between the Regional Plan and the TMDL than to the Draft EIS analysis of water quality. Regardless, changes in the Final Draft Plan address comments by officially recognizing the TMDL; clarifying how the Regional Plan policies are consistent with, and will facilitate implementation of, the TMDL; addressing the potential for duplicative and conflicting standards and reporting requirements of other agencies; and including a modified summary of the TMDL.

The Draft EIS analysis regarding consistency and coordination between the TMDL, 208 Plan, and Regional Plan is comprehensive and adequate. Comments have not identified any significant environmental impacts that are not adequately evaluated in the Draft EIS and appropriately mitigated. Modifications in the Final Draft Plan provide an added level of clarification and environmental protection that, in combination with existing policies and ordinances, will prevent significant environmental impacts.

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**Master  
Response 5      Effects of Concentrated Development on Water Quality**

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**SUMMARY**

Several comments express concern about the effects of more concentrated development on water quality. Comments contained in letters A15, O8, O16, O26, and I7 address the issue. Specifically, comments suggest that policies incentivizing additional concentration of development in community centers could have localized adverse impacts on water quality, including on nearshore and tributary conditions. Concerns are expressed that the Draft EIS analysis does not adequately account for the fact that community centers are near the Lake, pollutant loading may be higher in community centers than in outlying areas, and BMPs may not be adequate to mitigate the impact.

In response to comments, the Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. The programmatic analysis appropriately considers the proposed Plan revisions in the context of existing and proposed water quality protection requirements and determines that policies that incentivize transfers of development and additional concentration of coverage in specific areas would not result in significant impacts to water quality. A summary of water quality protections, relevant portions of the Draft EIS analysis, and additional information that further substantiates the Draft EIS conclusions are presented below.

In the Final Draft Plan, Alternative 3 has been modified to narrow the scope of changes to coverage policies. Alternative 3 proposed to increase the maximum allowable coverage for redevelopment projects in community centers, making it consistent with the maximum coverage currently allowed for new development in these areas. However, the Final Draft Plan would limit this increase to only the portions of those centers that are 300 feet or more from the high water mark of the Lake, or landward of the State Highways in the Tahoe City and Kings Beach Town Centers. The Final Draft Plan would also reduce the existing maximum allowable coverage within 300 feet of the Lake and would prohibit coverage increases in this area through comprehensive coverage management plans, which would reduce the potential for more concentrated development in proximity to the Lake. The Final Draft Plan would also retain the existing restriction on transfers of coverage across Hydrologically Related Areas (HRAs), which would further reduce the potential for increased concentration of coverage. These changes are summarized in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS – Volume 1. Other environmentally protective features of the existing and proposed Code and regulations are proposed to be maintained or strengthened.

**EXISTING AND PROPOSED WATER QUALITY PROTECTIONS**

TRPA regulates water quality through the Code of Ordinances, including ordinances related to site development (Chapters 30–39), growth management (Chapters 50–53), and resource management and protection (Chapters 60–68). TRPA requires that all parcels implement water quality best management practices (BMPs) consistent with the *Handbook of Best Management Practices* (Code Section 60.4). These BMPs are required as a condition of approval for any development project and must be designed to achieve TRPA’s discharge standards. In limited cases where site characteristics prevent attainment of infiltration standards, TRPA requires that the parcels must treat stormwater runoff to concentration-based discharge standards prior to stormwater runoff leaving the parcel or, as proposed in the Final Draft Plan, that runoff must be treated off-site by a shared stormwater treatment facility that achieves TMDL load reduction targets (Final Draft Code Section 60.4.8).

TRPA also limits maximum allowable coverage, including strict limitations on the creation of coverage in sensitive lands (Code Chapter 30). Coverage restrictions are applied at the project or parcel scale prior to approval of any development, redevelopment, or other project that could impact water quality. Coverage

regulations include requirements for parcel-scale field verification of land capability and legally existing coverage, as well as adherence to maximum allowable coverage limits and excess coverage mitigation requirements at the project scale. TRPA also requires that each project comply with TRPA's environmental review requirements (Code Chapter 3), which require the identification and mitigation of any potentially significant environmental impacts. Prior to approving any project, TRPA must make the findings described in Code Sections 4.4.1 and 4.4.2, including findings that the project will not exceed TRPA, state, federal, or local water quality standards.

In addition to TRPA, federal and state agencies (including the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and Nevada Department of Environmental Protection) enforce water quality protections in the Region. The roles of these agencies are described on pages 3.8-4 to 3.8-7 of the Draft EIS and involve implementation of the federal Clean Water Act, including the Lake Tahoe total maximum daily load (TMDL). The Lake Tahoe TMDL requires local jurisdictions to complete load reduction plans that identify catchments (i.e., sub-watersheds) and their respective pollutant loading to Lake Tahoe and achieve specific reductions in pollutant loading from each catchment. The Lake Tahoe TMDL is enforced through National Pollutant Discharge Elimination System (NPDES) permits in California and Memoranda of Agreement that are being developed in Nevada. Recently issued NPDES permits that implement the Lake Tahoe TMDL in California require municipalities to annually demonstrate on a catchment (i.e., sub-watershed) basis that no increased loading in fine sediment particle, total nitrogen, and total phosphorus will result from any land-disturbing activity permitted in the catchment. This prohibition would also prevent the affected local jurisdictions from permitting projects that would result in the type of local-scale water quality impacts that comments referenced.

Additionally, state agencies are required to evaluate qualifying projects in light of water quality standards and issue project-specific NPDES permits. These permits set specific discharge limits for point-source discharges of pollutants into waters of the United States and establish monitoring and reporting requirements, as well as special conditions.

All of these regulatory requirements and controls related to water quality should be taken into account when considering whether the types of localized water quality impacts raised in comments would be either likely or possible.

## **ENVIRONMENTAL ANALYSIS IN THE DRAFT EIS**

The Draft EIS appropriately considers the water quality effects of Regional Plan Update alternatives within the context of the existing water quality regulations summarized above. That analysis evaluates Regional-scale impacts on water quality, as well as the potential for more localized impacts of concentrating development. The approach is generally consistent with approaches used for previous regional water quality analyses in the Region.

The analysis determines that, consistent with their intent, each alternative would result in some further concentration of development within designated community centers (see Impact 3.2-1, Development Pattern and Land Use Compatibility). The Draft EIS presents estimates of the number of new residential, commercial, and tourist accommodation units and resulting land coverage that would likely occur within community centers under each alternative. As described in the Draft EIS, transfer incentives would result in increased coverage on non-sensitive lands within community centers and a net reduction of coverage in sensitive lands in the Region. The amount of total coverage reduction within sensitive lands would vary by Regional Plan Update alternative but is estimated to range from 7 acres in Alternative 1 to 35 acres in Alternative 3 (Draft EIS pages 3.8-35 to 3.8-51). The analysis of Regional-scale water quality effects of concentrated development determines that "the

transfer of coverage out of low capability lands (where it is more difficult to mitigate impacts) to high capability lands (where it is easier to mitigate impacts) [is] a beneficial action for decreasing stormwater runoff and pollutant loading when transferred coverage meets all other existing water quality requirements” (Draft EIS page 3.8-33).

The Draft EIS also evaluates the potential localized water quality impacts of further concentrating coverage, which could affect tributary or nearshore conditions. The minimum surface area that would be necessary to site infiltration BMPs that meet current regulatory requirements is calculated in Impact 3.8-4, Stormwater Runoff and Pollutant Loads. The analysis demonstrates that parcels targeted for concentrated development (i.e., non-sensitive lands in community centers) could accommodate the required infiltration BMPs under the proposed Regional Plan Update alternatives. This analysis considers existing water quality regulations, including coverage limitations and BMP implementation and maintenance requirements, and demonstrates that these requirements would continue to protect water quality at the individual project scale under the Regional Plan Update alternatives. Therefore, the Draft EIS appropriately and reasonably determines that policies that result in additional concentrated development would not have a significant impact on water quality within the designated community centers (Draft EIS pages 3.8-35 to 3.8-36, 3.8-39, 3.8-41, 3.8-48 to 3.8-49, and 3.8-51).

### **ADDITIONAL INFORMATION ON THE WATER QUALITY EFFECTS OF MORE CONCENTRATED DEVELOPMENT**

In response to concerns regarding the localized water quality impacts of further concentrating development within community centers, TRPA has prepared an additional analysis to estimate the relative changes in pollutant loading that could occur within community centers as a result of proposed policies. A stormwater modeling simulation was prepared using the Pollutant Load Reduction Model (PLRM). The PLRM is a publicly available, long-term, continuous simulation model used to evaluate and compare alternatives for stormwater quality improvement projects in the Tahoe Region. The PLRM is the primary tool used by jurisdictions in the Region to support Lake Tahoe TMDL estimates of baseline pollutant loading and pollutant load reduction planning. The model incorporates data on land use types, impervious coverage, and BMP implementation to generate estimates of fine sediment, nitrogen, and phosphorus loading and stormwater runoff.

The simulation provided estimates of existing and future pollutant loading from areas designated as “Centers” in the Final Draft Plan (synonymous with “community centers,” a collective term for Town Centers, the Regional Center, and the High Density Tourist District). The analysis incorporated parcel-level data on land use, existing coverage, and current BMP compliance to generate estimates of existing loading from Centers. To evaluate a worst-case scenario, the model assumed that all parcels within Centers with commercial, tourist accommodation, and residential land uses would maximize their allowable coverage as a result of policies that incentivize additional concentrated development. The model assumed that all parcels that added coverage would comply with BMP requirements, as described above. Detailed methods and assumptions used in the PLRM simulation are available in Appendix C of the Final EIS.

The modeling results show that even if policies that incentivize concentrated development achieved the maximum allowable coverage in all Centers, the result would be a decrease in pollutant loading from Centers as a result of implementing required water quality regulations (Table 3-4). These estimates of changes in pollutant loading from land use policies that concentrate development provide additional evidence affirming that the analysis and significance determination presented in the Draft EIS is appropriate and most likely conservative.

Table 3-4. Estimated Changes in Pollutant Loading in Centers				
Conceptual Scenario	Surface Runoff (acre-feet/year)	Fine Sediment Particles (lb/yr)	Total Nitrogen (lb/yr)	Total Phosphorus (lb/yr)
Existing Condition	520	248,000	3,500	970
Alternative 3 - Maximum Allowable Coverage in Centers with Associated BMPs	480	222,000	3,200	880

**Note:** The PLRM simulation described in Appendix C of the Final EIS is a simple aggregate representation of all Centers. The results presented in Table 3-4 are valid as a relative comparison of estimated changes in pollutant loading that could result from policies included in the Final Draft Plan. In practice, the Lake Tahoe TMDL requires local jurisdictions to complete load reduction plans that identify catchments (i.e., sub-watersheds) and their respective pollutant loading to Lake Tahoe. Estimates of existing condition pollutant loading in specific community centers, developed by local jurisdictions using site-specific analysis and detailed stormwater modeling, will differ from the existing condition estimate presented in Table 3-4.

## CONCLUSION

As described above, the Draft EIS appropriately considers the proposed Plan revisions within the context of the applicable water quality protections in the Region. The analysis evaluates Regional-scale impacts on water quality, as well as the potential for more localized impacts of concentrating development, including localized increases in pollutant loading or stormwater runoff, which could impact tributaries or nearshore conditions. The analysis determines that, as a whole, the Regional Plan Update policies would have a less-than-significant impact on water quality. Therefore, the analysis included in the Draft EIS is adequate and appropriate as presented.

Furthermore, this Final EIS provides additional analysis of changes in pollutant loading that could result from additional concentrated development. The analysis indicates a decrease in pollutant loading as a result of proposed Plan revisions and regulatory controls in the Final Draft Plan. This additional analysis provides further evidence affirming that the analysis presented in the Draft EIS is accurate and is most likely conservative; actual changes in pollutant loading may be beneficial rather than less than significant as presented in the Draft EIS. This information also substantiates the broader Regional Plan strategy to attain and maintain water quality thresholds through transferring development from sensitive lands, concentrating it in Centers, and incentivizing redevelopment consistent with environmental standards. As demonstrated in the EIS, these policies would have beneficial effects on water quality at the sites restored or protected through transfers of development, as well as at the sites where concentration of development and associated redevelopment occur.



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**Master  
Response 6      Effects of Revised Height and Density Allowances on Development Potential**

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Some comments express concern that increased allowable height and density proposed for community centers in some of the Regional Plan Update alternatives would increase growth potential in the Tahoe Region and that the Draft EIS does not properly evaluate this impact. Comments O8, O16, and I68 reference this issue and were generally directed at Alternative 3.

In response to comments, the Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. As discussed in Section 2.3.6 of the Draft EIS, Essential Concept: Marketable Rights Transfer Programs, the potential for additional growth is governed by the remaining development rights and available residential allocations, residential bonus units, TAUs, and CFA, not by maximum height and density limits. As described in the Draft EIS, available allocations in Alternative 3 would be the limiting factor, and would effectively cap the maximum development potential in the Region (see Section 5.5 of the Draft EIS, Growth-Inducing Impacts).

The proposed increase in allowable height and density in community centers was determined to affect the distribution of land uses, transportation behavior, and scenic conditions, but would not increase development potential in the Region, which is determined by available allocations. The Draft EIS properly evaluates height and density changes in relation to the impacts that could occur, including the distribution of land uses, transportation, scenic quality, and related topics. Where significant or potentially significant effects are identified, the Draft EIS includes mitigation measures to address such impacts.

In conclusion, the Draft EIS analysis regarding the effects of revised height and density allowances is comprehensive and adequate. Comments have not identified any significant environmental impacts that are not thoroughly evaluated in the Draft EIS and appropriately mitigated.

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**Master  
Response 7      Effects of Increased Allowable Height on Scenic Resources**

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**SUMMARY**

Many comments express concerns that increased allowable height, as proposed in Alternative 3, would have a significant impact on scenic quality and that the impact is not adequately analyzed or mitigated in the Draft EIS. Comment letters O8, O16, O26, and I89 reference this issue. Concerns related to the Draft EIS focus on the analysis of allowances for taller buildings in community centers and the potential for impacts to views of Lake Tahoe, ridgelines, and mountains and meadows, including TRPA-designated scenic resources. Additionally, some comments express concerns with allowing increased building mass and its impact on community character.

In response to comments, the Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. The analysis determined that proposed policies coupled with existing protective Code provisions and other regulations, including those requiring project-specific environmental analysis, would result in less-than-significant scenic impacts. Specifically, the Draft EIS concludes that Alternative 3 would result in a variety of scenic improvements but that, in certain circumstances, increased heights in community centers could adversely affect site-specific scenic resources. Mitigation Measures 3.9-1a and 3.9-1b were identified to mitigate potential scenic impacts to a less-than-significant level.

The Final Draft Plan includes the mitigation measures required for Alternative 3 and provides additional scenic protections, when compared to the Alternative 3, addressing many of the policy-related comments that were received. Additional protections include additional height limits in the High Density Tourist District, limits on modifications to community center boundaries, additional community design standards for Area Plans, and fewer areas eligible for increased allowable height and density. These changes are summarized in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS.

**ENVIRONMENTAL ANALYSIS IN THE DRAFT EIS**

Under Alternative 3, buildings would be limited to four stories with a maximum height of 56 feet within Town Centers, six stories with a maximum height of 95 feet in the Regional Center, and up to 197 feet in the South Stateline High Density Tourist District. Increased height would be permitted only in accordance with Area Plans that comply with a series of review standards and that have been found in conformance with the Regional Plan. As described in the Draft EIS on page 2-34, any proposed Area Plan would be subject to environmental review pursuant to TRPA requirements and review for conformance with the Regional Plan. Other requirements would include provisions to enhance the appearance of existing buildings, compliance with existing scenic protection standards (Draft EIS pages 3.9-24 to 3.9-25), scenic threshold findings, and existing building and site design standards.

Impact 3.9-1, Scenic Quality (Draft EIS pages 3.9-17 through 3.9-30) addresses the scenic impacts of creating height allowances up to 56 feet in Town Centers, 95 feet in the Regional Center, and 197 feet in the High Density Tourist District. These potential effects could be addressed, in most cases, with existing scenic quality standards and other scenic protections, including standards for setbacks, community design, and site design. Importantly, TRPA administers a comprehensive scenic protection program (TRPA Code Chapter 66), which establishes numeric scenic quality ratings for viewsheds throughout the Region and prohibits new development from decreasing the numerical ratings assigned to TRPA-identified scenic resources. Existing standards have been applied to several projects with buildings between four and six stories (e.g., Heavenly Village, Embassy Suites), resulting in substantially improved scenic ratings after construction. The Draft EIS also evaluates new scenic

protection measures that were included in Alternative 3 and carried forward into the Final Draft Plan, including new approval standards for Area Plans.

The Draft EIS discloses that taller buildings and/or buildings that project above the tree canopy could interfere with lake views, would have the potential to interrupt ridgeline views where such views exist, and could adversely affect the scenic quality of identified resources (Draft EIS page 3.9-28). After detailed analysis, the Draft EIS finds that the increased height allowances permitted in community centers through Area Plans could result in a potentially significant impact despite the protections proposed under Alternative 3. Because taller buildings would have the potential to adversely affect scenic quality and scenic resources, the Draft EIS identifies Mitigation Measures 3.9-1a and 3.9-1b to address the identified regulatory gaps.

Mitigation Measure 3.9-1a would require that, for any building qualifying for additional height in Town Centers and the Regional Center, TRPA must make additional height findings: either those described in Section 37.7 of the TRPA Code of Ordinances or equivalently effective findings adopted in an Area Plan. The height findings implementing Mitigation Measure 3.9-1a (TRPA Code Section 37.7.16) would require the following:

**Finding 1:**

When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

**Finding 3:**

With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

**Finding 5:**

The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

- A. The horizontal distance from which the building is viewed;
- B. The extent of screening; and
- C. Proposed exterior colors and building materials.

**Finding 9:**

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

The height findings for increased building height in Town Centers and the Regional Center are comprehensive from a policy perspective, and, in combination with other requirements, they provide protections necessary to

prevent a significant impact to scenic resources. Mitigation Measure 3.9-1a and other regulatory provisions protect views of Lake Tahoe, ridgelines, and mountains and meadows, including TRPA-designated scenic resources. Comments did not identify any potential environmental impacts that were not evaluated in the Draft EIS and addressed with Mitigation Measure 3.9-1a and other regulatory protections.

The height allowance in the High Density Tourist District is unique to four properties in the downtown core of the South Shore where the height of two high-rise structures is already 197 feet. The Draft EIS discloses that the allowance on these four properties for additional structures up to 197 feet could cause a significant adverse impact on scenic resources. The height finding implementing Mitigation Measure 3.9-1b requires the following:

**Finding 17:**

To mitigate for potentially significant scenic impacts resulting from buildings up to 197 feet in the High Density Tourist District, proposed development in the High Density Tourist District shall achieve the following performance standards:

- A. The height and visual mass of any redeveloped existing high-rise structures projecting above the forest canopy shall not increase the visual prominence over baseline conditions as viewed and evaluated from key scenic viewpoints, including, but not limited to, views from the Van Sickle Bi-State Park, scenic roadway units, scenic shoreline units, and public recreation areas.
- B. When considering visual prominence, the following factors shall be considered: building mass, contrast, location, articulation, color, materials, and architectural style and the quality of landscape features and views that are blocked or revealed.

The height findings for increased building height in the High Density Tourist District are comprehensive and, in combination with other requirements, they provide protections necessary to prevent a significant impact to scenic resources. Mitigation Measure 3.9-1b and other regulatory provisions protect views of Lake Tahoe, ridgelines, and mountains and meadows, including TRPA designated scenic resources.

Moreover, as noted above, this programmatic environmental review is not the only or last opportunity to consider the scenic effects of project-specific development proposals. As described in the Draft EIS on page 1-5:

[T]he environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself... The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. All of TRPA's existing procedures requiring environmental review of projects to determine their potential for significant impacts, feasible and effective mitigation to address those impacts, findings pertaining to project effects on threshold attainment, and other environmental safeguards are still in place and will continue to ensure that proposed projects are fully evaluated prior to approval and implementation.

Subsequent, additional environmental review of specific proposals will be performed that evaluates project elements with the potential to affect scenic quality: height, site design, building design, landscaping, lighting, and other features. More specific mitigation may be invoked in Area Plan proposals, in site-specific project applications, or both.

Comments did not identify any potential environmental impacts that were not adequately evaluated in the Draft EIS and addressed with Mitigation Measure 3.9-1a, Mitigation Measure 3.9-1b, and other regulatory provisions. Impact 3.9-1, Scenic Quality, remains a less-than-significant impact after implementation of the proposed mitigation measures. No changes to the Draft EIS are necessary.

## REVISIONS PROPOSED IN THE FINAL DRAFT PLAN

The Final Draft Plan reflects Alternative 3 with important modifications described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS. These modifications include additional scenic protections, which provide a level of protection over-and-above those measures evaluated in the Draft EIS, including the following:

- ▲ Additional height limits in the High Density Tourist District restrict new height allowances to the replacement of existing casino high-rise buildings that are at least eight stories tall, or 85 feet in height as of the year 2012.
- ▲ Additional limits on modifications to community center boundaries restrict the future expansion of community centers.
- ▲ Additional community design standards for Area Plans reduce allowable height within portions of each community center.
- ▲ The removal of allowances for increased height outside community centers results in fewer areas affected by increased allowable height and density.
- ▲ Additional Area Plan limitations within Town Centers and the Regional Center are designed to ensure community compatibility and protection of lake views. These include provisions for varying building height and density to create visual interest; implementing enhanced design features along public roadways, such as increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways to promote pedestrian activity; and providing for strategies to protect sensitive lands and create visually accessible opens space corridors.

## CONCLUSION

As described above, comments did not identify any potential environmental impacts that were not adequately evaluated in the Draft EIS and addressed with Mitigation Measure 3.9-1a, Mitigation Measure 3.9-1b, and other regulatory provisions. The modifications to Alternative 3, proposed in the Final Draft Plan, provide refinements to provisions discussed in the Draft EIS. These refinements would reduce the potential for scenic impacts and are comprehensively and adequate addressed in Impact 3.9-1. No changes to the Draft EIS are required.

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**Master  
Response 8      Feasibility of the Proposed Transferable Development Incentive Program**

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**SUMMARY**

Several comments question whether the transfer of development rights (TDR) incentives proposed under Alternative 3 in the Regional Plan Update Draft EIS would effectively incentivize transfers of development from sensitive and outlying areas into designated community centers. Comment letters A3, O8, O26, O27, O32, O33, I48, I68, I112, and I129 reference this issue. Concerns related to the EIS focus on whether the assumptions in the Draft EIS regarding the rate and total amount of transfers of residential development are appropriate and whether the associated environmental benefits anticipated in the EIS would occur. Some comments specifically question whether residential transfer ratios would provide sufficient incentive to encourage owners of existing single-family homes to participate.

The Regional Plan Update Draft EIS assumptions were carefully reviewed and determined to be appropriate and realistic as presented. The Draft EIS estimates the use of residential transfer incentives based on the best available information, including documented past use of similar types of incentives within the Region. The transfer incentives were also evaluated in an independent economic analysis, which found that the bonus units offered through the TDR program provide a reasonable economic incentive for transfers of development under many scenarios (BAE 2012). An additional comparison of the market values of proposed transfer incentives and single-family homes in the Region (described in more detail below) provides further evidence that the assumptions in the Draft EIS are reasonable and realistic.

In the Final Draft Plan, transfer incentive ratios proposed under Alternative 3 are retained, and additional revisions have been made that address many of the concerns raised in comments. The Final Draft Plan limits allowances for alternative transfer ratios that had been proposed in Alternative 3 to Stream Restoration Plan Areas that are depicted on Map 1 (Final Draft Code of Ordinances, Section 13.5.3.B.4). The Final Draft Plan also calls for monitoring the use of the TDR program and reviewing the efficacy of development transfer ratios (Final Draft Goals and Policies, Attachment 5, in Appendix A of the Regional Plan Update Final EIS). This review would identify whether future revisions may be needed to improve the effectiveness of the program; these revisions could occur through a separate future discretionary action. In recognition of the role that public acquisition programs could play in supporting and facilitating the TDR program, the Final Draft Plan also include a new policy stating that TRPA will “[s]upport sensitive land and development right acquisition programs that prioritize the retirement of development and the restoration of sensitive land (Final Draft Goals and Policies page II-19).”

**REASONABLE BASIS FOR TRANSFER ASSUMPTIONS IN THE DRAFT EIS**

The exact level of TDR utilization is difficult to predict, because it is influenced by numerous, project-specific factors and short-term fluctuations in market conditions. However, over the long-term planning horizon evaluated in the Draft EIS, reasonable estimates can be made based on a range of market conditions, the current location of existing development and unused development rights, and past utilization of similar programs.

To analyze the development pattern and resulting effects on sensitive land restoration and transportation patterns that could occur under Alternative 3, TRPA developed reasonable assumptions for the long-term utilization of the proposed TDR program. TRPA evaluated utilization of the existing sensitive lot retirement program, which offers a similar type of incentive and has demonstrated that demand exists for incentives that would encourage property owners to retire sensitive lots. The assumptions also considered the effect of other provisions in Alternative 3 that would incentivize redevelopment and stimulate demand for transferred

development within designated community centers. These assumptions and methods are described in Appendix E, Part 7 of the Regional Plan Update Draft EIS (Draft EIS pages E.7-5 to E.7-11).

The analysis assumes that a total of 250 existing residential units would be demolished and the units transferred between 2013 and 2035 (Draft EIS page E.7-8), for an average of 11 units per year. Utilization is expected to be greatest for development in sensitive areas, which are eligible for the largest transfer ratios. Approximately 47,392 housing units exist in the Region (Draft EIS page 3.12-7); thus, the EIS assumes that approximately 0.5 percent of housing units would be transferred over 22 years, reflecting an approximate annual transfer rate of 0.02 percent. This level of utilization for existing development is reasonable, and likely underestimated, given that significant economic incentives are focused on transfers of existing development from sensitive lands. Please also refer to Master Response 9, Consideration of Banked Commodities, where the estimate of existing housing units has been slightly refined; the refined estimate is minor and would not alter the conclusion stated herein.

The analysis also assumes that development rights would be transferred from 960 undeveloped parcels over the same period for a long-term total of approximately 23 percent of privately held development rights (Draft EIS page E.7-9). This reflects an approximate annual transfer rate of 1 percent. An important consideration in estimating future TDR utilization for development rights involved the development potential on parcels that currently have unused development rights. Available Regional-scale data indicate that approximately 535 development rights are currently located on unbuildable parcels (generally in SEZs) and an additional 765 development rights are located on parcels that may or may not be buildable (e.g., sensitive lands that are currently unbuildable under IPES). Development rights on unbuildable parcels can only be used if they are transferred to buildable parcels. These sensitive land development rights also qualify for the highest transfer ratios and are, therefore, more likely to be transferred to community centers.

TRPA also commissioned an independent economic review of the TDR program to test the effectiveness of the proposed TDR incentives and the appropriateness of the assumptions in the Regional Plan Update Draft EIS (BAE 2012). The economic review included a pro forma analysis of residential projects utilizing the proposed transfer incentives, which considered a variety of market conditions and a range of proposed transfer ratios. While the feasibility of transfer incentives would vary for individual projects based on site-specific considerations, the review found that “[i]n general, the proposed TDR ratios do create feasible development scenarios, and can be made to achieve the objective of retiring sensitive land in distant locations” (BAE 2012, page 10). The review indicated that, consistent with the assumptions in the Draft EIS, transfers from the most sensitive and farthest outlying areas would result in the most feasible projects. This analysis affirmed that the assumptions of TDR utilization in the Draft EIS are reasonable and appropriate.

## **ADDITIONAL INFORMATION ON THE FEASIBILITY OF TRANSFERS OF EXISTING RESIDENTIAL UNITS**

Several comments specifically questioned whether the bonus units offered as a transfer incentive would provide sufficient economic incentive to encourage owners of existing single-family homes to participate in the program. As noted above, the BAE study found that over the 20-year horizon for the utilization assumptions, the incentives do create feasible development scenarios.

An additional review of near-term market conditions verified that transfers may be feasible, even under today’s market conditions. For the additional review, TRPA compared the market value of the transfer incentives to the market value of existing single-family homes and found numerous cases where the value of proposed transfer incentives exceeded the sale price of single-family homes. This comparison provides additional evidence that the TDR incentives are feasible and the Draft EIS assumptions are appropriate.

The economic review identified the median value of a residential bonus unit (i.e., the incentive offered for transfers), based on past documented sales prices, to be worth a \$48,500 (ranging from \$17,000 to \$80,000). The proposed TDR incentives in the Final Draft Plan offer up to a 1:6 transfer ratio for transfers of existing development (i.e., one sending unit to up to six receiving units of residential development), which means for every existing, developed residential unit purchased for the purpose of transferring, it can yield up to six units available for development in a Community Center (Draft EIS page 3.2-49 and Exhibit 3.2-14). Considering the proposed ratios in the Final Draft Plan, the transfer of an existing residential unit located within an SEZ that is farther than 1.5 miles from a Community Center and/or primary transit routes would garner the maximum 1:6 transfer ratio, which would result in a median value of \$291,000 (\$48,500 per unit X 6 units). As another example, the transfer of an existing unit from an outlying sensitive parcel outside an SEZ (i.e., LCD 1a, 1c, 2, and 3) to a Community Center would yield a median value of \$194,000 (\$48,500 per unit X 4 units). A search of sale prices of single-family homes in zip code 96150, which represents the South Lake Tahoe portion of the Region, found that 508 single-family homes sold for \$291,000 or less and 310 single-family homes sold for \$194,000 or less within the past year ([www.zillow.com](http://www.zillow.com), accessed October 19, 2012). This review found that the TDR incentives can yield property values for sellers that may be higher than the current property value.

Over the longer term, it is reasonable to expect that projected increases in real estate values will also increase the feasibility of the transfer program. This is a reasonable assumption because in an appreciating market the value of six new condominium units in community centers (and the bonus units needed for construction) would be expected to increase more than the value of one single family residential unit (typically an older single family home) on a sensitive lot.

In addition to the value of transferred, existing residential units discussed above, an associated parcel would include existing land coverage that could be transferred or sold. The restored land would also retain some value and could be sold (e.g., to one of the sensitive land acquisition programs operated by both states). These coverage and land values would increase the price a developer would be willing to pay to purchase a parcel for transfer of development, or could offset any transaction or demolition/restoration costs incurred by the property owner.

## CONCLUSION

As described above, the assumptions related to TDR utilization in the Regional Plan Update Draft EIS are reasonable and appropriate, because they are based on the best available information, including practical application of similar programs in the Region; they are supported by the findings of an independent economic analysis; and they are supported by an additional comparison of the market value of incentives and sales prices of single-family homes. As discussed in Attachment 5 of the Final Draft Goals and Policies (Appendix A of the Final EIS), the use of the transfer incentives and resulting restoration/retirement of development potential will be monitored and adjusted, as necessary, to achieve the program's objectives. Any future adjustments to the ratios would be subject to environmental review and a separate discretionary action by the TRPA Governing Board.

Further, Impact 3.2-1, Development Pattern, provides a discussion of one of many possible scenarios resulting from implementation of the Plan alternatives. In the case that utilization rates are lower than anticipated, the resulting land use pattern would be closer to existing conditions than that discussed in the Draft EIS. While this could result in less of the anticipated beneficial effect of sensitive land restoration or higher than anticipated vehicle miles travelled (VMT), VMT effects of lower than anticipated TDR utilization would be mitigated to a less-than-significant level through implementation of Mitigation Measure 3.3-3, Implement Additional VMT Reduction, which limits the release of additional development commodities based on total VMT (see Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria, for more



details). In addition, implementation of a monitoring program to review the efficacy of the TDR program, under the Final Draft Plan, would allow for future ratio revisions to improve the effectiveness of the program through separate future discretionary action.

Therefore, the assumptions related to the utilization of the TDR program and all related analyses are appropriate and adequate as presented in the Regional Plan Update Draft EIS. No Draft EIS revisions are necessary.

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**Master  
Response 9      Consideration of Banked Commodities**

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**SUMMARY**

Several comments express concern about the accuracy of the accounting of banked commodities, including development rights, residential units of use, tourist accommodation units (TAUs), and commercial floor area (CFA). Comments contained in letters A12, A15, O23, and O31 address the issue. Specifically, comments question whether all existing and potential development have been taken into account in the analysis, and suggest that additional allocations held by the local governments and state agencies were not considered. Comments note that acquisition of public lands by the California Tahoe Conservancy (CTC) and Nevada Division of State Lands (NDSL) may have resulted in the acquisition of associated development rights that could be exercised in the future, but which are not accounted for in the Draft EIS.

In response to comments, TRPA reviewed its assumptions regarding accounting of existing, available, and banked commodities and development rights, and where new, more accurate information has become available, updated those assumptions. TRPA consulted with CTC, NDSL, and local jurisdictions; incorporated newly available data; and reviewed and confirmed estimates of existing development and remaining banked commodities. Based on this additional review, TRPA has revised the estimates of banked commodities and existing development, as described in more detail below. The revised estimates indicate a lower level of total potential development than was analyzed in the Draft EIS. Thus, the Draft EIS represents a conservative approach that likely overestimates the potential environmental impacts from development under the Regional Plan Update alternatives.

The Final Draft Plan does not revise the number of new commodities proposed in Alternative 3 (2,600 new residential allocations, 200,000 square feet of new CFA, 600 new residential bonus units, and no new TAUs [Draft EIS pages S-13 and 2-42]), but it does place additional limitations on the use of some new commodities. The Final Draft Plan would: (1) prohibit the release of the 200,000 square feet of new CFA until after the 383,579 square feet of CFA remaining from the 1987 Regional Plan are exhausted; (2) restrict the use of the 600 new residential bonus units to within community centers; and (3) place additional eligibility requirements on TAU receiving sites. These changes are summarized in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS.

**ENVIRONMENTAL ANALYSIS IN THE DRAFT EIS**

To estimate the number of development rights, allocations, and units of use that have been used, have been banked, or are available, the Draft EIS used the methodology described below. The estimates are included in the Draft EIS and reprinted below as Tables 3-5 and 3-6.

**Residential Development Rights**

Residential development rights were assigned to certain vacant parcels that legally existed on July 1, 1987, as further described in Code Section 50.3.1. The specific number of available development rights was “estimated at approximately 16,000” in the 1987 Regional Plan but had not been quantified prior to this Regional Plan Update.

To develop a more accurate estimate of total development rights for the Regional Plan Update, the Draft EIS estimated the number of development rights that had been exercised under the 1987 Plan, the number that had been acquired by public agencies, and the number of remaining vacant parcels that met criteria for development rights.

To estimate the number of residential development rights that had been exercised under the 1987 Plan, TRPA inventoried the number of residential allocations awarded to local jurisdictions and subtracted allocations that had been returned as unused. This analysis indicated that approximately 6,087 development rights had been exercised under the 1987 Plan.

To estimate the number of residential development rights that had been acquired by public agencies, TRPA utilized information from the US Forest Service, CTC, and NDSL. This analysis indicated that approximately 8,512 development rights had been acquired by public agencies, and either retired or used to supply the California and Nevada Land Banks.

To estimate the number of remaining residential development rights on private parcels, TRPA reviewed county assessor's parcel data. All parcels that met the criteria for assignment of a development right were assumed to have a development right. This analysis indicated that approximately 4,091 development rights remain.

The total number of development rights created in 1987 is estimated to be 18,690—the sum of the three estimates described above.

### **Residential Allocations**

As described above, the Draft EIS estimated that 6,087 allocations had been awarded to local jurisdictions, including the 86 that were awarded in July 2012. This number was based on an accounting of all residential allocations awarded to local jurisdictions, less those that were unused and returned. For the purposes of the Draft EIS analysis, the most recently awarded 86 allocations were categorized as remaining and unused. No residential allocations remain in the TRPA pool.

### **Commercial Floor Area**

The Draft EIS estimated that there were approximately 6.5 million square feet of existing CFA in the Region. This estimate was obtained by adding the estimate of all CFA existing prior to adoption of the 1987 Regional Plan (as noted in the *Draft Supplemental Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin*, February 23, 1984), to the 416,421 square feet of CFA that were allocated to and used by local jurisdictions. The estimated remaining CFA was determined by subtracting used CFA from the overall CFA that was allocated in the 1987 Regional Plan (800,000 square feet). This calculation indicates that approximately 383,579 square feet of CFA are remaining and available for use.

### **Tourist Accommodation Units**

The Draft EIS estimated that there were approximately 12,399 existing tourist units in the Region. The estimate of developed TAUs was based on the number of tourist units that existed prior to adoption of the 1987 Regional Plan (as noted in the *Draft Supplemental Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin*, February 23, 1984) added to the 58 tourist bonus units that have been assigned to projects permitted by TRPA. The number of remaining tourist bonus units was determined by subtracting the 58 tourist bonus unit that have been assigned by TRPA from the overall bonus units allocated in the Regional Plan (400). This calculation indicates that 342 tourist accommodation bonus units remain and are available for use.

### **Existing Residential Units**

The Draft EIS estimated that there were 47,392 existing residential units in the Region. This estimate was obtained from the 2010 census for the Lake Tahoe Region.

### **Residential Bonus Units**

The Draft EIS estimated that 526 residential bonus units have been assigned to projects permitted by TRPA. The number of remaining residential bonus units was determined by subtracting the 526 residential bonus units

permitted by TRPA from the total number of bonus units allocated in the 1987 Regional Plan (1,400). This calculation indicates that 874 residential bonus units remain and are available for use.

These estimates are shown in the Draft EIS on pages 2-11 and 2-12 (Section 2.4.2, Existing and Remaining Development Right and Allocations) and in Table 3.2-13, New Development Potential under Alternative 3 on page 3.2-47, and are reprinted in Tables 3-5 and 3-6 below.

<b>Table 3-5. Development Rights Inventory (as of March 6, 2012)*</b>	
Total Development Rights in 1987	18,690
Development Rights Acquired 1987-2011	8,512
Development Rights Developed or Allocated to Jurisdictions 1987-2011	6,087
Total Development Rights Remaining	4,091
*Note: All statistics are estimates and are not regulatory.	

<b>Table 3-6. Units of Use, Bonus Units, and Commercial Floor Area Inventory for Alternative 3</b>					
	Existing	Remaining Allocations/ Bonus Units	Alternative 3 Allocations	Potential Development	Total Potential Development
Residential Units	47,392	960 (86 Residential Allocations 874 Residential Bonus Units)	3,200 (2,600 Residential Allocations 600 Residential Bonus Units)	4,160	51,552
CFA (sq. ft.)	6,416,421	383,600	200,000	583,600	7,000,021
TAUs	12,399	342	0	342	12,741

## REVISED ESTIMATES OF EXISTING AND BANKED COMMODITIES

In response to comments and questions received about remaining commodities, TRPA staff consulted with public agencies that could have unreported reserves of banked commodities and reviewed available information, including newly available data on existing development. Where better information has become available, the Draft EIS estimates have been updated. Based on this additional review, the following adjustments to the Draft EIS estimates have been made.

### Commercial Floor Area

TRPA revised the estimate of existing CFA using newly available data (available as of July 5, 2012). The refined accounting of existing CFA relies on a newly available derivative product from the LiDAR (Light Detection and Ranging) data collected in August 2010. The derivative product is the result of additional analysis conducted by remote sensing specialists Spatial Informatics Group (SIG). Using LiDAR data, SIG was able to create a GIS layer of all building footprints in the Tahoe Region, from which building square footage could be extracted. Because LiDAR can capture images of buildings that are hidden under a tree canopy, these data are far more accurate than traditional satellite imagery. This derivative product is the first time all the buildings in the Tahoe Region have been mapped and analyzed in GIS, and the resulting information is inherently more accurate than any previously available estimates. TRPA also reviewed county assessor data but found that those data were comparatively inaccurate for estimating building floor areas.

TRPA used the LiDAR data, combined with commercial zoning data, to estimate existing CFA. The result of the LiDAR and zoning analysis resulted in a revised figure of 6,403,893 square feet of existing CFA in the Region. This represents a reduction of 12,528 square feet from the previous estimate disclosed and analyzed in the Draft EIS. In reviewing all CFA held by local jurisdictions and agencies, TRPA was able to confirm that an additional 24,242 square feet of CFA are banked by local jurisdictions and agencies and available for use in the Region.

### **Tourist Accommodation Units**

TRPA revised the estimate of existing TAUs using a more accurate count of parcels identified as existing tourist uses. As discussed earlier, the count of 12,399 existing tourist units in the Draft EIS was based on historical information plus the 58 tourist bonus units permitted to projects by TRPA. Using GIS, TRPA was able to query and sum all parcels coded by county assessors as an existing tourist unit. A comparison between county assessor data, TRPA project records, and field verifications indicated that, unlike the floor area estimates needed for CFA, the county assessor records for units of tourist use appeared accurate and reliable. The result of this analysis is a revised estimate of 11,974 existing tourist units in the Basin, a reduction of 425 tourist units from the previous estimate disclosed and analyzed in the Draft EIS. TRPA was also able to confirm that 48 additional tourist units have been banked by public agencies and are available for use in the Region.

### **Residential Allocations**

The revised accounting for residential allocations was in response to comments received from Placer County that indicated that the 86 allocations identified as remaining in the Draft EIS (pages 2-12 through 2-13 and Table 3.2-13 on page 3.2-47) was incorrect. After further consultation with all local jurisdiction partners, TRPA confirmed that an additional 28 unused allocations existed, bringing the total of unused allocations to 114. This difference can be attributed to the fact that some jurisdictions had unused residential allocations that were remaining prior to July 2011 when TRPA awarded the final 86 residential allocations.

### **Existing Residential Units of Use**

TRPA also reviewed and revised its accounting regarding the number of existing residential units in the Region. The original accounting in the Draft EIS was based on the 2010 U.S. Census Enumeration, which identified 47,392 existing residential units. After further review of the data set, it was determined that TRPA could derive a more accurate count of existing residential units by correlating the number of units coded as residential in the county assessor's parcel data against the 2010 census data. The census data were found to include census blocks that are located outside TRPA's jurisdiction (e.g., Upper Kingsbury Grade), resulting in 430 erroneous residential units. As a result, a more accurate count of existing residential units in the Region is 46,962. In addition to revising the accounting for development rights, TRPA was also able to confirm that an additional 87 residential units of use have been banked by CTC and the City of South Lake Tahoe.

### **Residential Development Rights**

Based on comments received from CTC regarding the number of remaining residential development rights, TRPA has revised its accounting. CTC expressed concerns with the inventory of remaining development rights disclosed in the Draft EIS and commented that, although CTC acquires lands under the Environmentally Sensitive Lands Acquisition program and other programs; parcel acquisition does not always result in the retirement of the associated development rights, as these lands also supply commodities for the California Land Bank. After further consultation with CTC and other local jurisdiction partners that may have banked development rights, TRPA has revised its estimate to account for an additional 152 banked residential development rights acquired by CTC (per the June 2012 Conservancy Land Bank Staff Recommendation), NDSL, and Placer County Redevelopment Successor Agency, in addition to the 4,091 residential development rights identified in the Draft EIS, for a total of 4,243.

A revised accounting of existing, available, and banked commodities and development rights is provided in Tables 3-7 and 3-8 below.

<b>Table 3-7 Revised Development Rights Inventory (as of October 24, 2012)*</b>	
Total Development Rights in 1987	18,690
Development Rights Acquired 1987-2011	8,360
Development Rights Developed or Allocated to Jurisdictions 1987-2011	6,087
Total Development Rights Remaining	4,243
*Note: All statistics are estimates and are not regulatory.	

<b>Table 3-8 Revised Units of Use, Bonus Units, and Commercial Floor Area Inventory for Alternative 3</b>					
	Existing	Remaining Allocations/ Bonus Units/Units of Use	Alternative 3 Allocations	Potential Development	Total Potential Development
Residential Units	46,962	1075 (114 Residential Allocations 874 Residential Bonus Units 87 Existing Residential Units of Use)	3,200 (2,600 Residential Allocations 600 Residential Bonus Units)	4,275	51,237
CFA (sq. ft.)	6,403,893	407,842 (24,242 banked CFA) (383,600 remaining CFA)	200,000	607,842	7,011,735
TAUs	11,947	390 (48 banked units) (342 remaining TAUs)	0	390	12,337

## CONCLUSION

As described above, TRPA has reviewed and refined estimates of existing and banked commodities in response to comments. When the estimates of development in the Draft EIS are compared to the refined and more accurate estimates of existing and banked commodities shown in Tables 3-7 and 3-8 above, the refined estimates indicate a lesser aggregate impact:

- ▲ Revisions to the Draft EIS estimates reflect an increase of 11,714 square feet of CFA (0.17 percent of total).
- ▲ Revisions to the Draft EIS estimates reflect a decrease of 404 tourist units (3.27 percent of total).
- ▲ Revisions to the Draft EIS estimates reflect a decrease of 430 existing residential units (0.84 percent of total). Revisions also reflect an increase of 152 banked residential development rights (0.30 percent of total). However, for a development right to be utilized and result in a new residential unit, an allocation is required. As a result, residential development potential is limited by the number of allocations, not the number of development rights. Therefore, the 152 banked development rights would not increase the development potential of the Regional Plan and the revised estimates would result in 430 fewer residential units during the analysis timeframe than were analyzed in the Draft EIS.

These revised development estimates are based on the best available information, and are the most accurate estimates ever prepared for the Region. The small differences resulting from the refined data (0.17 percent increase in CFA, 3.27 percent decrease in tourist units, and 0.84 percent decrease in residential units) are negligible, and illustrate that the Draft EIS may have slightly overstated total development and associated impacts. Thus, the Draft EIS analysis reflects a conservative estimate of development potential. The Draft EIS analysis is adequate because it accurately reflects, indeed modestly overestimates, the potential environmental impacts from development under all Regional Plan Update alternatives.

## Master Response 10      Development on Recreation-Designated Lands

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### SUMMARY

Many comments express concern with two separate but related issues proposed under Alternative 3 in the Regional Plan Update: (1) the proposed re-designation of certain lands from Conservation to Recreation; and (2) proposed new allowances for development and subdivision of residential, tourist, and commercial uses within lands designated as recreation. Comment letters A3, A7, A12, A15, A16, A19, A22, I26, I36, I51, I113, I136, O8, O9, O16, O26, O28, O33, and O53 reference these issues. Comments request additional information about the amount, type, and location of affected lands and express concern about the level of detail and adequacy of the impact analysis of this potential change, including the potential for scenic, traffic, water quality, and other impacts resulting from reclassifying conservation lands and allowing additional development in Recreation-designated lands.

In response to comments, the Draft EIS analysis was carefully reviewed and—although the Final Draft Plan includes important revisions in response to comments concerning the proposed policy—is determined to be adequate as presented. As described in Impact 3.2-2, Land Use Classification Change, Alternative 3 would change 250 acres of private land adjacent to the proposed High Density Tourist District from Conservation to Recreation, and would allow the development and subdivision of tourist, commercial, and residential uses in Recreation lands if approved as part of an Area Plan or Master Plan. This impact was determined to be potentially significant because the amendment could result in development of vacant lands not currently contemplated for such land uses. As described in the Draft EIS, Mitigation Measure 3.2-2 would revise the requirements for development in Recreation lands, and would reduce this impact to a less-than-significant level.

To address many of the policy-related comments that were received, the Final Draft Plan includes new limitations, requirements, and protections beyond those required in Mitigation Measure 3.2-2. These revisions include limiting the applicability of additional uses to two mapped areas to be designated Resort Recreation; requiring additional planning and regulatory approvals through an Area Plan conformance review prior to any development on land designated Resort Recreation; prohibiting any subdivision of land and limiting subdivision to “air space” condominiums; and requiring new development to be transferred from outside the Resort Recreation area so as to result in a net reduction in the amount of existing development. Because the Plan revisions are more stringent than Mitigation Measure 3.2-2 and include safeguards necessary to prevent significant impacts, the mitigation measure identified in the Draft EIS is incorporated into the Final Draft Plan and would no longer be required as mitigation.

### ENVIRONMENTAL ANALYSIS IN THE DRAFT EIS

#### Re-designation of Lands from Conservation to Recreation

As described in the Draft EIS, Alternatives 2, 3, 4, and 5 would re-designate Van Sickle Bi-State Park from Conservation to Recreation to reflect the park’s recent (2010) change in status from unorganized open conservation lands to its formal designation as a Bi-State Park, now managed as a state park by both states (the California Tahoe Conservancy and the Nevada Division of State Parks). Alternative 3 would also re-designate 250 acres of land adjacent to the casino core from Conservation to Recreation. As described in the Draft EIS (page 3.2-69), re-designation of this private land was proposed to provide recreation access to an area in close proximity to the proposed High Density Tourist District and the Kingsbury Grade Town Center. The Recreation designation would be consistent with surrounding recreation uses, including the Edgewood Golf Course and Heavenly Ski Resort. The classification change would continue to accommodate existing permissible uses as defined in PAS 080. These include resource management (such as fuels treatment and habitat management),

limited residential uses (single-family dwellings and summer homes), public service facilities, and certain recreation uses (such as cross country ski facilities, day use, developed campgrounds, riding and hiking trails, recreational vehicle parks, and snowmobile courses). The Recreation designation proposed in Alternative 3 could have expanded permissible uses (subject to Area Plan approval) to potentially include additional recreation uses such as golf courses, downhill ski facilities, and outdoor recreation concessions. The additional uses are generally consistent with existing PAS management policies for the area and the corresponding range of permissible recreation uses.

### **Originally Proposed Amendment to Allow Additional Uses on Recreation Lands**

Of particular concern to stakeholders and the public was the proposal to allow the development and subdivision of tourist, commercial, and multi-residential uses on Recreation-designated lands outside the urban area as a component of an Area Plan or other Master Plan. The Draft EIS disclosed that, although no specific projects were proposed or contemplated, this amendment could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region designated as recreation, and that future construction and operation of any new development could result in significant environmental impacts. Potential impacts were identified and described in the Draft EIS and found to be potentially significant (page 3.2-69). Mitigation Measure 3.2-2 was developed to ensure that any new development proposed within recreation-designated land would result in a development pattern that is compatible with Recreation Area uses, does not induce substantial growth in the area (either directly or indirectly), and does not conflict with any environmental policies or regulations (Draft EIS, pages 3.2-70 and 3.2-71).

### **REVISIONS PROPOSED IN THE FINAL DRAFT PLAN**

Upon consideration of stakeholder concerns the TRPA Governing Board agreed that the scope of the proposal should be reduced, and that expanded use in Recreation-designated lands should be restricted to private lands in or very near areas that are already highly developed. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS – Volume 1, the Draft Plan has been substantially revised to limit the extent of Recreation-designated lands potentially eligible for new commercial, tourist, and multi-family residential development under a conforming Area Plan. Rather than allowing new uses to be proposed in any Recreation area, the Final Draft Plan would limit these new uses to two specific mapped areas that would be designated Resort Recreation, a new land use classification. These properties—the approximately 250-acre Edgewood Mountain area adjacent to the proposed High Density Tourist District (see Exhibit 3-1), and the approximately 65-acre Heavenly California Base area near the proposed Regional Center (see Exhibit 3-2)—would receive the new designation to distinguish them from the existing Recreation designation. These two areas were considered appropriate for additional uses and building subdivision allowances (i.e., to permit creation of condominiums, not new subdivision of land) because they are in close proximity to already developed centers—Edgewood to the most intensely developed casino core at South Shore, and Heavenly California Base area to the heavily developed South Shore (proposed Regional Center) and to an existing, heavily used ski area base facility and parking lot.

Re-designating both locations under the new Resort Recreation designation is consistent with the larger objectives of the Regional Plan Update. By creating new allowances that put visitors in proximity to organized recreation opportunities and to the services and amenities that serve those visitors, fewer vehicle trips would likely be necessary to travel to and from recreation sites, leading to lower air pollutant emissions and reduced vehicle noise.

In addition to limiting the extent of areas eligible for new uses, the Final Draft Plan (Code Section 13.5.3.C.3) places additional restrictions on development within Resort Recreation Districts, including the following:



- A. The parcels must become part of an approved Area Plan;
- B. Subdivisions shall be limited to “air space condominium” divisions with no lot and block subdivisions of land allowed;
- C. Development shall be transferred from outside the area designated as Resort Recreation; and
- D. Transfers shall result in the retirement of existing development.

Specifically, the Final Draft Plan would require that lands designated Resort Recreation be included in an Area Plan that is found to be in conformance with the Regional Plan prior to any consideration of new commercial, tourist, or multi-family uses in these areas. The Area Plan development and approval process would provide the opportunity for more detailed, site-specific planning, which would be subject to a conformance review and environmental review. The Area Plan review requirements would ensure that, based on the additional site-specific planning, all proposals are consistent with the Regional Plan and that potentially significant environmental impacts are identified, assessed, and mitigated. In addition, any *project* that proposes new commercial, tourist, or multi-family uses in Resort Recreation lands would also be subject to TRPA’s project review process, including project-specific environmental review and permitting. This more detailed level of environmental review would thoroughly assess impacts of specific project features at the site-specific level (e.g., project size, scope, site plan, architectural design) develop feasible mitigation measures for potentially significant effects, and, and ensure that all project components conform to existing regulations, such as scenic standards, height limits, and coverage limitations.

The plan revisions would also place additional limitations on new uses within Resort Recreation Districts, prohibiting any subdivision of land, and requiring that any new uses be transferred from outside the Resort Recreation District and result in the retirement of existing development. This would effectively decrease overall development potential in the Region in conjunction with any development proposal in the Resort Recreation District.

The plan revisions are substantially more stringent than Mitigation Measure 3.2-2 and include additional safeguards that would fully replace all the elements of Mitigation Measure 3.2-2. New uses within Resort Recreation Districts would be required to demonstrate compatibility with Recreation District uses, not induce substantial growth in the area (either directly or indirectly), and not conflict with any environmental policies or regulations.

With the incorporation of the revisions described above, the Final Draft Plan would ensure that inappropriate or incompatible land uses are not implemented on Recreation-designated lands and that any new uses on lands designated Resort Recreation do not increase development potential within the Region, but in fact reduce it. The Final Draft Plan would result in a less-than-significant impact related to Impact 3.2-2, and Mitigation Measure 3.2-2 would not be required.

### **Development Potential and Environmental Effects of the Proposed Change**

As described above, any new uses proposed for the Resort Recreation areas would only be considered if the properties are included in an Area Plan that is found in conformance with the Regional Plan. Chapter 13 of the Final Draft Plan summarizes the required contents of an Area Plan, including: measures to reduce automobile dependency such as facilities and implementation measures to enhance pedestrian, bicycling, and transit opportunities (Section 13.6.5.A.8); specific provisions to preserve community character, protect sensitive lands, and promote environmentally beneficial redevelopment (Section 13.6.5.A); and detailed community design standards containing specific provisions addressing site design, building height, building design, landscaping, lighting, and signing (Section 13.5.3.D). Area Plans will include more site-specific criteria than the Regional Plan,

commensurate with their smaller-scale planning area. To be found in conformance with the Regional Plan, the Area Plan must demonstrate that it will achieve and maintain TRPA Threshold Standards.

As described in the Draft EIS, no specific projects are currently proposed or contemplated and it is, therefore, too speculative to meaningfully predict the precise nature or size of a project or projects that might be proposed in the future. Similarly, it is also too speculative to evaluate potential environmental effects of future development in the Resort Recreation areas. Inherently, the construction and operation of any new development could result in environmental impacts affecting the development site and surrounding area, including impacts to air quality from construction, ground disturbance, and stationary and mobile source emissions; noise from new stationary and mobile sources; traffic generation; habitat changes; water quality from construction activities and additional impervious surfaces; and scenic effects from new structures. However, any new development would be required to comply with stringent new and existing requirements, including those of the new Resort Recreation designation; those required for a conforming Regional Plan-compliant Area Plan; the environmentally protective provisions of the Code of Ordinances; project-specific environmental review pursuant to TRPA regulations; and TRPA Governing Board approval. Project-level environmental review would identify potential construction and operational environmental impacts, describe how the environmentally protective requirements noted above would apply to the project to minimize or avoid adverse effects, and prescribe project-specific mitigation if necessary.

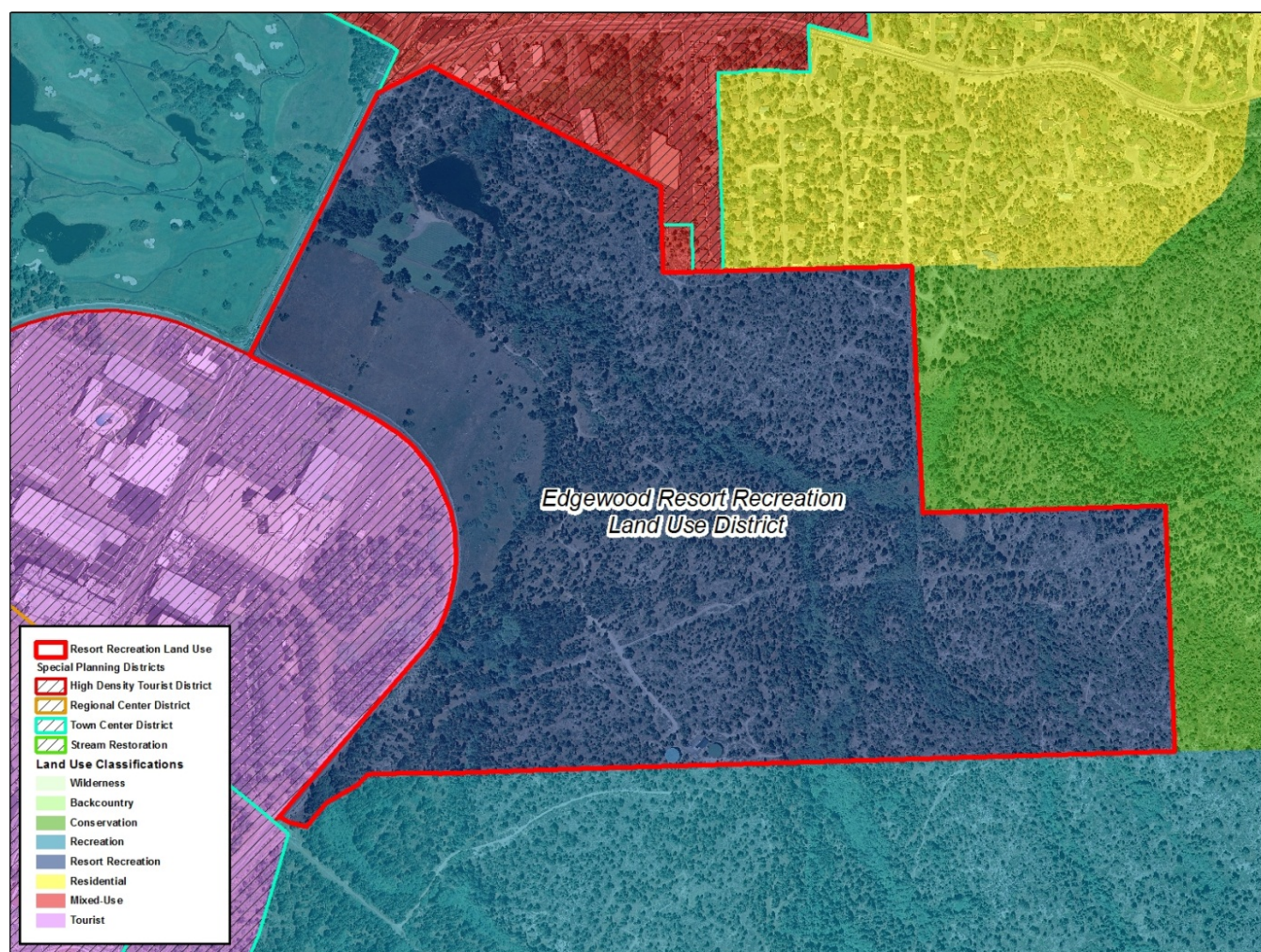
The development potential of each district would be limited by existing regulations, proposed requirements for the Resort Recreation designation, and site-specific parameters (e.g., land capability, height limitations). Relevant site-specific parameters that would influence the development potential of each Resort Recreation area are described below. This information is not presented as a project-specific environmental analysis of the two Resort Recreation areas, but is provided to disclose the nature and scope of development that could ultimately be permitted in the Resort Recreation designated areas.

### **Edgewood Mountain Resort Recreation Area**

The proposed Edgewood Mountain Resort Recreation area includes 249.5 acres of privately owned land located between the South Stateline casino core (proposed High Density Tourist District) to the southwest and the Kingsbury Town Center to the north. The site is adjacent to recreation areas, including the Edgewood Golf Course to the northwest and the Van Sickle Bi-State Park to the south; and it also abuts Residential and Conservation lands to the east (Exhibit 3-1). The location of the area between two of the most densely developed areas in the Region and adjacent to major recreation attractions makes it ideally suited to offer more intensive recreation opportunities within walking distance of major tourist accommodation and residential areas, which could reduce reliance on private automobiles, vehicle miles traveled, and associated impacts.

Existing allowable uses are described in PAS 80 and include limited residential uses (single-family dwelling, summer homes, and domestic animal production) and a variety of recreation, public service, and resource management uses. The area is currently used by a seasonal business offering horse-drawn sleigh rides. Several structures exist near the northern edge of the area, including a historic residence, which is used periodically by the property owners, and a caretaker's residence that is currently occupied. The site includes a portion of the historic Pony Express trail and several trails that receive a moderate amount of unauthorized public access. The site also includes a dam and reservoir known as Friday's Station.

Edgewood Creek flows into the Friday's Station reservoir, which acts as a settling pond to remove sediment being transported by the creek. The Friday's Station dam is proposed for minor water quality upgrades as a component of the Edgewood Lodge and Golf Course Improvement Project, which was approved on August 23, 2012. No other projects are currently proposed or approved for the site.



**Exhibit 3-1 Proposed Edgewood Mountain Resort Recreation District and Surrounding Land Uses**

The site contains a mix of relatively flat meadows in the northeastern portion, with gently sloping forested lands in the remainder of the site. The site has some areas of steep slopes and several stream environment zones (SEZ), including Edgewood Creek, associated ephemeral drainages, and portions of the meadow in northeastern portion of the property. Land capability and existing coverage have not been field verified. TRPA's adopted land capability map for the area is shown in Exhibit 3-2. Table 3-9 shows the estimated total area within each land capability district and the total allowable and estimated existing coverage, which are subject to field verification. Existing coverage within SEZs appears to exceed base allowable coverage, providing opportunities for the removal of coverage from SEZs through a future project.

The maximum existing height limits range from 24 feet to 42 feet, depending on the roof pitch of the structure and the slope retained across the building site. The existing additional height allowances that are specified in Code Section 37.5 could apply to certain use types. The Resort Recreation designation would not change these height limits. The property is also located outside designated community centers and would not be afforded increased height or density allowances available for projects in community centers.



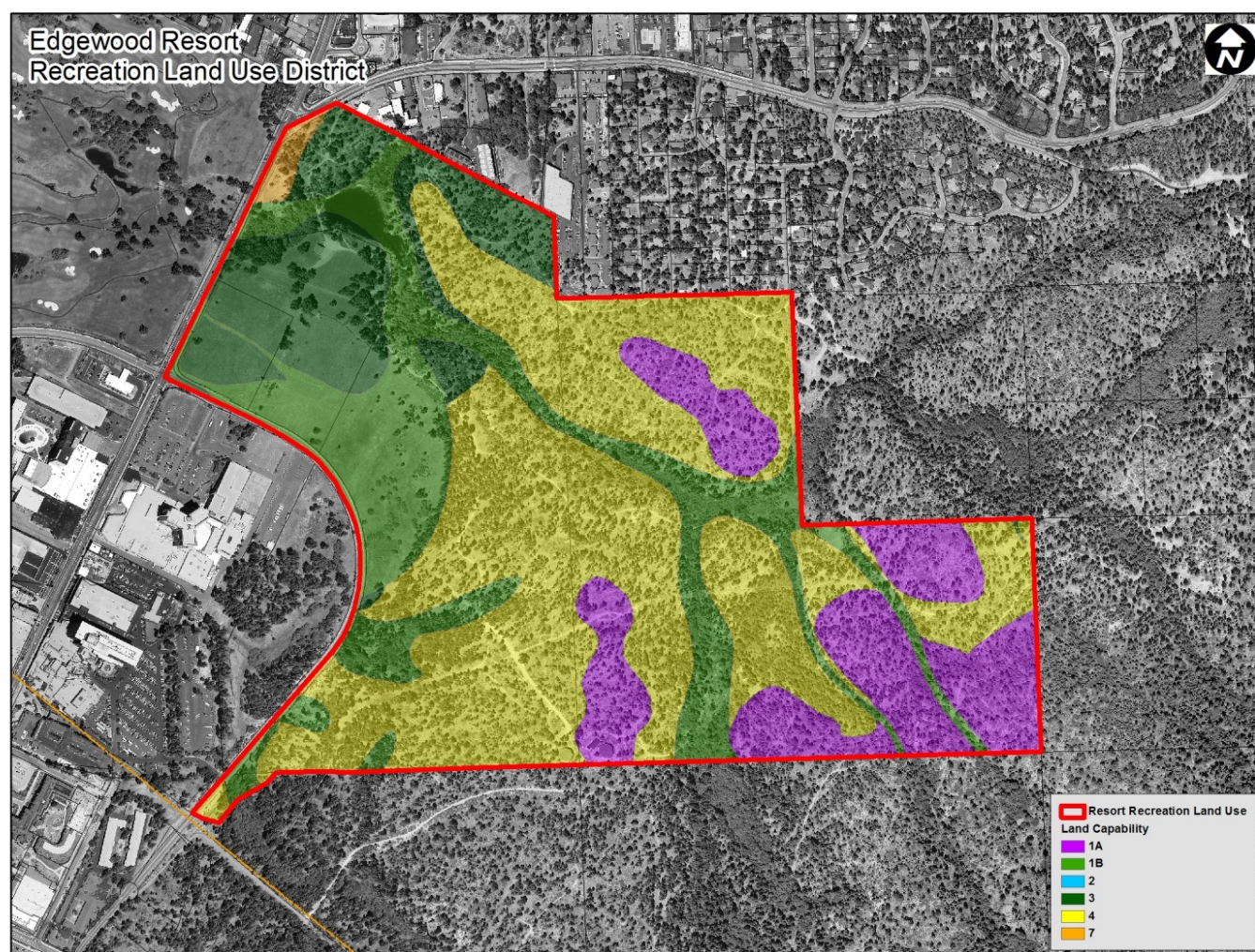


Exhibit 3-2

Preliminary Land Capability Designations within the  
Proposed Edgewood Mountain Resort Recreation District

Table 3-9. Estimated Land Capability and Coverage within the  
Proposed Edgewood Mountain Resort Recreation District

Land Capability	Total Acres	Total Acres of Allowable Coverage	Estimated Acres of Existing Coverage
1A	40.9	0.41	0.31
1B	56.0	0.56	1.17
3	34.6	1.73	1.15
4	116.0	23.21	0.31
7	1.9	0.58	0.37
<b>Total*</b>	<b>249.5</b>	<b>26.5</b>	<b>3.98</b>

\*Values for individual land capability districts may not add to the total shown due to rounding.

New uses that are not currently allowed in the area could be proposed under an Area Plan that would be subject to conformance review, as described in Chapter 13 of the Final Draft Code. The Area Plan would be subject to separate environmental review, as required by Chapter 3 of the Final Draft Code. While no new uses are currently proposed for the area, it is expected that additional uses would be proposed during development of an Area Plan. Primary uses are listed in Section 21.4 of the Final Draft Code. New development within the area could include residential, tourist accommodation, or commercial uses as long as the development meets the new Resort Recreation designation requirements.

Once an Area Plan is in place, any proposed project would be subject to restrictions identified in the conforming Area Plan. Approval of the Area Plan would be subject to regulations specific to Resort Recreation areas, including requirements that any residential, commercial, or tourist uses are transferred from outside the area and result in the retirement of existing development (Final Draft Code Section 13.5.3.3). Any project proposed within the Resort Recreation District would be required to comply with all pertinent sections of the Final Draft Code of Ordinances, including ordinances related to site development (Chapters 30–39), growth management (Chapters 50–53), and resource management and protection (Chapters 60–68). Any project would also be required to comply with project-level environmental documentation requirements (Final Draft Code Chapter 3), which require identification and mitigation of any potentially significant environmental impacts. Prior to approving any project within the Resort Recreation District, TRPA must make the findings described in Final Draft Code Sections 4.4.1 and 4.4.2 demonstrating that the proposed project would not prohibit attainment or maintenance of any Threshold Standards.

For these reasons, the impact of this land use designation change would be less than significant for the proposed Edgewood Mountain Resort Recreation area and mitigation would not be required.

### **Heavenly California Base Resort Recreation Area**

The proposed Heavenly California Base Resort Recreation area encompasses 56.4 acres of privately owned land, including the existing Heavenly Mountain Resort California Base Lodge. The area adjoins the Heavenly Mountain Resort to the south (Exhibit 3-3). The Resort Recreation area is at the southern terminus of Ski Run Boulevard, approximately 0.6 mile from the Ski Run Town Center. As one of the most intensively used recreation sites in the Region, this area provides the opportunity for concentration of lodging, workforce housing, and/or commercial uses in close proximity to the existing intensive recreation uses. To meet Area Plan approval requirements, alternative transportation facilities would be required, which have the potential to substantially reduce reliance on private automobiles, vehicle miles traveled, and associated impacts.

Existing allowable uses are described in PAS 085 and PAS 087. These include residential (single-family dwelling); commercial (eating and drinking places, outdoor amusement, general merchandise store, privately owned assembly and entertainment, amusement and recreation services, and secondary storage); and a variety of recreation, public service, and resource management uses. The site is a major access point for downhill skiing at the Heavenly Mountain Resort. Existing developed amenities include approximately 13 acres of surface parking, as well as loading facilities for two chairlifts and a gondola. The site also contains accessory commercial uses, including dining, ticket sales, and ski rental facilities. The southern portions of the site include several ski runs and forested areas used for ski schools and snow play. A water tank and South Tahoe Public Utility District sewer easement are also located on the site. Existing facilities are subject to regular operations and maintenance activities. No other projects are currently proposed or approved within the area.



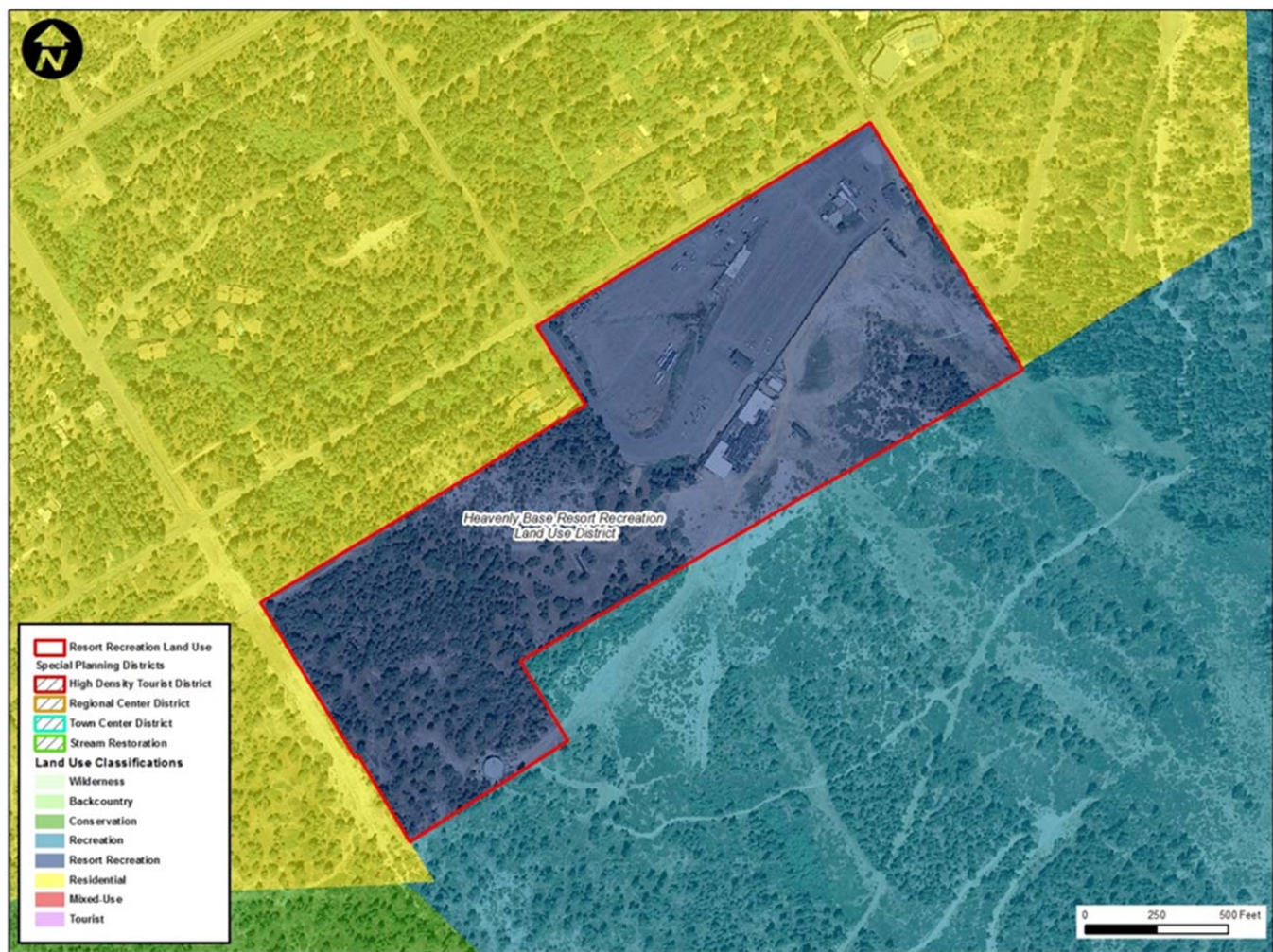


Exhibit 3-3

### Proposed Heavenly California Base Resort Recreation District and Surrounding Land Uses

The site includes relatively flat areas on the north that transition to steep mountainsides on the south. Land capability and existing coverage for most of the site have been field verified, as shown in Exhibit 3-4; Assessor's Parcel Numbers (APNs) 030-390-13 and 030-390-42 have not been field verified and are shown using the mapped land capability. Table 3-10 shows the estimated total area within each land capability district and the total allowable and estimated existing coverage.

The maximum existing height limits range from 24 feet to 42 feet, depending on the roof pitch of the structure and the slope retained across the building site. The existing additional height allowances specified in Code Section 37.5 could apply to certain use types. The Resort Recreation designation would not change these height limits. The property is also located outside designated community centers and would not be afforded increased height and density allowances available for projects in community centers.

**Note:** The property contains 4.31 acres of Man-Modified Class 6, with approximately 3.07 acres of impervious coverage, located on APNs 030-390-44 and 030-370-04. This land was previously Class 1B and will be fully approved to Class 6 once mitigation requirements are met.



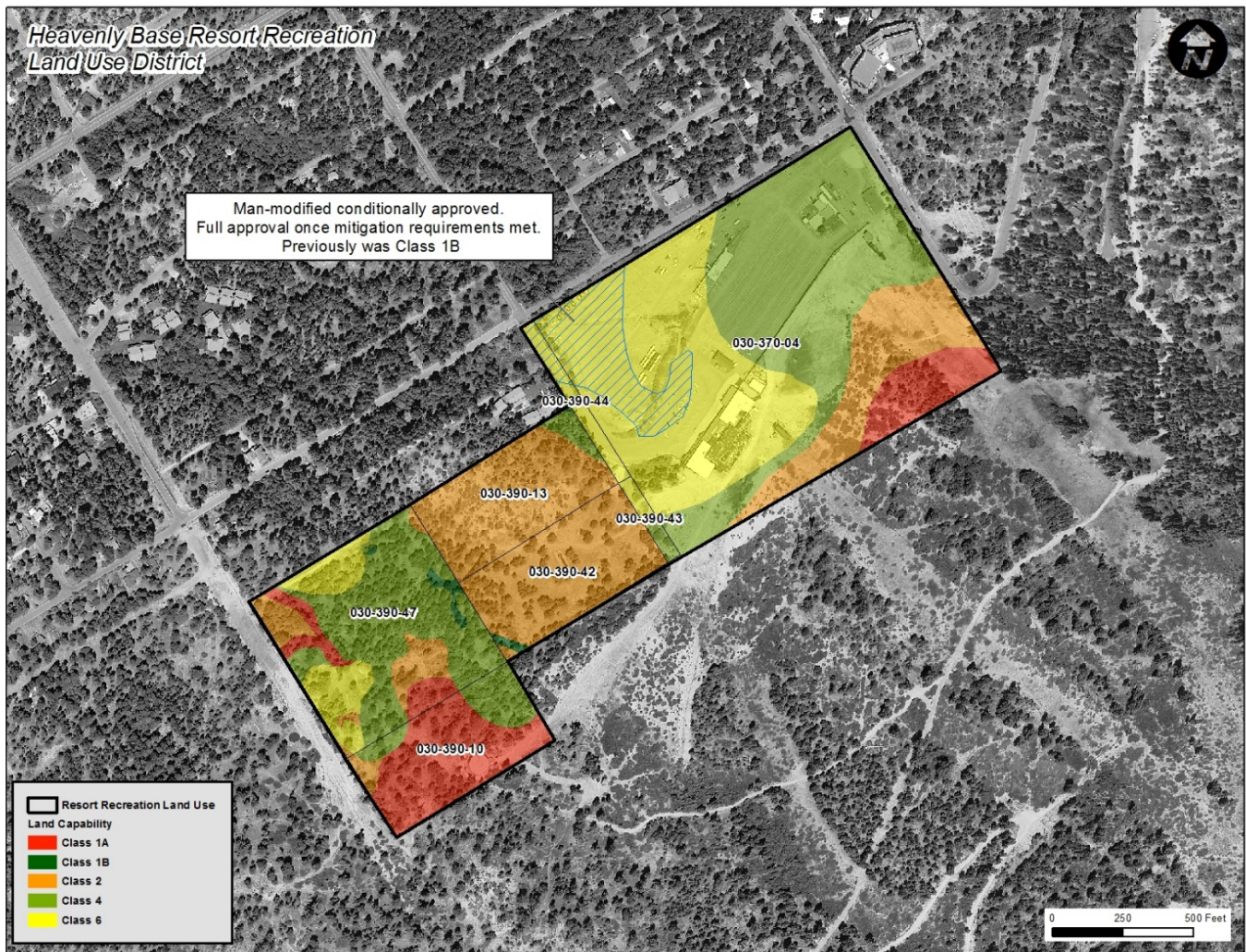


Exhibit 3-4

Approximate Land Capability within the  
Heavenly California Base Resort Recreation District

Table 3-10. Estimated Land Capability and Coverage within the Proposed Heavenly California Base Resort Recreation District			
Land Capability	Total Acres	Total Acres of Allowable Coverage	Estimated Acres of Existing Coverage
1A	6.48	0.06	0.08
1B	0.32	0.003	0.00
2	15.28	0.15	0.00
4	19.33	3.87	6.54
6	15.14	4.54	10.25
Total	56.55	8.62	16.87

New uses that are not currently allowed in the area could be proposed under an Area Plan that would be subject to conformance review, as described in Chapter 13 of the Final Draft Code. The Area Plan would be subject to separate environmental review, as required by Chapter 3 of the Final Draft Code. While no new uses are currently proposed for the district, it is expected that additional uses would be proposed during development of an Area Plan. Primary uses are listed in Section 21.4 of the Final Draft Code. New development could include residential, tourist accommodation, or commercial uses provided the development meets the new Resort Recreation District requirements.

Once an Area Plan is in place, any proposed project would be subject to restrictions identified in the conforming Area Plan. Approval of the Area Plan would be subject to regulations specific to Resort Recreation designated lands, including requirements that any residential, commercial, or tourist uses are transferred from outside the area and result in the retirement of existing development (Final Draft Code Section 13.5.3.3). Any project proposed within the Resort Recreation area would be required to comply with all pertinent sections of the Final Draft Code of Ordinances, including ordinances related to site development (Chapters 30–39), growth management (Chapters 50–53), and resource management and protection (Chapters 60–68). Any project would also be required to comply with project-level environmental documentation requirements (Final Draft Code Chapter 3), which require identification and mitigation of any potentially significant environmental impacts. Prior to approving any project within the Resort Recreation District, TRPA must make the findings described in Final Draft Code Sections 4.4.1 and 4.4.2 demonstrating that the proposed project would not prohibit attainment or maintenance of any Threshold Standards.

For these reasons, the impact of this land use designation change would be less than significant for the proposed Heavenly California Base Resort Recreation area and mitigation would not be required.

## CONCLUSION

The Draft EIS analysis regarding the effects of (1) re-designation of certain lands from conservation to recreation; and (2) allowing limited development and subdivision of residential, tourist, and commercial uses within lands designated as recreation is comprehensive and adequate, and addressed comments that were received in the Draft EIS.

The revisions included in the Final Draft Plan would: (1) substantially reduce the land area of the Region to which the new development allowances apply; (2) include only parcels within or adjacent to intensively developed land uses; (3) require any project to transfer development from other locations and result in the retirement of existing development (i.e., reduce overall development potential in the Region); (4) require any project to be in conformance with an approved Area Plan, which in turn, must be deemed in conformance with the Regional Plan; and (5) require project-specific environmental review and approval by TRPA. From a programmatic, Regional perspective, the impact would be less than significant and mitigation would not be required for the land use designation change.



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**Master  
Response 11    Effectiveness of Community Centers and Transportation Improvements in Reducing VMT**

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## **SUMMARY**

Some comments raise concerns about the Draft EIS analysis of reductions in vehicle miles traveled (VMT) that would result from concentrating development in community centers. In Chapter 3.3 the Draft EIS examines both total VMT and VMT per capita, the latter of which is an air quality indicator. Comment letters A3, A15, O8, O16, O23, and I22 referenced VMT reduction issues. Comments related to the Draft EIS analysis include:

1. Some comments suggest that studies cited in the Draft EIS as support for the strategy of reducing VMT through a more concentrated town center development patterns with improved pedestrian, bicycle and transit facilities were based on large urban areas or aggregate studies and did not apply to the Lake Tahoe Region.
2. Some comments assert that the amount and intensity of development in the centers needed more detailed analysis to accurately assess future VMT.
3. Some comments state that some community center boundaries were too expansive and that the concentration of density and uses would be insufficient to realize assumptions related to VMT and greenhouse gas (GHG) reductions.
4. Some comments state that the release of additional bonus units for development in community centers results in an overestimation of the VMT benefits of concentrating development in the Draft EIS. It was suggested that the traffic modeling analysis should reveal whether the positive model results are driven by one or two centers, such as the development in and near the south shore casino core.

Fundamentally, each of concerns that were raised question the assumptions and studies that support the reduced per capita-VMT projections resulting from concentrating development and improving multi-modal transportation facilities. The comments assert that projections are inaccurate for a variety of reasons; impacts could occur that were not analyzed; and therefore, the Draft EIS is inadequate.

Also noteworthy were the many comments that supported the community center land use strategy, primarily on a policy level, and agreed with the studies referenced in the Draft EIS.

Master Response 12 (Relationship between Phased Allocations and Level of Service Significance Criteria) addresses related issues and can be referenced for additional information.

## **ANALYSIS OF VMT REDUCTION IN THE DRAFT EIS**

In response to comments, the Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. The Draft EIS evaluated the VMT impacts of the different development scenarios proposed in Alternatives 1-5 through the use of the TRPA Travel Demand Model, which models development allocations in community centers and outlying areas based on land use and transportation provisions in each alternative. The results of this analysis are presented in Impact 3.3-3, Vehicle Miles Traveled Threshold Standard. The analysis concluded that Alternative 3 would result in the second lowest total VMT (and lowest VMT per capita) of all the alternatives, but that by 2035 total VMT could still exceed the TRPA threshold standard. Mitigation Measure 3.3-3 (Implement Additional VMT Reduction) was recommended to mitigate this impact.

### **Mitigation Measure 3.3-3, Implement Additional VMT Reduction**

Mitigation Measure 3.3-3 is implemented together with Mitigation Measure 3.3-1 (Phased Release of Allocations / LOS Monitoring / Travel Demand Management) in Final Draft Code Sections 50.4.2 and 50.4.3, putting into place a four-year process to evaluate LOS and VMT and to restrict the release of allocations in the case that LOS or VMT is projected to not meet adopted standards. Concurrently, implementation of pedestrian, bicycle and transit facilities would be prioritized. Applicable code sections read:

#### **50.4.2. 2013 Additional Allocations**

TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

#### **50.4.3. LOS and VMT Monitoring**

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

Also related to these comments, the Draft EIS found that Alternative 3 would result in the most GHG-efficient land use and transportation system combination and would be one of the two alternatives that would be in compliance with California's SB 375 Targets, AB 32 Goals, and would qualify as a Sustainable Communities Strategy for the Region; as summarized in the following excerpt from Draft EIS, Section 3.5 (Greenhouse Gas Emissions and Climate Change):

Alternative 3 would result in a net reduction in total mobile-source GHG emissions associated with light-duty vehicles in the California-portion of the Basin in both 2020 and 2035 compared to 2005 levels, despite an increase in population. Alternative 3 would meet and exceed the GHG per capita reduction targets of 7 percent below 2005 levels by 2020 and 5 percent below 2005 levels by 2035 required by SB 375. Because Alternative 3 would exceed both of the applicable SB 375 targets, Alternative 3 of the RTP would qualify as a SCS. Alternative 3 would result in the greatest reduction in GHG per capita of the five alternatives considered and would result in stronger promotion of SB 375 goals than Alternative 2. In addition, Alternative 3 would fulfill the 2020 component of the AB 32 Scoping Plan as it relates to local government and land use planning (ARB 2011a).

Importantly, TRPA recognizes that long-term traffic projections are inherently imprecise. As an example, historically, TRPA and TMPO Regional Transportation Plans have predicted an increase in VMT over time, however VMT has been on a decreasing trend since 1986 (Regional Transportation Plan, Figure 1-14). VMT is influenced by a variety of factors, many of which are beyond the control of TRPA. For example, gas prices, homeownership trends, and other socio-economic factors can influence VMT. Also, approximately four percent of VMT generated within the Region is based on through trips – trips that both begin and end outside the Region (TRPA Travel Demand Model). The Draft EIS uses the best available information in projecting VMT levels and estimating VMT reductions and changes in VMT per capita in 2020 and 2035.

### **PHASED RELEASE OF ALLOCATIONS**

First, it is important to recognize that Mitigation Measure 3.3-3 provides programmatic environmental protection that will effectively maintain compliance with the VMT threshold over time, based on today's best

estimates of future VMT, by only releasing up to 20 percent of the total authorized allocations with this Regional Plan Update at one time and requiring more precise near-term VMT projections to be completed before releasing additional allocations (i.e., within two years after the release of authorized allocations).

For the initial four-year release of allocations, models indicate that total VMT levels are projected to be below adopted standards by approximately one and one half percent before including any additional reductions from transit, bicycle and pedestrian, or transportation demand strategies. There is no evidence to demonstrate that other VMT projection approaches would be more accurate, or that TRPA's VMT projections were so inaccurate that Mitigation Measure 3.3-3 would not maintain total VMT below the threshold.

## STUDIES SUPPORT TRPA/TMPO STRATEGIES FOR VMT REDUCTION

In addition to safeguards provided by Mitigation Measures 3.3-1 and 3.3-3, the VMT projections in the Draft EIS were based on best available modeling methodologies which have been validated and vetted through peer review (Regional Plan Update Draft EIS Appendix E, Part 3, and RTP/SCS Draft EIR/EIS Appendix C, Part 3; TRPA 2006; Nelson, pers. comm., 2012) and which meet all requirements of the California Transportation Commission's 2010 RTP Guidelines for Model Group "B" (pp 38 – 41 of the 2010 RTP Guidelines). While the location and population of communities examined in the cited studies may vary, the principles of VMT reduction are similar regardless of these variations in locations and population. Examples of similar principles of VMT reduction include the principles of travel mode selection for trips, ability to combine multiple purposes in a single trip with the proper mix of land uses (which reduces total trips), and reduction in trip length by concentration of developed uses in centers versus wider dispersal of land uses. The referenced studies are well used in the literature and are provided by credible sources. The comments did not produce evidence that the numerous referenced studies were invalid or the conclusions they contained were flawed.

Overall, the contemporary planning strategy of concentrating development and implementing multi-modal transportation improvements has been shown to reduce automobile reliance, VMT, and greenhouse gas emissions in many different regions with many different development patterns. The strategy is used by most planning agencies in the United States today. Additional information on this topic and several of the studies cited in the Regional Plan Update EIS is provided below.

Land use locations and patterns have been shown to play a very important role in determining VMT. For instance, the physical distance between land uses has a substantial influence on travel behavior. Locating different land uses in close proximity to one another by encouraging mixed-use development and a greater concentration of residential densities in community centers increases the possibility that trips could be made by walking, bicycling, or riding public transit. Further, the closer proximity of land uses reduces the length of trips being made by vehicles. Prioritizing multi-modal improvements in community centers provides additional support for reduced VMT by offering alternative travel modes to the personal automobile. These relationships have been clearly established through travel behavior research, as cited below, and apply to resident and visitor populations for trips dependent on convenience, such as shopping, eating, and daily recreation.

According to *Growing Cooler* (ULI 2007, p. 88), which is a research-based examination of GHG- and VMT-reduction approaches in a variety of communities, ten major studies have examined the effects of regional location of land uses on travel. The studies yielded the same general conclusion: infill locations (i.e., community centers) generate substantially lower VMT per capita than rural or suburban settings. In studies that were evaluated, the VMT reduction was shown to vary from 13 to 72 percent, depending on the relative mix of land uses, densities and transportation facilities. Figure 4-21 on page 77 of *Growing Cooler* presents a plot based on several scenario planning studies showing that higher density scenarios are associated with less VMT.

Chapter 1 of *Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO2 Emissions -- Special Report 298* (Transportation Research Board 2009) is also relevant to this discussion. The Transportation Research Board is a national research organization and all of its studies are peer reviewed for accuracy. The special report reached the following key conclusions:

- ▲ **Finding 1:** *Developing more compactly, that is, at higher residential and employment densities, is likely to reduce VMT.*
- ▲ **Finding 2:** *The literature suggests that doubling residential density across a metropolitan area might lower household VMT by about 5 to 12 percent, and perhaps by as much as 25 percent, if coupled with higher employment concentrations, significant public transit improvements, mixed uses, and other supportive demand management measures.*

As another example, the *Center for Clean Air Policy Transportation Emission Guidebook* ([http://www.ccap.org/safe/guidebook/guide\\_complete.html](http://www.ccap.org/safe/guidebook/guide_complete.html)) attributes a one percent to five percent area-wide reduction in VMT due to the increased use of bicycles, when bicycle routes, trails, and other facilities are improved.

These examples are just a few of the many commonly-accepted publications that support the factors and analysis used in the Draft EIS to estimate the VMT reduction consequences of the land use and transportation strategies of the Regional Plan Update alternatives. The studies cited in the Draft EIS looked at a variety of transportation planning areas, some of which are much larger and more urbanized than the Lake Tahoe area.

Some comments asserted that these studies are not valid for the Lake Tahoe Region. Actual traffic data from Lake Tahoe supports the premise that proximity of land uses reduces vehicle trip lengths. Trip lengths in traffic analysis zones (TAZs) were obtained through household travel surveys and used in travel modeling for all alternatives. Some TAZs contain existing town centers, and others represent the more outlying areas with dispersed land uses. The average trip length in TAZs containing town centers is 6.3 miles versus an average trip length of 9.6 miles in outlying TAZs. This indicates a substantial, VMT-reduction benefit of more concentrated land use areas in the Region. Even in town centers that have lower intensity development, such as the Meyers area, locating more development in this town center versus in an outlying area would still have a beneficial impact on VMT, because it would encourage shorter trips and greater use of existing facilities for non-auto travel (e.g., bicycle trails, pedestrian facilities, transit), even if the magnitude of VMT savings is not as great as in more urban town center areas.

Finally, two memorandums provided by Fehr and Peers support the modeling methodology and results. Fehr and Peers conducted static and dynamic validation tests and determined that the model accurately reflects 2010 baseline conditions and reasonably responds to changes. The tests found that the model satisfied requirements in the California Transportation Commission's 2010 RTP Guidelines (RTP/SCS Draft EIR/EIS, Appendix C, part 3, Memo #2). The "Tahoe Region Modal Split and TRIA Review" memorandum prepared by Fehr & Peers in April, 2012 (Regional Plan Update Draft EIS, Appendix E, part 8) confirmed that traffic modeling that was used in the Draft EIS reasonably approximated actual trip reductions that have been realized in comparable regions that have already implemented similar strategies and monitored their effectiveness; and that the assumptions may be overly conservative.

## CONCLUSION

Overall, concerns raised by the relevant comments are fully addressed with the combination of traffic modeling that is based on best available information, including actual traffic and travel survey data from the Region, and a mitigation measure that provides an ongoing, adaptive mechanism to evaluate VMT levels in relation to the

threshold standard and restrict allocations releases, if necessary, to maintain compliance with adopted standards.

The specific concern that studies cited in support of modeled VMT levels were not applicable to the Lake Tahoe Region was not supported by evidence and is contradicted by substantial evidence cited in the Draft EIS.

The specific concern that the amount and intensity of development in the centers needed more detailed analysis to accurately assess future VMT is also unsupported. Any future uncertainty about the potential for the level of VMT to exceed the threshold standard is addressed with implementation of Mitigation Measures 3.3-1 and 3.3-3.

The specific concern that some community center boundaries were too expansive and that the concentration of density and uses would be insufficient to realize assumptions related to VMT and GHG reductions has some validity in science (i.e., that less density translates to less VMT reduction), but the assertion of incorrect modeling was not supported with credible evidence and is inconsistent with substantial information used in the Draft EIS. Again, any future uncertainties about the ability to meet VMT thresholds are addressed with implementation of Mitigation Measures 3.3-1 and 3.3-3.

The specific concern that the Draft EIS did not properly analyze the release of additional bonus units for development in community centers, and that increased traffic impacts would result is also unsupported by evidence and addressed with the implementation of VMT monitoring and phased allocations in Mitigation Measures 3.3-1 and 3.3-3.

While not required to prevent significant impacts, additional revisions to Alternative 3 were incorporated into the Final Draft Plan based on policy comments including supplemental provisions to reduce VMT. These changes do not negate the need for Mitigation Measures 3.3-1 and 3.3-3, but they do make it less likely that allocation releases would have to be reduced in the future in order to maintain compliance with adopted standards. Revisions include: not releasing any additional CFA until the existing supply is exhausted; only allowing new bonus units to be used in community centers (where average VMT is less); expanding transportation improvement requirements for projects proposing to utilize LOS exceptions; and establishing additional limitations for the future expansion of community centers, for increased height outside community centers, and for increased coverage outside centers - all of which would result in additional concentration of the Region's development allocations within community centers. A more detailed summary of these changes is provided in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS – Volume 1.

In conclusion, the Draft EIS analysis regarding the effectiveness of community centers and transportation improvements in reducing VMT was comprehensive and adequate; and the mitigation measures it identified will prevent significant impacts and are implemented in the Final Draft Plan. Comments have not identified any significant environmental impacts that are not adequately evaluated or mitigation appropriately identified in the Draft EIS.

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**Master  
Response 12      Relationship between Phased Allocations and Level of Service Significance Criteria**

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**SUMMARY**

Several comments request additional clarification or specificity related to how Mitigation Measure 3.3-1 (Phased Release of Allocations/Level-of-Service (LOS) Monitoring/Travel Demand Management) would be implemented. Comment letters A7, A32, A41, O50, and I129 reference these issues. Comments raise concerns that the mitigation measure would not work as intended, and could serve as a disincentive to environmental redevelopment. Comments also ask for clarification regarding the specific criteria and parameters of the program for phased release of land use allocations that would promote its success in mitigating impacts, and what specific projects would be required to allow the release of allocations. (Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, addresses related comments and can be referenced for additional information.)

In response to comments, the Regional Plan Update Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. The Draft EIS evaluated LOS impacts of the different development scenarios proposed in Alternatives 1 through 5 through the use of the TRPA Travel Demand Model, which models development allocations based on land use and transportation provisions in each alternative. The Trip Reduction Impact Analysis tool trip reductions were applied to the TRPA Travel Demand Model output. The results of this analysis are presented in Draft EIS Impact 3.3-1, Roadway Segment Operations. The analysis concludes that Alternative 3 would result in the same or fewer LOS exceedances compared to the other alternatives but that, by 2035, LOS standards could still be exceeded in two locations. Mitigation Measure 3.3-1 is identified to mitigate this impact.

For many of the same reasons, Impact 3.3-3, Vehicle Miles Traveled Threshold Standard, identifies a significant impact because of the potential to exceed the VMT threshold standard and recommended Mitigation Measure 3.3-3, Implement Additional VMT Reduction. Mitigation Measures 3.3-1 and 3.3-3 both include phased allocation of development commodities as a mitigation strategy.

Mitigation Measure 3.3-1 is implemented together with Mitigation Measure 3.3-3 in Final Draft Code Sections 50.4.2 and 50.4.3, putting into place a four-year process to evaluate LOS and VMT and to restrict the release of allocations in the case that LOS or VMT is projected to exceed adopted standards. Concurrently, implementation of pedestrian, bicycle, and transit facilities would be prioritized. Applicable code sections read:

**50.4.2. 2013 Additional Allocations**

TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

**50.4.3. LOS and VMT Monitoring**

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

## PHASING ALLOCATIONS AND REDEVELOPMENT IN COMMUNITY CENTERS

Comments raise fundamental concerns that future reductions in allocation releases could pose an impediment to redevelopment. Comments do not provide specific evidence supporting the assertion that reducing the amount of new development would adversely affect redevelopment efforts, instead citing general concerns that redevelopment projects would be adversely affected. Available information indicates that the opposite is expected to be true, as explained below.

The Code language requires that LOS standards be maintained over time, but it does not specify which land use allocations would be restricted in the future, if necessary, to maintain compliance with LOS standards. Available information indicates that commercial development and outlying residential development generate more trips, and cause more congestion, than residential development in community centers (see Master Response 11). As a result, it would be reasonable to expect that TRPA would reduce allocation releases for CFA and/or standard residential allocations outside community centers, but not residential bonus units, if necessary to maintain compliance with LOS standards in the future. TRPA could also adjust the geographic distribution of development allocations to address specific LOS exceedances that may occur. This approach acknowledges that a constrained supply of residential bonus units could adversely affect redevelopment efforts, but notes that the applicable Code provisions do not require any reduction in bonus units.

Standard residential allocations are used for new development (not redevelopment). Therefore, a future reduction in the availability of residential allocations would not hinder the Region's redevelopment efforts. On the contrary, available studies (and basic macroeconomic principles) indicate that a more constrained supply of new residential development would likely accelerate redevelopment because, over time, the value of residential allocations would increase and overall real estate values would increase accordingly. With increased property values and reduced opportunities for new development, the financial feasibility of redevelopment would likely increase (BAE 2012).

Regarding commercial development, there is a considerable existing supply of unused CFA and relatively high vacancy and underutilization rates for existing commercial development (Western Nevada Development District 2010). Like residential allocations, a future reduction in the supply of new CFA would tend to increase demand for commercial redevelopment versus new development, thereby benefitting redevelopment efforts.

This mitigation measure would be effective because it encourages the targeted implementation of projects to meet LOS standards; allows the Region time to realize the benefits of new proposed projects, policies, and code provisions, as described below; but also allows the restriction of land use allocations as a last "safety net," halting development that could adversely affect LOS or VMT standards.

Additionally, the applicable code provisions allow LOS on roadway segments to be evaluated using on-the-ground counts and the new LOS provisions in Policy 10.7, which allows LOS standards to be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users at a level that is proportional to project-generated traffic in relation to overall traffic conditions on affected roadways. Because individual development projects would still be required to mitigate their impacts to roadway LOS at a project level, it is very unlikely that roadway segments would be found to be out of compliance with the LOS standard as a result of redevelopment activities.

Regarding the specific comment that the EIS and EIR/EIS must clarify the specific criteria and parameters of the program for phased release of land use allocations, modeling must show that approved LOS standards will be achieved after release of allocations. Consequently, continued achievement of LOS standards serves as a key criterion allowing continued release of commodities. Release of allocations will be carried out in accordance

with existing TRPA Code of Ordinances Chapter 50, Allocation of Development, including the Final Draft Code language for the Code section cited above. Additional specificity is not required and would be less effective in responding to any future issues with LOS standard compliance.

Regarding the comment requesting a list of specific projects that will be required to allow release of allocations, achievement of the LOS standard will be influenced by both land use changes and transportation facility development and operation. It is premature to identify what specific projects, or combination of projects, may be needed to mitigate localized LOS impacts over the 20-plus year planning horizon of the Regional Plan Update. TRPA anticipates that new LOS improvement projects will be included with new development proposals (as required by code) and implemented by public agencies in the Region.

While not required to prevent significant impacts, additional revisions to Alternative 3 were incorporated into the Final Draft Plan based on policy comments, including supplemental provisions to maintain compliance with LOS standards. These changes do not eliminate the need for Mitigation Measures 3.3-1 and 3.3-3, but they make it less likely that allocation releases would have to be reduced in the future to maintain compliance with adopted standards. Revisions include not releasing any additional CFA until the existing supply is exhausted; only allowing new bonus units to be used in community centers (where average VMT is less); expanding transportation improvement requirements for projects proposing to utilize LOS exceptions; and establishing additional limitations for the future expansion of community centers, for increased height outside community centers, and for increased coverage outside centers, all of which would result in additional concentration of the Region's development allocations within community centers. A more detailed summary of these changes is provided in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS.

## CONCLUSION

In conclusion, the Regional Plan Update Draft EIS analysis regarding the relationship between phased allocations and LOS significance criteria is comprehensive and adequate, and the mitigations measures it identified will prevent significant impacts and are implemented in the Final Draft Plan. The LOS monitoring and phased allocation approach in adopted mitigation allows TRPA to adapt to future conditions by controlling the pace of allocations release. Also, project-level review of land use changes and transportation facilities will include consideration of their ability to reduce auto travel, congestion that exceeds LOS standards, and provision of non-auto travel enhancements. Comments have not identified any significant environmental impacts that are not adequately evaluated or mitigation appropriately identified in the Draft EIS.



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**Master  
Response 13   Programmatic Mitigation Measures and Proper Deferral of Mitigation Details**

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**SUMMARY**

Several comments express concern that some mitigation measures in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS include development of future best-practice policies and programs that constitute an improper deferral of mitigation measures. Comments in letters A5, A7, A9, A15, A22, A38, O8, O16, and I118 pertain to this issue. These comments address the proposed mitigation measures included in the transportation, air quality, greenhouse gas, noise, and scenic sections of the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. Specific comment issues are related to a perceived lack of performance standards for proposed mitigation programs to be developed and the adequacy of a 12-month period for adoption of the future best-practice policies or programs.

Mitigation measures were considered for completeness, adequacy, and feasibility when they were prepared for the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. As part of this review, particular attention was given to the programmatic nature of the environmental documents, the defined timeframe for development of the best-practice policies or programs (i.e., 12 months), and the relationship with environmental performance criteria already adopted within the TRPA environmental threshold standards and elsewhere. Mitigation measures proposed in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS were crafted with consideration of applicable TRPA and CEQA regulations and in accordance with relevant case law (summarized below). Based on this guidance, the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS include feasible mitigation that does not constitute improper deferral, also discussed further below.

The Final Draft Plan and the Final Draft RTP/SCS retain the mitigation measures identified for Alternative 3, as applicable, which would be codified by TRPA to effect implementation.

Some of the mitigation measures proposed by TRPA and TMPO in the draft environmental documents describe a programmatic response to the plan-level analysis of potential impacts arising from implementation of the Regional Plan Update and RTP/SCS. This programmatic approach involves development of best-practice policies or programs of mitigation actions over the 12-month period following approval of the Regional Plan Update and RTP/SCS to provide an opportunity for TRPA and TMPO to coordinate with affected agencies on the details of the mitigation strategies addressing specific environmental impact issues. The programmatic mitigation approach applies to the following environmental impact areas: construction-related air pollutant emissions, construction-related greenhouse gas emissions, construction-related noise and vibration, region-wide noise program, exterior noise policy, and improved roadway operations. Comments assert that these programmatic responses improperly defer the adoption of mitigation measures. As described below, TRPA and TMPO have committed to developing and implementing over a 12-month period the best-practice policies or programs that meet applicable criteria to implement the programmatic mitigation. They would also continue to require specific mitigation actions, as applicable, for projects approved in the interim until such best-practice policies or programs are in place. Where specific actions are noted in the description of the mitigation measures, including for the interim period until the best-practice policies or programs are adopted, the definitions of these actions are not deferred. The issue of properly deferring mitigation measure details relates to the development of the future best-practice policies or programs.

## TRPA AND CEQA REQUIREMENTS FOR PROGRAMMATIC MITIGATION AND PROPER DEFERRAL OF DETAILS

The proper definition of mitigation measures in the two environmental documents is guided by TRPA policies and Code and also, in the case of the RTP/SCS EIR/EIS, by CEQA requirements. Under both the TRPA and CEQA frameworks, provisions exist to allow mitigation of a significant or potentially significant effect on the environment through a commitment to prepare and adopt a program of specific actions that would reduce the environmental effect. This is a proper and effective approach to use in programmatic environmental evaluations of large-scale plans when circumstances make it infeasible to define the full detail of specific mitigation actions at the time a plan is adopted (i.e., when specific locations, detailed designs, and/or operating parameters of projects implementing a plan are not yet known).

Under the TRPA Code of Ordinances, when a significant effect is identified in an EIS, the document is required to include “[m]itigation measures that must be implemented to assure meeting standards of the region” (TRPA Code of Ordinances, Section 3.7.2[E]). To document that a project meets the standards of the region, TRPA is required to adopt findings, including the following: “To approve any project TRPA shall find that: A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs; B. The project will not cause the environmental threshold carrying capacities to be exceeded; and C. Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact” (TRPA Code of Ordinances, Section 4.4.1).

To meet these requirements, TRPA may either adopt specific mitigation measures, when project details are known, or commit to the development and implementation of mitigation programs when the definition of detailed actions requires additional consideration or the details of physical projects are not yet known. When pursuing the programmatic mitigation approach, the necessary performance criteria that help make deferral of mitigation details permissible are already established in the adopted TRPA threshold carrying capacity standards, where applicable, and the Code-required findings. In other words, as noted in the Code sections cited above, the performance standards for the programmatic mitigation measures included in the Regional Plan Update EIS and RTP/SCS EIR/EIS are either: (a) already mandated by the Compact and Code findings for attainment of the threshold standards where they apply; (b) consistent with other elements of the Regional Plan Goals, Policies, and programs; or (c) reflective of compliance with the most stringent, applicable federal, state, or local air and water quality standards. Recognizing that the programmatic mitigation measures in the Regional Plan Update EIS and RTP/SCS EIR/EIS commit TRPA and TMPO to develop and implement mitigation programs and that the Compact and Code findings impose performance criteria, this is a proper and effective approach to addressing significant and potentially significant environmental effects within TRPA’s regulatory framework.

CEQA, the CEQA Guidelines, and a series of court decisions establish a similar framework for properly deferring the details of mitigation measures when it is not feasible to define the specifics at the time a plan or project is approved. The requirements articulated in CEQA Guidelines Section 15126.4(a)(1)(B) state: *“Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.”* CEQA case law provides a “road map” of principles for properly deferring the details of mitigation measures, when it is not feasible to provide them during the CEQA review process. The principles from CEQA court decisions include the following:

- ▲ The lead agency must commit to adopt and implement the mitigation.
- ▲ If mitigation details must be deferred, the lead agency must explain why they cannot be feasibly or practically described now.
- ▲ The lead agency needs to provide performance standards or criteria that deferred mitigation measure details must attain.
- ▲ Reliance on future permits is acceptable, if it can be demonstrated that reduction of the significant impact can be reasonably expected as a result of the permitting process.
- ▲ Deferral of engineering design details can be acceptable, if it is not feasible to complete the design now.
- ▲ The intent to defer mitigation details must be disclosed to the public for review (i.e., in the draft environmental document).

## **APPROACH TO MITIGATION MEASURES IN THE REGIONAL PLAN EIS AND RTP/SCS EIR/EIS**

Adoption of programmatic mitigation measures is necessary, because it is not feasible to define in detail the precise location, engineering design, or operational plans of transportation projects in the case of the RTP/SCS and development projects in the case of the Regional Plan Update. The programmatic mitigation approach is clearly disclosed in both draft environmental documents for public review. TRPA and TMPO have committed in the mitigation measures to develop specific best-practice requirements in the form of adopted policies or programs within a defined time frame (i.e., 12 months) that implement the programmatic mitigation. While some comments expressed the opinion that 12 months may not be sufficient for developing the programmatic mitigation, TRPA carefully considered the time required for the process of developing best-practice policies or programs, including early consultation with affected agencies, preparation of a preliminary draft of each best-practice policy or program, review of the preliminary draft with affected agencies, refinement of the preliminary draft through ongoing discussion with affected agencies, and preparation and adoption of the final version of each policy or program document. Mitigation measures that call for policy or program development over the 12-month period following certification of the EIS have been listed in Policy ME-3.5 and Attachment 4 of the Final Draft Goals and Policies, as indicative of their regional importance and priority. Also, recognizing that the adoption of best-practice policies or programs implements the commitments addressed in the Regional Plan EIS and RTP/SCS EIR/EIS, no additional environmental document preparation or review would be required, which would substantially reduce the schedule demands of this process. In light of its identification as mandatory implementation measure in Policy ME-3.5 and Attachment 4 of the Final Draft Goals and Policies, 12 months is a reasonable time to develop and adopt the best-practice policy or program documents identified in the mitigation measures.

## **PERFORMANCE CRITERIA FOR PROPER DEFERRAL OF MITIGATION DETAILS**

Similar to the explanation for TRPA requirements above, the performance standards for the RTP/SCS EIR/EIS programmatic mitigation measures are the TRPA threshold carrying capacity standards; applicable Regional Plan Goals, Policies, and programs; or environmental standards of federal, state, or local agencies (some of which require separate permits), as referenced in the mitigation measures (e.g., California air pollution control district emission standards noted in Mitigation Measure 3.4-2 for jurisdictions within that state). The Tahoe Region is unique because the legally mandated, threshold carrying capacity standards establish an underlying set of environmental performance criteria that projects may not exceed. For programmatic mitigations in environmental issue areas with TRPA threshold standards (i.e., construction-related air pollutant emissions, construction-related noise and vibration, region-wide noise program, exterior noise policy, and improved roadway operations), these standards provide performance criteria for mitigation measures that do not exist elsewhere in California or Nevada. Recognizing that the programmatic mitigation measures in the RTP/SCS EIR/EIS describe that TRPA and TMPO commit to the development and implementation of mitigation programs

and that performance standards are embedded in the threshold standards, Regional Plan, and other agency regulations, the EIR/EIS provides a proper and effective approach to addressing significant and potentially significant environmental effects within CEQA's framework for environmental review.

For mitigation measures in environmental issue areas without TRPA threshold standards (i.e., greenhouse gas emissions), other environmental statutes and regulations are used to establish the appropriate performance criterion. The specific approach for each relevant mitigation measure raised in comments and/or employing proper deferral of mitigation details is summarized below.

### **Mitigation Measure 3.3-1 – Regional Plan Update EIS and RTP/SCS EIR/EIS**

Comments assert that monitoring of future traffic level of service (LOS) and, if needed, potential use of phased release of commodities constituted improper deferral of mitigation. Impact 3.3-1 relates to LOS on roadway segments. In both the Regional Plan Update EIS and RTP/SCS EIR/EIS, Mitigation Measure 3.3-1 states that regular monitoring of LOS will occur and if "LOS projections indicate that applicable LOS goals and policies will not be met, actions will be undertaken through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments to maintain compliance" and then provides a list of example actions that could be implemented to ensure that LOS goals and policies are met. Among the actions is a phased release of land use commodities by TRPA.

The provisions of traffic monitoring and commodities release in Mitigation Measure 3.3-1 are implemented in the Final Draft Plan through Policy DP-2.2 and Code sections 50.4.2 and 50.4.3. The adoption and implementation of these commitments would, therefore, be immediate and would not constitute mitigation deferral. The most stringent, applicable LOS goals and policies of the relevant local, regional (including TRPA), and state agencies serve as the performance criteria for this mitigation measure. TRPA LOS standards are used as the most stringent standards for determining environmental significance, as reported in the description of the significance criteria in Section 3.3 (of both the Regional Plan Update Draft EIS and RTP/SCS EIR/EIS), so they would also serve as the performance criteria for Mitigation Measure 3.3-1. This mitigation measure commits TRPA to consider implementing a phased release of commodities, if LOS performance criteria are not being met over time by transportation improvements. As stated in the mitigation measure and implemented in Policy and Code, TRPA will consider release of commodities in a four-year cycle in conjunction with future updates of the Regional Plan and RTP. It will monitor and update LOS projections two years after each release of commodities to facilitate assessment of the achievement of performance criteria prior to the next Regional Plan and RTP update, when other transportation actions or levels of commodity releases can be pursued, if needed.

### **Mitigation Measure 3.3-3 – Regional Plan Update EIS**

Comments assert that monitoring of future vehicle miles travelled (VMT) and, if needed, potential use of phased release of commodities constituted improper deferral of mitigation. Impact 3.3-3 pertains to changes in VMT. The provisions of traffic monitoring and commodities release in Mitigation Measure 3.3-3 are implemented in the Final Draft Plan through Policy DP-2.2 and Code sections 50.4.2 and 50.4.3. The adoption and implementation of these commitments would, therefore, be immediate and would not constitute mitigation deferral. Mitigation Measure 3.3-3 in the Regional Plan Update EIS will use the TRPA threshold standard for VMT as its performance criterion. Similar to Mitigation Measure 3.3-1 regarding LOS standards, this measure includes the commitment by TRPA to consider implementing a phased release of commodities, if the regional VMT standard is not being met over time by transportation improvements. As stated in the mitigation measure, TRPA will consider release of commodities in a four-year cycle in conjunction with future updates of the Regional Plan and RTP. It will monitor and update VMT projections two years after each release of commodities to facilitate assessment of the achievement of performance criteria prior to the next Regional Plan and RTP update, when other transportation actions or levels of commodity releases can be pursued, if needed.

**Mitigation Measures 3.4-2 and 3.4-5 - Regional Plan Update EIS and RTP/SCS EIR/EIS**

Comments express the opinion that air quality mitigation measures do not contain performance criteria. Impacts 3.4-2 and 3.4-5 pertain to construction-related air pollutant emissions and toxic air contaminants (TACs). Mitigation Measures 3.4-2 and 3.4-5 require TRPA to develop and implement a Best Construction Practices Policy for Construction Emissions. Under the subheading of “Significance After Mitigation” following the description of Mitigation Measure 3.4-2, both environmental documents explain the minimum emissions reductions (on a percentage basis) expected to be achieved by mitigation actions, which serve as the measure’s performance criteria.

Mitigation Measure 3.4-5 addresses reduction of TACs. Impact 3.4-5 identifies a significant impact related to potential short-term exposure to TACs during construction (i.e., particulate matter in diesel emissions). The mitigation measure cites emission-reducing actions that will be implemented to decrease emissions, and the best-practice policy for construction emissions to be developed by TRPA will describe other details related to these actions. For reduction of TACs, the performance criterion noted in the discussion of Mitigation Measure 3.4-2 for particulate matter would also apply to diesel particulate matter, the pollutant of concern for TACs during construction.

**Mitigation Measure 3.5-1 – Regional Plan Update EIS and RTP/SCS EIR/EIS**

Comments contend that GHG reduction-related mitigation is improperly deferred. Mitigation Measure 3.5-1 addresses reduction of GHG emissions generated from demolition and construction activity in the Region and by ongoing building and property operations. The mitigation measure identifies actions to be implemented to reduce GHG emissions, indicates that TRPA commits to development of a best-practices policy for construction, and notes the ongoing climate mitigation planning underway in the Region with the preparation of a Region-wide Sustainability Plan (by TRPA, TMPO, California Tahoe Conservancy, and local agencies and organizations in California). It is also important to note that the purpose of the Sustainable Communities Strategy (SCS) is to achieve the quantified per capita mobile-source GHG emissions rates for 2020 (7 percent below 2005 levels) and 2035 (5 percent below 2005 levels), as defined by the California Air Resources Board. These serve as long-term performance criteria addressing most of the GHG emissions in the Region. (The targets relate to emissions from California car and light/medium truck travel; however, this constitutes the majority of GHG emissions in the Region. The Final Draft Plan for the Regional Plan Update and the RTP/SCS would achieve these targets on a per capita basis, so GHG emissions from California cars and light/medium trucks would meet the performance criteria and the impact would be less than significant.) Additional, quantified GHG emissions reduction performance criteria may be established through the ongoing, multi-agency efforts to prepare a Region-wide Sustainability Plan. State and local agencies in Nevada have not established GHG emissions targets.

Because GHG emission impacts are cumulative, an additional performance standard is relevant—that is, reducing GHG emissions to a level that is less-than-considerable in the context of cumulative GHG emissions. As cited in Section 3.5, under “Significance Criteria,” in both environmental documents, while there are no adopted criteria for a “considerable contribution,” the analysis uses guidance from the federal Council on Environmental Quality (CEQ) to define a criterion for this analysis. The CEQ guidance directs that any projects with annual emissions of 25,000 tons or greater should be evaluated under NEPA. The Regional Plan EIS and RTP/SCS EIR/EIS use this total emissions rate as the basis for determining significance, and therefore, as a performance criterion applicable to Mitigation Measure 3.5-1. TRPA and TMPO have considered and committed to implement all feasible mitigation measures for GHG emissions reduction and, despite these actions, the total increase in GHG emissions in the Region from all alternatives would be greater than 25,000 tons per year (see the discussion for Impact 3.5-1). Therefore, Impact 3.5-1 is recognized as significant and unavoidable.

**Mitigation Measure 3.6-1 - RTP/SCS EIR/EIS and Mitigation Measure 3.6-2 – Regional Plan Update EIS**

Comments questioned the performance criteria that would support development of best-practices policies or programs related to construction noise. Impact 3.6-1 in the RTP/SCS EIR/EIS and Impact 3.6-2 of the Regional Plan Update Draft EIS address construction noise. In the attendant mitigation measures, TRPA commits to developing and implementing a Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration. The performance standard for this mitigation measure would be achievement of TRPA noise threshold standards and existing standards in applicable local plans. The TRPA standards exempt construction noise during the day and protect against excessive noise during quieter hours, as described under “Significance Criteria” in Section 3.6.

**Mitigation Measure 3.6-1 – Regional Plan Update EIS and Mitigation Measure 3.6-4 – RTP/SCS EIR/EIS**

Comments expressed concern regarding performance criteria that would be used to maintain long-term noise at less-than-significant levels. Impact 3.6-1 in the Regional Plan Update EIS and Impact 3.6-4 in the RTP/SCS EIR/EIS address long-term traffic noise impacts. The attendant mitigation measures require TRPA to coordinate implementation of a Region-wide traffic noise reduction program through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments that will implement measures for reducing, attaining, and maintaining traffic noise levels to below applicable TRPA threshold CNEL standards. See Tables 3.6-3 and 3.6-4 in both environmental documents. TRPA’s CNEL standards serve as the performance criteria for these mitigation measures.

**Mitigation Measure 3.6-2 - RTP/SCS EIR/EIS and Mitigation Measure 3.6-3 – Regional Plan Update EIS**

Comments questioned the performance criteria that would support development of best-practices policies or programs related to construction vibration. Impact 3.6-2 of the RTP/SCS EIR/EIS and Impact 3.6-3 of the Regional Plan Update Draft EIS address construction-related vibration. In the attendant mitigation measures, TRPA commits to developing and implementing a Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration. The performance criteria for this mitigation measure would be achievement of Federal Transit Administration (FTA) standards for construction-related vibration, as noted in the text of each mitigation measure. FTA standards are used because that agency has conducted extensive research regarding vibration-generating construction techniques, as reflected in the reference cited as FTA 2006 in both environmental documents.

**CONCLUSION**

In summary, both the Regional Plan Update Draft EIS and the RTP/SCS Draft EIR/EIS contain appropriate programmatic mitigation measures that meet the requirements of TRPA, CEQA, and applicable case law. With regard to TRPA’s environmental review, each of the best-practice policies or programs that would be developed by TRPA under the mitigation measures described above contains performance criteria that are either: (a) already mandated by the Compact and Code findings for attainment of the threshold standards where they apply; (b) consistent with other elements of the Regional Plan’s goals, policies, and programs; or (c) reflective of compliance with the most stringent, applicable federal, state, or local air and water quality standards. For each of the identified best-practice policies or programs, TRPA and TMPO have:

- ▲ committed to adopt and implement the mitigation;
- ▲ explained why mitigation details cannot be feasibly or practically described now;
- ▲ provided performance standards or criteria that deferred mitigation measure details must attain;

- ▲ demonstrated that, where such policies or programs rely on future permits, reduction of the significant impact can be reasonably expected as a result of the permitting process;
- ▲ deferred engineering design details where it is not feasible to complete the design now; and
- ▲ disclosed the deferral of mitigation details to the public for review (i.e., in the draft environmental documents).

For these reasons, the level of detail included in the mitigation measures is appropriate and no improper deferral of mitigation has occurred.

### 3.3.2 RESPONSES TO WRITTEN AND ORAL COMMENTS

#### A: AGENCIES (FEDERAL, STATE, AND LOCAL)

<b>Response A1</b>	<b>Steve Teshara TRPA Advisory Planning Commissioner 4/25/2012</b>
A1-1	<p>Comment A1-1 proposes a TAU and CFA buyout program. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p> <p>This comment also expresses support for a 60-day review period. Please see Master Response 2, Duration of Public Comment Period.</p>
<b>Response A2</b>	<b>Steve Teshara TRPA Advisory Planning Commissioner 4/26/2012</b>
A2-1	<p>Comment A2-1 provides clarification related to California Senate Bill (SB) 375 requirements for a Sustainable Communities Strategy (SCS) and Alternative Planning Strategy (APS) as they apply to the different RTP/SCS alternatives. Because Regional Plan Update Alternatives 1, 4, and 5 would not meet greenhouse gas (GHG) reduction targets under California's SB 375, adoption of one of these alternatives would require an APS to demonstrate to the California Air Resources Board how additional GHG reductions could be achieved to meet the targets. Regional Plan Update Alternatives 2 and 3 meet SB 375 GHG reduction targets on the basis of the SCS, so preparation of an APS would not be necessary. This comment does not address the adequacy, accuracy, or completeness of the environmental document. No further response is required.</p>
<b>Response A3</b>	<b>Patrick Wright California Tahoe Conservancy 6/28/2012</b>
A3-1	<p>Comment A3-1 provides an introduction to the oral testimony, and expresses appreciation to TRPA for commitment to work on California agencies' issues.</p>
A3-2	<p>Comment A3-2 expresses general support for the Plan's emphasis on creating sustainable transit, bike, and pedestrian-friendly communities.</p>
A3-3	<p>Comment A3-3 suggests that the Plan emphasize that significant public investments would be necessary to achieve the anticipated benefit toward threshold attainment, and states that while the BAE report states that the incentives could "create feasible development scenarios," other studies have concluded that such incentives would be insufficient to stimulate major shifts in Regional development without significant public funding.</p> <p>The BAE report was prepared by economic experts as an independent review of the transfer incentives and their effectiveness. TRPA recognizes that transfer incentives alone will not result</p>



- in attainment of threshold standards and that continued public investment will also be necessary. Various impact analyses reference the BAE report as part of a good faith analysis of the potential environmental effects associated with the project, but the report does not form the basis of any of the assumptions or analysis. Attachment 5 of the Final Draft Goals and Policies includes a program that requires ongoing review of the efficacy of the transfer ratios. The Final Draft Plan also contains a new policy that offers support for public acquisition programs, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan. Please see also Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.
- A3-4      Comment A3-4 describes a program to use the California Tahoe Conservancy (CTC) land bank and other resources to purchase developed properties on sensitive lands that could then be retired or transferred to Special Districts. This comment does not raise issues pertaining to the adequacy of the Draft EIS, and is noted for consideration during project review.
- A3-5      Comment A3-5 suggests that TRPA develop a set of interim targets to provide a basis upon which to review progress over the next four years. This comment is noted for consideration during project review. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A3-6      Comment A3-6 expresses desire on the part of California agencies to work with TRPA to ensure that provisions of the Regional Plan and TMDL are consistent and complementary. Please refer to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements, for more information on this topic.
- A3-7      Comment A3-7 expresses support for area-wide water quality treatment strategies. This comment addresses provisions of the Regional Plan Update and does not raise issues pertaining to the adequacy of the Draft EIS. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A3-8      Comment A3-8 expresses support for the designation of special planning districts to concentrate development, but also expresses concern with the large size of the districts relative to their ability to reduce VMT and GHG emissions. Please see Master Response Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.
- The comment also expresses concern that potential transfer of development from sensitive land within the Special Districts would not be eligible to receive the same benefits as transfer of development on sensitive land outside of the districts. However, the Draft Code of Ordinances provides incentives for all transfers of development from sensitive land into centers, and does not require that the sending site be outside of a center (Code Section 51.5.3). As a result, all transfers of development from sensitive lands would be eligible for incentives, including sensitive lands within designated centers.
- A3-9      Comment A3-9 expresses concern related to proposed transfer ratios and provides suggestions to modify the incentive program of Alternative 3. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A3-10      Comment A3-10 endorses the draft proposal to eliminate the current requirement that excess coverage mitigation fees be spent in the same hydrologic area. This comment also expresses

	concern related to inadequate fees and suggests, rather than simply raising fees, working together to develop alternative approaches to incentivizing coverage removal. As described in Chapter 2, Revisions to Alternative 3, the Final Draft Plan would allow mitigation of excess coverage through coverage removal anywhere in the Region, but if the coverage removal is to occur outside the HRA, the Final Draft Plan would require that coverage removal occur on more sensitive land than that affected by the project requiring mitigation (Draft Code Section 30.6.1.B.2).
A3-11	Comment A3-11 expresses support for the proposal to promote non-motorized public trails through exemptions from coverage regulations and expresses desire to work with TRPA and other state agencies to ensure consistency of rules. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A3-12	Comment A3-12 suggests that TRPA consider a report, prepared by Environmental Incentives, which provides findings and recommendations to improve the effectiveness of TRPA coverage policies and the CTC land bank. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plan, Code of Ordinances, or Threshold Evaluation.
A3-13	Comment A3-13 addresses proposed changes to Recreation Districts in the Region. Please see Chapter 2, Revisions to Alternative 3: Final Draft Plan, and Master Response 10, Development on Recreation-Designated Lands.
A3-14	Comment A3-14 expresses concern with the viability or practicality of some of the projects included in the Bike and Pedestrian Master Plan. This comment refers to proposed provisions of the Regional Transportation Plan/Sustainable Communities Strategy and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A3-15	Comment A3-15 expresses concern about the proposal to no longer accept permit applications for biomass facilities in the Region, and its potential to preclude use of new technologies that reduce forest fuel transport costs and air quality impacts. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response A4</b>	<b>Vicki Kramer California Department of Public Health 6/28/2012</b>
A4-1	Comment A4-1 expresses concern related to the pesticide prohibition language included in Alternative 2. Impact 3.14-3, Health Hazards from Vector-Borne Disease, addresses the pesticide prohibition proposed under Alternative 2 and concludes it would constitute a significant and unavoidable impact. This comment encourages TRPA to work with the Region's vector control agencies to strengthen enforcement of stormwater BMP maintenance standards and streamline vector source reduction projects. This comment refers to proposed provisions of a Regional Plan

	Update alternative and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response A5</b>	<b>Jody Jones Caltrans 6/28/2012</b>
A5-1	The comment describes the collaborative working relationship between TMPO/TRPA and Caltrans during development of the RTP/SCS and Regional Plan Update. It also emphasizes the intertwined relationship between the RTP/SCS and the Regional Plan Update. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
A5-2	The comment notes that many of the Regional Plan Update's water quality goals and policies overlap with or duplicate the water quality regulatory requirements of other state or local agencies; the comment specifically mentions redundancies with LRWQCB. As described in Regional Plan Update Draft EIS Section 3.8, Hydrology and Water Quality, LRWQCB and TRPA work side-by-side to meet their related mandates. TRPA/TMPO has coordinated with LRWQCB with regard to implementation of the TMDL. Please refer to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements, which addresses this comment.
A5-3	The comment recommends that, from the perspective of public safety, TRPA reevaluate Code Section 60.1.5.C relating to restrictions on deicing salt and abrasives. This comment refers to proposed provisions of the Regional Plan Update and Code and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A5-4	<p>The comment identifies specific code sections that may create new requirements for bicycle and pedestrian facilities on Caltrans highway projects. The comment states that some of the requirements indicated in the Regional Plan Update and Code would result in project delays and increased costs. Caltrans also requests clarification regarding "the construction, alteration, or improvement of roadways," which Caltrans interprets as excluding "routine maintenance, surface treatments, and paving operation activities." The comment suggests that TRPA direct existing resources to leverage planning and development activities for bicycle and pedestrian facilities. The comment also reiterates Caltrans' pledge to work in partnership with TRPA for the development of a Complete Streets Plan, including bicycle and pedestrian planning components.</p> <p>This comment refers to proposed provisions of the Regional Plan Update and Code and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption.</p>
A5-5	The comment recommends that TMPO/TRPA establish independent approval timelines for the RTP and Regional Plan Update now and in future update cycles to prevent delays in the RTP process. As stated in Chapter 1 of the RTP/SCS Final EIR/EIS, consideration of the adequacy of the environmental document and approval of the RTP/SCS is scheduled to occur at the

December 12, 2012 meeting of TMPO and the December 12, 2012 meeting of TRPA. This year's RTP update for TMPO (as well as other MPOs in California) has been unusual, because of the added requirement to prepare the SCS. Also, it has been unusual, because it coincided with an extensive update of the Regional Plan. In the future, TMPO anticipates that RTP updates will be more typical of past, simpler efforts and expects the update to be completed within the directed update cycle schedules. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding additional information about the plan review and adoption process.

A5-6 The comment indicates that Caltrans disagrees with the RTP/SCS Draft EIR/EIS concept that any metric exceeding TRPA environmental thresholds results in a significant impact under CEQA. Part X, Land Use and Planning of the CEQA Environmental Checklist (Appendix G of the State CEQA Guidelines), asks if a project would "b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect." TRPA environmental threshold standards are considered in the EIR/EIS to fall within the definition of a plan, policy, or regulation adopted to avoid or mitigate an environmental effect. Therefore, if a project impact exceeds the threshold standard, the impact would be significant, as evaluated in the RTP/SCS EIR/EIS. No revision to the RTP/SCS Draft EIR/EIS is necessary.

A5-7 The comment notes that Caltrans is not a Responsible Agency for the RTP/SCS under CEQA. This statement is in agreement with Section 1.3.2 of the RTP/SCS Draft EIR/EIS: "Although other state and local agencies in California and Nevada may have approval authority on individual projects, these agencies do not have approval authority over adoption of the RTP/SCS analyzed in this EIR/EIS, so there are no responsible agencies under California law."

The comment also requests that references to Caltrans be removed from the summary table of impacts and mitigation measures, along with any similar references, because Caltrans has not agreed to these. The summary table identifies each environmental impact and any mitigation measures identified to avoid, reduce, or otherwise mitigate for those impacts found to be significant. Caltrans is identified in the summary table in several contexts: as a potential project proponent for RTP projects considered in the analysis (Mitigation Measures 3.9-1a, 3.15-1a, 3.15-2a), as the author of applicable guidelines for preparing a Relocation Assistance Plan (Mitigation Measure 3.12-2), and as an affected agency involved in preparation of a Traffic Control Plan (Mitigation Measure 3.13-5). Inclusion of an agency in the summary table reflects TMPO's anticipation of Caltrans' roles, based on experience with other Region-wide transportation projects; it does not, however, mean to imply that the agency has agreed to or otherwise endorsed the mitigation measures. After adoption of the RTP, further consultation and coordination with Caltrans would occur to arrive at mutual agreement regarding agency roles, as necessary. No revision to the RTP/SCS Draft EIR/EIS is necessary.

A5-8 The comment indicates that Caltrans disagrees with some of the construction-related mitigation measures identified in the RTP/SCS Draft EIR/EIS and believes that they are not reasonable or feasible to implement. Specific examples cited are Mitigation Measures 3.6-1 and 3.9-1a, regarding visual screening of construction activity and temporary sound walls to shield nearby sensitive receptors from construction noise. The comment notes that these measures may increase capital construction costs because they may not be eligible for federal transportation funds and California State funding cannot be assumed to be available. The mitigation measures

noted in the comment (3.6-1 and 3.9-1a) include actions that have been feasible and effective on other construction projects elsewhere, so TRPA and TMPO have included them in the list of reasonable and potentially feasible approaches. Both mitigation measures indicate that the screening and shielding would occur to the extent feasible. More details of the mitigation actions would be defined during the development of the Best Construction Practices Policy noted in the mitigation discussion and, if implemented, additional detail would be developed during engineering design development of individual projects, so they would be subject to refinement to confirm their reasonableness and feasibility to Caltrans and appropriate federal agencies, to the extent they have authority over or are funding the projects.

- A5-9 The comment requests that development of a future traffic noise reduction program exclude noise that existed prior to the establishment of the TRPA Compact. This comment pertains to an existing TRPA Threshold Standard, and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-10 The comment asserts that use of noise-reducing pavement, which is mentioned under Mitigation Measure 3.6-1, and time restrictions for the operation of heavy duty construction equipment, which is mentioned under Mitigation Measure 3.6-2, may not be feasible and could result in other possible impacts. The comment does not provide specific reasoning why these particular measures would be infeasible. The actions noted in Mitigation Measures 3.6-1 and 3.6-2 have proven feasible and effective in practice elsewhere, so TRPA and TMPO included them as example actions in the mitigation measures. More details of mitigation actions would be defined during the development of the Region-wide traffic noise reduction program noted in the mitigation discussion and, if implemented, again during engineering design development of individual projects. These details would be subject to refinement to confirm their reasonableness and feasibility to Caltrans and appropriate federal agencies, to the extent they have authority over or are funding the projects. Please also refer to Response to Comment A22-10 and Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for a discussion about the EIR/EIS's approach for adoption of programmatic mitigation measures.
- A5-11 The comment references Mitigation Measure 3.3-1 in the RTP/SCS Draft EIR/EIS which states that "...if other measures are not able to meet community needs during peak travel time...New roadway improvements beyond those in the RTP are proposed," and suggests that these roadway improvement projects, should be specified in the RTP/SCS EIR/EIS. As discussed in Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria, projects proposed in the future would be incorporated into updates of the RTP. No revision to the RTP/SCS Draft EIR/EIS is necessary.
- A5-12 In reference to the possibility of enhanced access control of highways to improve transportation conditions, the comment notes that consent of private property owners would be required. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-13 The comment requests that "[a] discussion of potential RTP mitigation activities and potential areas to carry out these activities should be included in the body of the RTP." Mitigation for RTP projects is discussed in the RTP/SCS Draft EIR/EIS in each of the 14 environmental topic sections,

- and is summarized for convenience in the Summary table. In accordance with CEQA, TMPO will adopt all feasible mitigation measures for significant and potentially significant impacts, as described in the EIR/EIS, when the RTP/SCS is approved and CEQA Findings are adopted, consistent with CEQA Guidelines Section 15091. The CEQA Findings will reflect the final mitigation measures adopted by TMPO. For information related to the programmatic nature of some mitigation measures proposed in the EIR/EIS, please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.
- A5-14 The comment lists specific clarifications and revisions to the descriptions of various Caltrans projects. This comment refers to proposed provisions of the RTP/SCS and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-15 The comment notes various concerns regarding safety in the RTP. This comment refers to proposed provisions of the RTP/SCS and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-16 The comment notes various concerns regarding water quality in the RTP. This comment refers to proposed provisions of the RTP/SCS and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-17 The comment notes various concerns regarding bicycle and pedestrian policies in the RTP. This comment refers to proposed provisions of the RTP/SCS and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plan, Code of Ordinances, or Threshold Evaluation.
- A5-18 The comment states that Caltrans is unclear what TRPA's VMT data are for the state highway system, and that they would like to work with TRPA to reconcile all this information. TMPO welcomes future coordination with Caltrans regarding information they may seek related to methods for estimating VMT on the state highway system in the Region. As for the RTP/SCS Draft EIR/EIS, it presents VMT data for all classifications of roadways, including VMT that occurs on the state highway system. The VMT data are not disaggregated by roadway type (e.g., state highways, arterials, local streets), because such information is not necessary to conduct the required environmental analyses. Trip data, however, (not VMT) are shown specifically for state highways as part of the roadway and intersection analysis (see RTP/SCS Draft EIR/EIS page 3.3-10). No changes to the document are required.
- A5-19 The comment requests definitions of adaptive management, regional transportation facilities, and regional roadways in the RTP. This comment refers to proposed provisions of the RTP/SCS and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-20 The comment states that Caltrans wishes to review the analysis for determining the potential for pedestrian and vehicle conflicts in town centers where they include a roadway of the California State Highway System. Area Plans prepared by local jurisdictions would offer greater detail about community center-specific, land use configurations, streets, and pedestrian

facilities. As Area Plans involving community centers are proposed, TRPA would be happy to engage Caltrans in discussions about the potential for vehicle and pedestrian conflicts. For purposes of the RTP/SCS, the environmental impacts of the town centers, including the travel and pedestrian/bicycle use characteristics are addressed in Section 3.3, Transportation. Impact 3.3-5 addresses Bicycle and Pedestrian Safety.

- A5-21 The comment suggests that a reference to the modeling methodology appendix be introduced earlier in Sustainable Communities Strategy chapter (Chapter 3) of the Regional Transportation Plan. This comment refers to proposed provisions of the Regional Transportation Plan and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-22 The comment addresses the RTP policies relating to “goods movement.” This comment refers to proposed provisions of the RTP and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-23 The comment stresses the interrelated nature of the land use alternatives for the Regional Plan Update with funding scenarios for the RTP/SCS and suggests that the RTP summarize those alternatives. Chapter 1, Section 1.5 of the RTP/SCS Draft EIR/EIS and Chapter 1, Section 1.5 of the Regional Plan Update Draft EIS describe and stress the interrelated nature of the alternatives of the two plans.
- A5-24 The comment relates to proposed Code language in the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-25 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-26 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-27 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-28 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Plan,

- Code, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-29 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-30 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-31 The comment relates to proposed Code language in the Regional Plan Update related to water quality requirements and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; and to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A5-32 The comment states that differing LOS policies among agencies in the Tahoe Region can create difficulties, in that traffic analyses can be more difficult and less effective. Page 3.3-41 discusses these inconsistencies and provides justification why the more restrictive TRPA policies have been applied. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- The comment suggests that the “urban area” limitation on the TRPA standard of LOS E for no more than four hours be removed. This comment refers to proposed provisions of the Regional Plan and RTP and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-33 The comment states that Policy TC-1.2 should be clarified regarding side-street stop intersections. LOS F for minor street approaches to arterials, at peak times, may be considered acceptable if no signal warrants are met and no minor improvements reduce the delay. The referenced policy is from the City of South Lake Tahoe General Plan Circulation Element, which was adopted in May 2011. The referenced policy language pertains to intersections within and controlled by the City, not those on the state highway system. Nonetheless, this comment is noted for consideration. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
- A5-34 The comment notes that on page 3.3-14, the Regional Plan Update Draft EIS lists the seven intersections that were counted on Friday afternoons in August 2010, and requests that the Final EIS be revised to say that four of the five busiest "intersections studied on Friday afternoons in August 2010" in the Tahoe Region were located in the South Shore. This statement is not accurate. Page 3.3-14 does not show that the South Shore has more busy



intersections than other parts of the Region. The comment also states that the US 50/Pioneer Trail intersection located in Meyers is also very busy on Fridays and even busier on Sundays. By way of this response, the level of traffic at this intersection is acknowledged. This intersection was not studied because the majority of traffic on Friday afternoon is traveling eastbound on US 50 and does not typically incur lengthy delays based on field observations.

A5-35 The comment suggests that the discussion of existing traffic conditions at the SR 28/SR 89 intersection on page 3.3-14 be revised. The comment accurately indicates that while the intersection operates acceptably, as noted in the table, another constraint to the south of the intersection causes congestion. The single northbound SR 89 lane approaching the Fanny Bridge pedestrian signal constricts traffic flow and is the cause of local congestion. By way of this response, the clarification of the operating conditions of the SR 28/SR 89 intersection is noted. The clarification does not alter any of the traffic or other environmental impact conclusions.

A5-36 The comment states that a “Two-Lane Arterial Highway with Center Turn Lane in Rural Areas” should be added to the roadway classification list in Table 3.3-4, and that this category should be used to analyze US 50 in Meyers. Page 3.3-41 of the Regional Plan Update Draft EIS describes those roadway facilities that are defined as urban versus rural. US 50 through Meyers is classified as urban given the high number of driveways and types of adjacent land uses along its frontage. It has a posted speed limit of 40 mph. The roadway classification values provided in Table 3.3-4 are cited from the *2010 Highway Capacity Manual* (Transportation Research Board 2010). Also, the Meyers Community Plan envisions a more walkable community that would ultimately lead to higher pedestrian use, supporting the urban classification. In addition, factors such as terrain, passing lanes, and shoulders that are associated with US 50 in Meyers are more closely related to an urban than a rural roadway.

The comment suggests that the 55 percent directional flow assumption in Table 3.3-4 may not be accurate for Meyers. US 50 south of the South Y intersection was observed, based on August 2010 Friday p.m. peak-hour counts, to have balanced directional flows (765 southbound vehicles and 771 northbound vehicles). While directional traffic conditions may be somewhat different through Meyers, there is no evidence to suggest that the assumed 55 percent / 45 percent directional split is unreasonable. No adjustment to the Friday p.m. peak-hour analysis of US 50 through Meyers is required.

A5-37 The comment points out the large volume threshold for LOS E conditions for two-lane undivided highways and states that LOS E is acceptable for most of the state highways in the area. Table 3.3-4 shows that LOS E conditions exist on two-lane highways for hourly volumes ranging from 1,430 to 2,740 vehicles. Page 15-42 of the *2010 Highway Capacity Manual* acknowledges this condition and states: “The range of demand flows falling within LOS E is broad compared with other levels of service. This is because the quality of service on two-lane highways tends to become unacceptable at relatively low v/c ratios.” Page 3.3-39 of the Regional Plan Update Draft EIS acknowledges that Caltrans permits LOS F operations on certain state highways in the area. This section also describes why TRPA’s more restrictive LOS policy was used in the impact analysis to avoid understating impacts.

A5-38 The comment requests that Exhibit 3.3-1 be modified to show a three-lane highway segment through Meyers and Tahoe City and a five-lane highway on SR 28 through the SR 267 intersection. Exhibit 3.3-1 illustrates the number of through travel lanes on highways and arterial streets throughout the Tahoe Region. Due to the number and length of roadways

located throughout the study area, it was not feasible to identify every single segment of highway that includes a dedicated left-turn pocket or two-way left-turn lane. On four-lane highway segments, the type of median (either undivided or center turn lane) was identified. As shown in Table 3.3-4, the analysis of highway facilities does consider whether a center turn lane is present. By way of this response, the suggestions to Exhibit 3.3-1 are acknowledged. Also, while this exhibit does not recognize the extension of the four-lane highway with center turn lane designation on SR 28 easterly through the SR 267 intersection, it is acknowledged that the highway does support that cross section through the segment.

A5-39 This comment relates to TRPA sign standards “governing the erection and maintenance of signs,” as described in Code Section 1.3.4. This comment refers to proposed provisions of the Code and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

A5-40 The comment restates that peak traffic occurs at many locations on Friday afternoon, but Sundays can have busier traffic conditions than Friday afternoons at some intersections, such as the US 50/Pioneer Trail intersection in Meyers. The commenter requests that these intersections should be noted in the discussion. By way of this response, it is recognized that intersection traffic volumes and peak-hour conditions vary between Friday afternoons and Sundays. Page 3.3-13 of the Regional Plan Update Draft EIS recognizes that intersection traffic volumes and peak-hour conditions may occur on Sunday as well. The first paragraph under “Traffic Volumes” on page 3.3-13 reads,

Travel conditions are analyzed for a summer weekday peak-hour condition, which historical traffic volume trends show to be in August. Based on data published by Caltrans and TRPA, the busiest travel days during those months occur on Friday and Sunday. Friday traffic levels tend to peak in the afternoon/evening as visitors and part-time residents travel into the Region. While Sunday conditions are also busy, they have a less pronounced peak hour surge, meaning that intersections (for the Region as a whole) are typically at their busiest during the Friday evening peak hour.

For this reason, the significance criteria for roadway and intersection impacts are applied to a Friday in August during the peak hour.

A5-41 The comment indicates that raised medians are not recommended at the identified location by Caltrans, as described in Mitigation Measure 3.3-1, because of potential conflicts with snow removal operations. This is a site-specific issue that, as the comment notes, would require consultation between TRPA and Caltrans. The mitigation measure also indicates that the recommended approach is an example of measures that may be implemented, if feasible. As project-level planning proceeds, site-specific issues such as this will be subject to refinement. This comment does not alter environmental impact conclusions or result in a substantive change to the mitigation measure.

A5-42 The comment states that the discussion of pedestrian facilities is brief. The comment suggests that many areas that have high pedestrian crossing volumes (at least during peak season) should be listed, including Camp Richardson, Fanny Bridge, Sequoia Crossing on SR 89, William Kent Campground, Grove Street in Tahoe City, Bear Street and Fox Street in Kings Beach, and Friday Avenue in South Lake Tahoe. The Regional Plan Update Draft EIS included the three places with

the highest recorded pedestrian crossings among the Regional study intersections. The other locations suggested by the comment are not among the regional study intersections (and is why the Draft EIS did not mention them); however, they do support heavy pedestrian travel. The inclusion of the suggested additional pedestrian travel locations is noted in this response. The inclusion of the additional locations does not change the impact conclusions in the environmental document because this comment pertains to better describing the affected environment and does not change any of the analysis in any impact sections.

The comment also suggests several editorial revisions to Exhibit 3.3-4, "Existing Bike Facilities" regarding the location and classification of existing bicycle facilities. TMPO and TRPA agree with the suggested revisions in the comment. Map 5 in the RTP and the bicycle facilities map in the Regional Plan Update will be modified to reflect these changes. The changes in the existing bicycle facilities map do not alter any environmental impact conclusions because these existing facilities were included in all applicable analyses of baseline condition, even though they are not shown on the map.

- A5-43 The comment addresses the TRPA noise threshold and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-44 The comment addresses Code requirements for mail delivery activities/locations and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-45 The comment addresses Code requirements for traffic lane closures and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-46 The comment addresses Code requirements for number of driveways and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A5-47 The comment addresses Code requirements for bicycle and pedestrian facilities and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

**Response  
A6**

**Cy R. Oggins  
California State Lands Commission  
6/28/2012**

- A6-1 Comment A6-1 provides background information on the California State Lands Commission (CSLC). This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. No further response is necessary.

- A6-2 Comment A6-2 acknowledges that TRPA is not currently contemplating changes to the Shorezone Ordinances. CSLC encourages TRPA to set a timetable to begin the Shorezone Ordinance process. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document.
- A6-3 Comment A6-3 suggests that TRPA should implement a program to require BMP compliance for lakefront parcels, a program that was started in 2009 but halted as a result of the Shorezone litigation. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A6-4 Comment A6-4 requests replacement of the existing language on page 3.11-4 of the Draft EIS. This change would provide background information and would not change the significance conclusions of environmental impact disclosed in the Draft EIS.

The last paragraph on page 3.11-4 of the Regional Plan Update Draft EIS is revised as follows, with an identical revision made to page 3.4-10 of the RTP/SCS Draft EIR/EIS:

~~The California State Lands Commission (CSLC) is responsible for leasing sovereign lands on the California side of Lake Tahoe. The area lying between the high and low marks of non-tidal navigable waters is subject to a public trust easement for commerce, navigation, fishing, recreation, and preservation. The high and low water marks for the California side of the Lake have been established as elevations 6,228.75 feet and 6,223 feet Lake Tahoe datum, respectively. Any activities involving the state's sovereign lands in Lake Tahoe below 6,223 feet require a lease from CSLC.~~

The State of California owns the bed of Lake Tahoe on the California side below the elevation of 6,223 feet Lake Tahoe Datum and has a public trust easement for navigation, commerce, fisheries, recreation and preservation of open space between elevations 6,228.75 feet and 6,223 feet Lake Tahoe Datum (the high and low water lines respectively). The Commission exercises an oversight function of lands subject to the Public Trust Easement. *State of California v. Superior Court (Fogerty)* (1981) 29 Cal.3d 240. The State Lands Commission has leasing authority over the bed of Lake Tahoe waterward of elevation 6,223 feet Lake Tahoe Datum, including commercial and recreational structures. In addition, the State Lands Commission has leasing authority over the beds of Fallen Leaf Lake, Cascade Lake, and Echo Lakes waterward of the low water mark of those lakes. This leasing is authorized by Public Resources Code section 6216, 6301, 6501.1 and 6503.5 along with regulations found in California Code of Regulations, Title 2, section 2000 et. seq.

- A6-5 Comment A6-5 suggests that the Code provisions pertaining to the protection of Tahoe yellow cress (Code Chapter 75) be revisited and considered for incorporation in Code of Ordinances Chapter 61. This comment refers to proposed provisions of the Code of Ordinances and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

A6-6	Comment A6-6 expresses agreement with the proposed addition of Code Section 63.4, Aquatic Invasive Species. The comment of support is noted for consideration during the review of the merits of the alternatives.
<b>Response A7</b>	<b>Claire Fortier, Mayor, et al. City of South Lake Tahoe 6/20/2012</b>
A7-1	The comment introduces the City's comment letter on the Regional Plan Update EIS. No further response is necessary.
A7-2	The comment states that the Draft EIS does not adequately recognize the significance of revitalization of South Lake Tahoe to meet the TRPA Environmental Thresholds. In fact, each of the Regional Plan Update alternatives includes community centers within the City of South Lake Tahoe (e.g., community plans under Alternatives 1 and 5, DTZ under Alternative 2, Special Planning Districts under Alternative 3, PTOD under Alternative 4). The second bullet in Section S.2, Summary Description of Alternatives, lists one of TRPA's policy objectives as: "Encourage property owners to transfer existing development and development rights from sensitive or outlying areas to existing community centers with the goal of restoring sensitive lands and accelerating environmental redevelopment." Thus, the Draft EIS recognizes that redevelopment in the City of South Lake Tahoe could be a substantial contributor toward attainment and maintenance of the environmental thresholds.
A7-3	<p>The comment asks that the Regional Plan Update and associated Draft EIS acknowledge that the City of South Lake Tahoe's recently adopted General Plan and associated EIR is consistent with the intent and principles of the Regional Plan Update and provides specific policies, actions, and technical analysis that could be utilized to further meet the objectives of the Regional Plan Update, as well as attain and maintain the Environmental Thresholds.</p> <p>The City of South Lake Tahoe 2030 General Plan and EIR are addressed in the Regional Plan Update Draft EIS. Goals and policies from the City of South Lake Tahoe 2030 General Plan that pertain to the Regional Plan Update analysis are identified in the following resource sections of the Regional Plan Update Draft EIS: Land Use (page 3.2-78); Transportation (page 3.3-9); Greenhouse Gas Emissions and Climate Change (page 3.5-5); Scenic Resources (page 3.9-10); Population, Employment, and Housing (page 3.12-4); Hazards and Public Safety (3.14-6); and Cultural Resources (page 3.15-5). Additionally, Impact 3.2-3 of the Draft EIS addresses consistency with applicable plans, policies, and regulations. The City of South Lake Tahoe 2030 General Plan is addressed on pages 3.2-78 and 3.2-79. As stated in this analysis,</p> <p style="padding-left: 40px;">[T]he Regional Plan for the Lake Tahoe Region was underway at the same time the City of South Lake Tahoe was preparing the 2030 General Plan (2009–2011), so the 2030 General Plan was developed in close coordination with TRPA, and it is anticipated that the General Plan will be incorporated into the updated Regional Plan.</p> <p>This section of Impact 3.2-3 notes that analysis of relevant TRPA policies and regulations in the certified EIR for the 2030 General Plan provides a consistency analysis of TRPA Regional Plan goals and policies and associated General Plan implementation programs and regulations. The analysis finds that the City's General Plan Update would generally result in development</p>

consistent with the Regional Plan, Community Plans, and PASSs, with the implementation of mitigation. The City's General Plan would result in higher density development and associated increases in VMT and other effects associated with development, but would also provide for the protection and restoration of affected SEZs and habitat, mixed-use smart-growth development, scenic improvements, and improvements to and new opportunities for recreation and parks that would have benefits to visitors and residents. Implementation of Mitigation Measure 4.1.2 from the City's General Plan EIR would ensure that development provisions of the proposed General Plan Update that currently conflict with the 1987 Regional Plan and associated programs and regulations (e.g., Water Quality Management Plan for the Lake Tahoe Region and the Code of Ordinances) not be implemented until the Regional Plan is updated and the General Plan is determined to be consistent with the new Regional Plan and TRPA Environmental Threshold Carrying Capacities. However, it should be noted that the proposed General Plan Update, in combination with anticipated development in the Tahoe Region (including the proposed Regional Plan Update), is expected to conflict with TRPA Threshold Air Quality—Vehicle Miles Traveled as identified under Impact 4.4-2 in Section 4.4, Transportation and Circulation, of the 2030 General Plan EIR.

Pursuant to Chapter 13 of the TRPA Code of Ordinances (Area Plans), local governments may prepare Area Plans that conform with the Regional Plan. Following a determination of conformity, TRPA may transfer review authority so that specified developments will be reviewed only by other local governments under the Area Plans, rather than by TRPA under the Regional Plan (subject to appeals provisions described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS – Volume I). The City of South Lake Tahoe will have the opportunity to demonstrate that the General Plan serves as an Area Plan, consistent with the Regional Plan Update after its adoption. Consistency between policies would be presented at that time.

- A7-4 The comment states that, while the Regional Plan Update Draft EIS states that the Regional Plan Update would be consistent with local plans, Alternatives 1, 2, and 5 are inconsistent with the City of South Lake Tahoe 2030 General Plan, specifically with regard to CFA allocation. The comment further states that Alternatives 3 and 4 are consistent with the general intent of the 2030 General Plan and asks TRPA to consider a variation of Alternative 3 that is consistent with the CFA allocations indicated in the 2030 General Plan.

As described in Response to Comment A7-3, the City of South Lake Tahoe will have the opportunity to demonstrate that the General Plan serves as an Area Plan, consistent with the Regional Plan Update after its adoption. Consistency between policies would be presented at that time. While TRPA recognizes local plans and seeks to be consistent with these plans, the formal consistency determination is the responsibility of the local governments to secure after the Regional Plan Update is adopted.

- A7-5 The comment states that the Draft EIS fails to evaluate the effectiveness of existing laws that, in some instances, may overlap with mitigation measures. The comment notes that the Draft EIS should clearly state the performance measures that must be achieved by identified mitigation measures.

The Draft EIS recognizes that many environmental impacts are the subject of existing laws and regulations intended to protect environmental qualities. In some cases, application of existing laws and regulations is sufficient to mitigate potential impacts to a less-than-significant level. For instance, the TRPA environmental Threshold Standards and Code of Ordinances

requirements; federal environmental laws, regulations, and permitting requirements; and state environmental laws, regulations, and permitting requirements each may mandate either specific actions or achievement of performance standards. Where an existing law, regulation, or permit specifies mandatory and relatively prescriptive actions about how to fulfill the regulatory requirement as part of the project definition, leaving little discretion in its implementation, and where it would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is assumed to influence the environmental impact of the alternative before determining its significance. Conversely, where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion as to how they are accomplished or have a substantial compensatory component, the level of significance is determined prior to applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure. Please also see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for additional information regarding performance measures in mitigation measures.

A7-6

The comment states that impacts associated with construction noise, vibration, dust, and emissions related to RTP/SCS projects would not necessarily be significant, nor would mitigation measures for such impacts be reasonable for all projects. The comment further states that the RTP/SCS EIR/EIS mitigation measures must specify the type, size, location, or other criteria for projects that would be required to comply with the measures. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

The RTP/SCS provides program-level transportation policies, programs, and projects that implement the broader, overarching direction of the Regional Plan Update. The RTP/SCS Program EIR/EIS provides a regional-scale analysis and a framework of mitigation measures for subsequent, site-specific environmental review documents prepared by lead agencies in the Region as individual planning, development and transportation projects are identified, designed and move through the planning, review, and decision-making process. The Program EIR/EIS may serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures and will not need to repeat the broad analyses contained in the Program EIR/EIS. The long-range planning horizon of more than 20 years necessitates that many of the projects included in the RTP/SCS alternatives are identified at the conceptual level. The RTP/SCS EIR/EIS addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145).

Because the environmental analysis of the RTP/SCS addresses a set of projects, compliance with the Code, laws, and regulations may or may not result in less-than-significant effects; and because many project details are yet to be developed, the specific manner in which compliance would be achieved cannot yet be known. If Code, laws, and regulations prescriptively control project design and/or operation with little or no discretion, and they can be reasonably expected to adequately protect the environment, the impact would be less than significant. If compliance requires considerable discretion in how design or operation of a project would achieve environmental protection and/or the development of compensatory measures that are beyond the design and operation of the projects themselves (such as ecosystem restoration to replace habitat loss), the impact is determined to be significant or potentially significant because the specific mitigating actions needed to avoid or minimize the impacts cannot yet be feasibly

defined. Where the approach to compliance with code, laws, and regulations required for a significant impact includes considerable discretion, mitigation typically consists of a clear commitment to mitigate the impact, an explanation of the compliance requirements, and a summary of specific types or examples of actions resulting from compliance that would effectively avoid or mitigate the impact.

As noted in CEQA Guidelines Section 15168(c), subsequent proposed activities that are consistent with the RTP/SCS, such as individual transportation projects, would be examined in light of the information in the RTP/SCS Program EIR/EIS to determine whether an additional environmental document must be prepared. This allows an opportunity for the public to provide comment on a program at an early stage of the CEQA process. If the lead agency for a transportation project that is consistent with the RTP/SCS finds that, pursuant to CEQA Guidelines Section 15162, no new significant effects would occur and no new mitigation measures would be required for a subsequent project, the activity can be approved within the scope of the RTP/SCS and the Program EIR/EIS, and no new environmental documentation would be required. In this situation, the lead agency must incorporate all feasible mitigation measures from the Program EIR/EIS into the subsequent project, as needed, to address significant or potentially significant effects on the environment covered by the Program EIR/EIS. Because of this opportunity to use the Program EIR/EIS, with the adoption of its mitigation measures, for a later project, the mitigation measures presented in the RTP/SCS EIR/EIS are described in as much detail as is feasible at this time (so they may be applied at the project level) (pages 1-3 and 1-4 of the RTP/SCS Draft EIR/EIS).

Furthermore, please see Master Response 13, Programmatic Mitigation Measure and Proper Deferral of Mitigation Details, for additional information regarding performance measures in mitigation measures.

- A7-7      The comment questions how Alternative 3 would streamline regulatory processes and concentrate TRPA resources where they can have the most benefit. As identified in the comment, the Area Plan process is one such streamlined process. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document.
- A7-8      Comment A7-8 requests that TRPA consider establishment of a process similar to Area Plans for the entire City and its General Plan. As stated in the Response to Comment A7-3, the City may seek to have the 2030 General Plan serve as an Area Plan, consistent with the Regional Plan after its adoption.
- A7-9      The comment states that Regional Plan Update Draft EIS Alternative 3 adds the new land use classification of Mixed Use; however, Chapter 21 of the TRPA Code of Ordinances has not been changed to address what types of uses are allowed under this classification.
- This comment refers to proposed provisions of the Regional Plan Update and TRPA Code of Ordinances and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A7-10     The comment states that the list of proposed goals, policies, and implementation measures under Alternative 3 should include the addition of Attachment 5 (Preliminary List of Priority



Projects) of the Final Draft Goals and Policies document (Appendix A of this Final EIS) and evaluation of potential impacts of implementing these priorities.

Attachment 5, Preliminary List of Priority Projects, is a list of projects and activities that the TRPA Governing Board identified during plan refinement, and will address through future actions. The items are not features of the Final Draft Plan that are proposed for adoption now, and many are investigations or studies that would not necessarily require environmental review. Any future actions addressing topics on the list of priority projects that would involve discretionary actions that could affect the physical environment would be subject to environmental review at the time that those proposals are developed and considered.

A7-11 The comment asks for clarification of mitigation measure performance standards (Draft EIS Mitigation Measures 3.3-1, 3.3-3, and 3.5-1), including a clear description of the exact performance standard, timing and technical evidence supporting the findings that mitigation programs will be successful. The comment further states that TRPA should assess the availability of resources to complete projects identified in the mitigation measures and those on the priority list within 12 months.

Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

A7-12 The comment states that 2030 General Plan policies described on pages 4.4-36 through 4.4-40 of the General Plan Draft EIR should be included in the Regional Plan Update Draft EIS policy discussion because they provide further mitigation in addressing traffic impacts. By way of this response, TRPA recognizes and includes the recommended transportation policies as part of the Final EIS. The revision does not alter the conclusions with respect to the significance of any environmental impact.

The comment notes that the Draft EIS does not consider a mitigation measure similar to the City's General Plan EIR Mitigation Measure 4.4-2, which would implement a new fee for the funding of ongoing operations and maintenance, resulting in funding of non-auto travel facilities and additional VMT reductions. TRPA notes that the City's VMT reductions are considered in the Draft EIS because the model and the TRIA take into account existing and proposed transit and bicycle and pedestrian facilities. The RTP project list considers reasonably foreseeable funding sources for defining its project list. The new fee that could be implemented by the City would contribute to the funding for operation and maintenance of transit and bicycle and pedestrian facilities that are captured in the Regional Transportation Plan project list.

The comment raises questions about the effectiveness of Mitigation Measure 3.3-1 and how it would address the potential LOS concern. Please see Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria.

A7-13 The comment states that Mitigation Measures 3.4-2 and 3.4-5 for construction activities are confusing and that the process should be simplified to require compliance with air quality standards rather than dictating how compliance would be achieved. The Regional Plan Update Draft EIS proposes Mitigation Measures 3.4-2 and 3.4-5 to ensure that feasible emission requirements are applied to construction projects in all portions of the Lake Tahoe Region. The Draft EIS finds that air quality districts in the Region have varying degrees of construction-related air quality requirements in effect. The mitigation measures require TRPA to develop and implement a Best Construction Practices Policy for Construction Emissions within one year of

adoption of the Regional Plan Update. Both mitigation measures enable implementation through programs coordinated with local governments and specifically state that, “where local ordinances, rules, or regulations already require best construction practices for construction emissions, no further action is necessary.” Existing El Dorado County and Placer County standards are cited in the draft environmental documents (see page 3.4-11 of the Draft EIS and page 3.4-10 of the Draft EIR/EIS) as examples of standards that currently require best construction practices. These provisions appear to address the concern that local governments be allowed to “demonstrate compliance with air quality standards” as a mechanism to address the mitigation measures. Where local regulations and permitting processes do not mitigate construction emissions, TRPA would collaborate with local governments to ensure that feasible requirements are in place to consistently address construction emissions.

The comment also states that no analysis is provided of how Impact 3.4-9 would translate into an air quality impact and that analysis needs to demonstrate the nexus between a reduction in air quality fees and an air quality impact. The potential result of the policy change under Alternative 4, as discussed in Impact 3.4-9, would be an unknown reduction in the amount of air quality mitigation fees collected from project applicants compared to the baseline condition, which could result in a reduction in the amount of air quality improvements compared to the baseline condition. Because the amount was unknown, and therefore the extent to which reduced fees would reduce the ability to support trip reduction projects was unknown, the conclusion was very conservatively determined to be potentially significant (Draft EIS pages 3.4-47 to 3.4-48). As described in Section 2.2.19, Air Quality Mitigation Fee Timeframe Extension, of the Final EIS, TRPA staff has conducted additional research to identify the total amount of fees collected from new business applicants that used the Code provision pertaining to use of a previous basis (i.e., businesses opening within two years of a closure). While the degree of fee reduction resulting from the proposed Code change would still be unknown, an understanding of the existing fees collected pursuant to the previous basis provision would provide context for the change. That research determined that less than 1.4 percent of air quality mitigation fees are derived from this source. Because the reduction in fees would be small in relation to the overall air quality mitigation program and in relation of the substantial air quality and transportation benefits of the Final Draft Plan, no significant effects would result from incorporating this provision and no mitigation would be required. See Section 2.2.19 of this Final EIS.

Additionally, the comment questions the legal basis (nexus) for the existing air quality mitigation fee program. The existing program was adopted by the TRPA Governing Board on April 14, 1992. The nexus of the fees to the impact of development were established at that time (TRPA 1992). The Draft EIS is correct in not including a detailed re-evaluation of the existing program and instead focusing on the potential impact of modified code provisions.

A7-14

Comment A7-14 references scenic impact conclusions in the City of South Lake Tahoe General Plan EIR that considered improvements visible from the Tahoe Valley area to result in improved scenic conditions, and disagrees with the significant impact conclusion in the Regional Plan Update Draft EIS. Impact 3.9-1, Scenic Quality, concludes less-than-significant impacts under Alternatives 1, 2, and 5. Under Alternatives 3 and 4, the impact discussion acknowledges that scenic improvement would result from redevelopment, but that potentially significant impacts would generally be associated with increased height. These impacts would be reduced to a less-than-significant level through implementation of Mitigation Measure 3.9-1a, Comply with Specific Findings and Performance Standards for Additional Building Height; Mitigation Measure

3.9-1b, Permit Redevelopment of the High Density Tourist District/South Stateline Casino Core Tourist District of Existing Buildings within Existing Visual Prominence; and Mitigation Measure 3.9-1c, Reduce Ground Floor Height for Stepped Buildings on Slopes. These mitigation measures require buildings with additional height “to minimize visibility, visual magnitude, and interference of view....to improve scenic quality and not increase the visual prominence over baseline conditions” (page 3.9-31, under sub-heading Significance after Mitigation). Thus, the Draft EIS acknowledges that redevelopment may lead to improved scenic quality, but includes mitigation for potentially significant effects that could occur depending upon site-specific conditions. Thus, no changes to the document are required to further clarify the beneficial and potentially significant impacts to scenic quality associated with implementation of the Regional Plan Update.

A7-15 The comment states that the Regional Plan Update Draft EIS could further expand the discussion and analysis of coverage changes in the Region by acknowledging that parcels within areas identified for revitalization under Alternatives 2, 3, and 4 are often over 90 percent covered. The comment further states that the City of South Lake Tahoe has conducted such an analysis in evaluating the Tahoe Valley area as part of the City’s General Plan EIR and can provide this information to TRPA to assist in this effort.

The comment is correct that many centers are significantly over-covered. Excess coverage in centers is addressed in Impact 3.7-1 of the Draft EIS, beginning on page 3.7-18. This impact notes that all development projects would be required to comply with existing and proposed land coverage policies and regulations, which establish the maximum allowable coverage (base plus transferred); prohibit additional coverage in sensitive lands; establish transfer ratios; and require mitigation of excess coverage. Therefore, any projects implemented under the Regional Plan Update that would result in additional coverage would be limited such that total coverage in the Region as established by the Bailey Land Classification System is not exceeded, and/or existing excess coverage is reduced.

The Draft EIS acknowledges excess coverage in centers, but it would be speculative to attempt to quantify the amount of excess coverage mitigation resulting from their redevelopment. The estimated change in coverage from development authorized in each alternative is provided in Table 3.7-8 and Table 3.7-9, both on page 3.7-21 of the Draft EIS. It is acknowledged that the estimates of new coverage provided in Tables 3.7-8 and 3.7-9 do not account for future coverage reductions from the excess coverage mitigation program, which could result in an overestimate of total coverage. See also Master Response 5, Effects of Concentrated Development on Water Quality.

A7-16 The comment expresses that it is unfortunate that the Regional Plan Update and RTP/SCS evaluations were out-of-sequence with the efforts of the Regional Sustainability Collaborative. The EIS incorporates the best information available at the time the analysis was prepared to evaluate the effects of the Regional Plan Update alternatives. The Collaborative’s GHG inventory and the Regional Sustainability Plan were not complete or available at the time that the Regional Plan Update and RTP/SCS documents were published, and are still not available at this time. TRPA expects to consider all relevant information produced by the Regional Sustainability Collaborative in the development of the Regional GHG emission reduction policy required by Mitigation Measure 3.5-1.

- a) The comment also states that the analysis needs to consider the California Green Building Code (CalGreen) in California jurisdictions and its mitigating effects. It is anticipated that CalGreen would result in lower GHG emissions from building energy for structures that are constructed in California than are reported in Impact 3.5-1. However, it is not possible to provide an accurate estimate of GHG reductions attributable to CalGreen standards at a Regional scale over the 20-plus-year planning horizon. Reductions in GHG emissions attributable to CalGreen would depend on the proportion of future development that occurs within each state. CalGreen standards are expected become more stringent over the plan implementation period, so GHG reductions would depend on the exact timing of individual future projects. For example, buildings constructed in the California portion of the Region after 2014 would comply with CalGreen and would be more efficient than buildings constructed prior to that time, but the timing and extent of future revisions to CalGreen standards are not known. TRPA expects that the GHG emission reduction policy required by Mitigation Measure 3.5-1 will account for and incorporate relevant state and local requirements, such as CalGreen, in the portions of the Region where they apply.

Importantly, CalGreen is independent of the action taken by TRPA in adopting a Regional Plan alternative and would apply to building energy-related GHG emissions under all alternatives. There is no agency-adopted or recommended guidance that states that an analysis must or should account for the effects of CalGreen. If it were possible to account for CalGreen in the general GHG emissions estimates provided in Impact 3.5-1, the net increase in GHG emissions under Alternatives 1-5 would still be considerable and its inclusion would not affect the conclusion of Impact 3.5-1.

- b) The comment states that the GHG emission reduction policy included in Mitigation Measure 3.5-1 should include incentives, rather than regulation, to achieve project-level operational GHG reductions. It is TRPA's responsibility to identify mitigation measures to reduce GHG emissions to the maximum extent feasible. TRPA will evaluate all relevant information and consider a broad range of approaches to achieve the maximum feasible emissions through the GHG emissions reduction policy. Potential approaches to achieve GHG reduction targets could include a variety of incentives and/or feasible regulations in addition to the example measures listed in Mitigation Measure 3.5-1.
- c) The comment suggests that Mitigation Measure 3.5-1 conflicts with existing regulations of ARB or CalGreen, but does not provide any specific rationale or evidence for such a conflict. Mitigation Measure 3.5-1 supports the regulations of ARB and is consistent with CalGreen standards. Please see the Response to Comment A7-13 and the Responses to Comments A7-16 "a" and "b" above.
- d) The comment states that the mitigation does not provide a performance measure to assess consistency with California GHG reduction efforts set forth under AB 32. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details. In order to support the efforts of the Regional Sustainability Collaborative and avoid the confusion that would result if TRPA adopted a different target that undermined the work of the Collaborative, TRPA has selected to coordinate its adoption of a GHG reduction performance standard with the performance standard that will ultimately be identified in the Regional Sustainability Plan. TRPA has identified interim GHG reduction measures and will treat projects on an individual basis until a Regional GHG reduction target is established. Because the performance standard could not be assigned without the information available

in the Regional Sustainability Plan (i.e., GHG inventory, projections, GHG reduction target, and GHG reduction measures, actions, strategies, programs), Impact 3.5-1 is significant and unavoidable.

- e) The comment states that the Regional Sustainability Collaborative should not be responsible for developing regulations or mitigation. In the development of the GHG emissions reduction program required by Mitigation Measure 3.5-1, TRPA will evaluate all relevant information and consider a broad range of approaches to achieve the maximum feasible reduction in GHG emissions. The Regional Sustainability Collaborative received grant funding to prepare the Regional Sustainability Plan. TRPA believes that this Regional Sustainability Plan will include the types of performance standards, GHG reduction measures, and monitoring mechanisms that would support Region-wide GHG reduction, some of which could be appropriate to incorporate into the GHG Emission Reduction Policy prepared in accordance with Mitigation Measure 3.5-1. However, the comment is correct that the Regional Sustainability Collaborative has no regulatory authority and is not responsible for development of mitigation. The products developed by the Regional Sustainability Collaborative are one of many sources of information that will be considered by TRPA as TRPA develops a GHG emission reduction policy pursuant to Mitigation Measure 3.5-1.

A7-17

The comment presents three topics.

- a) First, the comment asks why population projections for Alternative 4 are higher than those for Alternative 3 in 2035, but is lower than those for Alternative 3 in 2030. (It is assumed the comment's reference to 2030 is intended to be 2020, because these are the projection years in the document.) Based on Table 3.12-1 in the Population, Employment, and Housing section of the Regional Plan Update Draft EIS, Table 3-11 below shows population projections for Alternatives 3 and 4, for projection years 2020 and 2035.

Table 3-11. Population Totals for 2020 and 2035 for Project Alternatives						
Alternative	2020			2035		
	California Side Population	Nevada Side Population	Tahoe Region Population	California Side Population	Nevada Side Population	Tahoe Region Population
3	43,934	14,115	58,049	45,468	14,897	60,365
4	43,737	13,582	57,319	45,950	13,823	59,773

The population projections for the Tahoe Region are not higher in Alternative 4 than in Alternative 3, as demonstrated in the table above. In all cases except for the California-side population for 2035, Alternative 3 has consistently higher populations than Alternative 4. In both Alternatives 3 and 4, all residential allocations (not including bonus units) are distributed to parcels with buildable Individual Parcel Evaluation System (IPES) scores and remaining development rights. However, in Alternative 3, there is a transfer of development incentive program to attract development rights from areas less suitable for development into Town Centers, the Regional Center, or the High Density Tourist District. Approximately one-third of these centers are in Nevada. Units may be transferred into these areas and constructed throughout the plan horizon year of 2035. In Alternative 4, there is no such incentive program and all residential units are distributed to buildable parcels with development rights. Only seven percent of these parcels are located in Nevada (Table 1, Appendix E, page E.7-2). This leads to a slightly higher population in California in Alternative

4 as compared to Alternative 3 in 2035, because slightly more development is distributed to California in Alternative 4.

- b) This comment also suggests that Alternative 4 should consider alternative mitigation, a reduced amount of development allocations, or policy modification that would result in the 5 percent SB 375 target for 2035 to be met. Mitigation Measure 3.5-2, Prepare Alternative Planning Strategy, under Alternative 4, would be a fundamental change to the alternative. The Alternative Planning Strategy (APS) would include strategies for bringing the alternative into compliance with SB 375 targets through additional transportation projects, development right transfer incentives, a compact land use pattern, reduced allocations, and energy efficiency measures. The TRPA Governing Board could choose to incorporate Alternatives 3 strategies into Alternative 4 to make a revised alternative, or the APS could include some of the provisions suggested in the comment. See the Response to Comment A38-26 regarding the APS and further analysis.
- c) This comment addresses Mitigation Measure 3.5-1 of the Regional Plan Update Draft EIS. Please see the Response to Comment A7-16 regarding Mitigation Measure 3.5-1.

A7-18 The comment asks for clarification of Regional Plan Update Draft EIS Mitigation Measure 3.2-2, Revise Requirements for Development in the Recreation District, specifically asking what ratio greater than 1:1 will be required to transfer existing units of use. This component of Alternative 3 has been modified. Please see Chapter 2 of the Final EIS for a description of the changes to Alternative 3 and Master Response 10, Development on Recreation-Designated Lands.

A7-19 The comment states that TRPA should analyze whether it would be feasible to implement some of the measures listed under Mitigation Measure 3.6-1 to reduce traffic noise levels. The comment specifically questions whether TRPA can influence speed limits on state highways and local streets. Mitigation Measure 3.6-1 states that TRPA will “coordinate implementation of a Region-wide traffic noise reduction program... in coordination with local or other governments.” TRPA will consider a broad range of approaches to attain and maintain traffic noise levels below applicable CNEL standards, which could include approaches not specifically listed in Mitigation Measure 3.6-1. One of the possible measures that could be a part of this program would be the “reduction of speed limits and/or implementation of traffic-calming measures that slow travel speeds, *if feasible and practical*.” TRPA recognizes that it would need to determine whether all proposed measures are feasible and practical, which is why Mitigation Measure 3.6-1 stipulates that TRPA must establish this program “within 12 months of adoption of an updated Regional Plan.” Please see also Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

A7-20 The comment states that Mitigation Measure 3.6-2, which requires the establishment and implementation of a Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration, should consider restricting construction activities to between 8:00 a.m. and 6:30 p.m. This measure is listed as the last bulleted item under Mitigation Measure 3.6-2, which begins on page 3.6-18 of the Draft EIS. This particular bullet falls on page 3.6-19. As stated in Mitigation Measure 3.6-2, measures for minimizing exposure to construction-generated noise may include, but are not limited to, the bulleted items listed in the measure.

When developing the policy, TRPA will consider a broad range of approaches to minimize exposure to construction-generated noise and ground vibration, including whether this time-of-day restriction should be required of all construction activity that could exceed applicable CNEL standards at nearby land uses.

The comment also states that Mitigation Measure 3.6-3, which would reduce exposure to ground vibration, should state whether it would be feasible for TRPA to enforce a requirement that contractors perform ground vibration monitoring when construction activity would generate ground vibration levels greater than 0.2 in/sec PPV at existing structures. As stated in Mitigation Measure 3.6-3, a list requiring that contractors perform vibration monitoring is one of many measures that may be included as part of the Best Construction Practices Policy for the Minimization of Construction-Generated Noise and Ground Vibration. To meet the performance standard required by Mitigation Measure 3.6-3, TRPA may identify other measures, including measures not specifically listed in Mitigation Measure 3.6-3, which is included in the policy. Please also see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

The comment also states that mitigation should only be required if construction activity would occur within 200 feet of the structure. The analysis of all alternatives under Impact 3.6-3 explains that existing structures located within 100 feet of impact pile driving activity, within 60 feet of sonic pile driving, or within 85 feet of blasting activity, could experience structural damage. Moreover, people residing in dwellings located within 300 feet of impact pile driving, within 175 feet of sonic pile driving, or within 250 feet of blasting, could experience excessive ground vibration levels that exceed FTA's human response standards. Again, the list of specific measures will be determined by TRPA during development of the policy. Refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for discussion about why adoption of a programmatic mitigation measure is necessary and appropriate in the analysis of the Regional Plan Update EIS and RTP/SCS EIR/EIS.

A7-21

The comment states that the analysis of Impact 3.6-4 should also discuss noise/land use compatibility of new residential development and not only mixed-use development. The purpose of Draft EIS Impact 3.6-4 is to address the significance criteria: "a new land use in a location where it would be incompatible with ambient noise levels (fifth bullet, page 3.6-11)." As stated in the impact summary on page 3.6-22, "The development of new residential and tourist accommodation uses under all five Regional Plan Update alternatives could place new, more noise-sensitive land uses in location where ambient noise levels are incompatible. This would be a significant impact." This impact creates the need for TRPA to establish a noise policy or CNEL standard specifically for mixed-use development. TRPA already has established CNEL standards for high- and low-density residential land uses, as shown in Draft EIS Table 3.6-4.

The comment is also concerned that the requirement of Mitigation Measure 3.6-4 to develop and implement an Exterior Noise Policy for Mixed-Use Development may either contradict or be redundant with requirements of the California Building Code. As stated in the first paragraph under Impact 3.6-4, Land Use Compatibility, new residential units would be constructed to achieve the interior noise level of 45 dBA CNEL, as required by Section 1207 of the California Building Standards Code and the 2006 International Residential Code in both California and Nevada portions of the Region. The mitigation differs from these code requirements because it addresses exterior, as opposed to interior, noise levels in mixed-use development. Thus, no

changes are required for Impact 3.6-4, Land Use Compatibility, or Mitigation Measure 3.6-4, Develop and Implement an Exterior Noise Policy for Mixed-Use Development.

- A7-22 The comment states that items listed in Draft EIS Mitigation Measure 3.8-3, Facilitate Improved Roadway Operations and Maintenance Practices that Protect Water Quality, may or may not be part of a local jurisdiction's pollutant load reduction strategy and appear to counter the intent of the TMDL by resulting in different water quality standards being set by TRPA and Lahontan RWQCB. The comment further states that the mandate for TMDL reductions and requirements of the City of South Lake Tahoe's municipal permit is adequate for mitigation and that Mitigation Measure 3.8-3 is unnecessary to be applied to the City of South Lake Tahoe.

Please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

- A7-23 The comment states that Regional Plan Update Draft EIS Mitigation Measure 3.8-4, Coverage Exemption Requirements, should allow parcels with BMPs or that are participating in area-wide stormwater programs to be eligible for temporary coverage exemptions. The comment further states that an ADA coverage exemption should apply regardless of BMP installation.

While the comment references Mitigation Measure 3.8-4, the comment refers to land capability restrictions for coverage exemptions and BMP requirements for the ADA coverage exemptions. The provisions are included as part of Alternatives 3 and 4, and they are not the result of the mitigation measure. This comment refers to proposed provisions of the Regional Plan Update and TRPA Code of Ordinances and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment also questions how the significance of impacts resulting from coverage exemptions was determined. Please see the summary of stormwater runoff and pollutant loads on Draft EIS pages 3.8-32 to 3.8-33 and the analysis of coverage exemptions in Alternatives 3 and 4 on Draft EIS pages 3.8-43 to 3.8-47 and 3.8-50.

- A7-24 The comment states that Regional Plan Update Draft EIS Impact 3.7-3 fails to note hazards associated with seiche waves on existing and future revitalized areas in the Region. The comment further states that the City of South Lake Tahoe's General Plan Draft EIR addresses this impact and documents the extent of this impact on the City, and further suggests text for a mitigation measure to address this hazard.

Seiche hazards are addressed in the Regional Plan Draft EIS in Impact 3.7-3, starting on page 3.7-48. This impact notes that implementation of any of the Regional Plan Update alternatives would result in some level of additional development that could expose people and property to soil hazards resulting from seismic activity. However, the Region is already subject to such hazards, including strong ground shaking, seismic-related ground failure caused by unstable soils (landslides, backshore erosion, avalanches, mud slides, ground failure, liquefaction, lateral spreading, or collapse), tsunami, or seiche. Development and redevelopment projects implemented under any of the Regional Plan Update alternatives would largely occur in already developed areas and not in areas known to be particularly susceptible to seismic hazards. In addition, structures would be designed and constructed in accordance with the current design requirements of UBC Seismic Zone 3. Therefore, the Regional Plan Update alternatives would



not result in a substantial change in development patterns or design requirements and would not result in a substantial increase in the risk of loss, injury, or death or property damage from strong ground shaking or earthquake induced ground failure caused by unstable soils. This impact would be less than significant for all alternatives. Additionally, the RTP/SCS Draft EIR/EIS notes that the probability of an earthquake strong enough to cause a seiche in Lake Tahoe is relatively low: only three to four percent in 50 years (Ichinose, et al. 2000), so effects from a tsunami or seiche are not considered likely to occur (page 3.7-28 of the RTP/SCS Draft EIR/EIS).

Because this impact is less than significant, the mitigation measure suggested by the comment is not required.

Response A8	Claire Fortier, Mayor, et al. City of South Lake Tahoe 6/20/2012
A8-1	Comment A8-1 expresses support for the progress made on the draft Regional Plan Update. This comment of support is noted.
A8-2	Comment A8-2 expresses concern related to the proposed Area Plan procedures, specifically the process for developing Area Plans and criteria for appeal of decisions made by the City. Area Plans proposed under Alternative 3 are intended to allow public agencies to prepare plans consistent with the Regional Plan and utilize new allowances for streamlined permitting and increased intensity in community centers. As explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Once a conformity determination has been made and environmental review requirements of TRPA (and CEQA, for plans in California) have been completed, the affected public agency may assume responsibility for review and approval of certain additional activities. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.
A8-3	Comment A8-3 expresses support for proposed increased incentives associated with development transfer programs, and requests that additional incentives be provided. This comment is noted for consideration.
A8-4	Comment A8-4 expresses support for area-wide BMP solutions. This comment is noted for consideration.
A8-5	Comment A8-5 addresses eliminating regulatory barriers and simplifying regulations to increase the pace of environmental redevelopment. This comment is noted for consideration.

The comment also expresses concern related to proposed mitigation measures that would result in specifically prescribed regulations that overlap with existing state regulations. No specific examples are provided in Comment A8-5; therefore, no further response can be provided. Please see the Responses to Comment Letter A7, City of South Lake Tahoe, pertaining to the Regional Plan Update EIS.

Response A9	Claire Fortier, Mayor, et al. City of South Lake Tahoe 6/20/2012
A9-1	Comment A9-1 transmits the later comments from the City of South Lake Tahoe on the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Draft EIR/EIS. No further response is necessary.
A9-2	The comment states that the RTP/SCS Draft EIR/EIS does not adequately recognize the significance of revitalization of the City to meeting the SCS goals for GHG emission reductions, TMDL targets, and Threshold Standards. TMPO and TRPA agree that revitalization of the built environment in South Lake Tahoe and other community centers in the Region is important and a high priority of the RTP/SCS. The purpose of the RTP/SCS Draft EIR/EIS is to provide an evaluation of the RTP/SCS's effects on the physical environment, so its focus is analytical. Economic revitalization is a key element of the conditions necessary to accomplish the goals identified in the RTP/SCS, but economic conditions and effects are not evaluated as part of the environmental impact analysis.
A9-3	<p>The comment states that the RTP/SCS and associated Draft EIR/EIS fail to acknowledge the City of South Lake Tahoe's newly adopted General Plan that is consistent with the intent and principles of the RTP/SCS and provides specific policies and actions as well as technical analysis (see General Plan EIR) that could be utilized to further meet the objectives of the RTP/SCS as well as attain and maintain the Threshold Standards. The comment further states that RTP/SCS Draft EIR/EIS makes very little use of the policy provisions and actions of the City of South Lake Tahoe General Plan that provide further measures to address the potential environmental effects of potential development in the Region.</p> <p>The City of South Lake Tahoe 2030 General Plan and EIR are addressed in the RTP/SCS Draft EIR/EIS. Goals and policies from the City of South Lake Tahoe 2030 General Plan that pertain to the RTP/SCS analysis are identified in the following resource chapters of the RTP/SCS Draft EIR/EIS: Scenic Resources (page 3.9-12); Cultural Resources (page 3.15-5); Hazards and Public Safety (page 3.14-8). Impact 3.2-2 of the RTP/SCS Draft EIR/EIS (beginning on page 3.2-49) addresses consistency with existing land use plans and policies, focusing on consistency with the Regional Plan Update. As noted in this impact, while TMPO is responsible for adoption of the RTP/SCS, it does not have the authority to adopt local land use plans or approve local land use development. This comment primarily considers land use issues, which are under the purview of the Regional Plan Update. Please refer to Response to Comment A7-3 in the Regional Plan Update Final EIS.</p>
A9-4	The comment states that while the RTP/SCS Draft EIR/EIS indicates the RTP/SCS would be consistent with local plans, in fact, Alternatives 1, 2, and 5 are inconsistent with the City of South Lake Tahoe General Plan, specifically in regards to commercial floor area (CFA) allocation. The comment further states that Alternatives 3 and 4 are consistent with the general intent of

the City of South Lake Tahoe General Plan and asks TRPA to consider a variation of Alternative 3 that is consistent with the City of South Lake Tahoe General Plan.

Impact 3.2-2 of the RTP/SCS Draft EIR/EIS (beginning on page 3.2-51) addresses consistency with existing land use plans and policies, focusing on consistency with the Regional Plan Update. As noted in this impact, while TMPO is responsible for adoption of the RTP/SCS, it does not have the authority to adopt local land use plans or approve local land use development. This comment primarily considers land use issues, which are under the purview of the Regional Plan Update. Please refer to Response to Comment A7-4 in the Regional Plan Update Final EIS.

A9-5 The comment expresses that the impact analyses fail to evaluate the effectiveness of existing laws to mitigate potential impacts. The comment also states that laws concerning construction dust, noise, cultural and archeological resource protection, and greenhouse gas emissions are already in place in California. Each resource section in Chapter 3 of the Draft EIR/EIS includes a review of the federal, state, and local laws and/or regulations applicable to the resource. The purpose of discussing the identified laws and regulations is to consider them in the determinations of environmental impacts and levels of significance. As noted on page 3-3 of the Draft EIR/EIS, where an existing law or regulation presents mandatory and prescriptive requirements for environmental protection (such that an agency exerts little or no discretion in its compliance approach), its influence is factored into the environmental impact. Where a law or regulation requires substantial discretion during the compliance process, the initial level of significance does not account for its influence, but rather compliance is noted as part of mitigation (if a significant impact is identified).

The comment seeks clarification about the subsequent steps required for implementation of Mitigation Measures 3.4-2, 3.4-5, 3.6-1, 3.6-2, 3.6-4, 3.15-1, 3.15-2, and 3.15-3. The comment also expresses that the impact analyses fail to provide technical support on how mitigation measures would reduce impacts to less-than-significant levels. As explained in Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, mitigation measures identified in the Draft EIR/EIS are programmatic. They require TRPA to develop and implement a plan or policy that will consist of required measures to achieve the identified performance standard. The Master Response also explains the identified performance standards, which are embedded in the threshold standards, Regional Plan, and other agency regulations. Please refer to Master Response 13 for additional detail. TMPO and TRPA further acknowledge that existing laws reduce some of the impacts identified in the Draft EIR/EIS. Where existing regulations meet the intent of each mitigation measure, no duplicate regulations or policies would be included in the best practices policies.

A9-6 The comment seeks clarification about the performance standards required by RTP/SCS Draft EIR/EIS Mitigation Measures 3.3-1, 3.3-2, 3.4-2, 3.4-5, 3.5-1, 3.5-2, 3.6-1, 3.6-2, 3.6-4, 3.9-1a, and 3.9-1b. The comment suggests that the analysis should provide evidence that the programs and policies required by these mitigation measures will be successful.

Some of the listed mitigation measures would not require performance criteria related to deferral of mitigation action details. For instance, Impact 3.3-2 (intersection LOS) in the RTP/SCS EIR/EIS is less than significant, so no mitigation is required. Impact 3.5-2 (per capita GHG emissions) is less than significant for Alternatives 2 and 3, so no mitigation is required for those alternatives. For the other alternatives, the mitigation measure is not deferred; an Alternative Planning Strategy would be required if Alternatives 1, 4 or 5 were adopted with the

performance criteria being the SB 375 regional GHG reduction targets, as explained on page 3.5-5 of the RTP/SCS Draft EIR/EIS. The mitigation for Impact 3.9-1 (scenic impacts) does not include deferred features; it would be fully implemented by provisions in the Final Draft Plan and Final Draft Code of Ordinances.

The other listed mitigation measures will be effective at reducing impacts to less-than-significant levels, because they require TMPO and TRPA to achieve specific performance criteria. For topics where threshold standards exist, the standards constitute the primary performance criteria. If the applicable threshold standard is not met, then TRPA would not be able to approve development or redevelopment projects under the Regional Plan Update. The specific performance criteria established by each of these mitigation measures is adequately described in the Regional Plan Update Draft EIS, as summarized in Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details. All of the mitigations have been incorporated into the Final Draft Plan and Code of Ordinances; either as new Code requirements or additional programs that must be implemented to meet the identified performance standard by December 31, 2013 (see Regional Plan Policy ME-3.5). Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for a more detailed responses related to performance criteria for specific programmatic mitigation measures.

The comment also requests that TRPA analyze the resources to develop the programs and policies required by these mitigation measures within 12 months. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for a more detailed response regarding the 12-month period for development of the best-practices policies or programs. To prevent significant impacts related to the Regional Plan Update, Policy ME-3.5 and Attachment 4 of the Final Draft Goals and Policies require that TRPA implement the Programmatic Mitigation Measures in the year following approval of the Regional Plan Update. All mitigation measures will be a top priority and must be implemented in 2013.

A9-7 The comment seeks clarification about RTP/SCS Draft EIR/EIS Mitigation Measures 3.5-1, 3.6-1, 3.9-1a, 3.9-1b, 3.10-1a, 3.10-1b, 3.10-2, 3.10-3, 3.10-4a, 3.10-4b, 3.10-4c, 3.10-5a, 3.10-5b, 3.13-5, 3.15-1a, 3.15-1b, 3.15-1c, 3.15-2a, 3.15-2b, and 3.15-2c. The comment suggests that these measures would not be reasonable for all projects and states that the mitigation measures must specify the type, size, location, or other criteria for projects that would be required to comply with these measures.

The mitigation measures identified in the comment are intended to provide mitigation where applicable throughout the Region. Projects would be required to implement these measures as they apply to the specific projects, and that determination would be made at the time of individual project-specific environmental review by TRPA. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for a more detailed response related to performance criteria for specific programmatic mitigation measures.

A9-8 This comment is very similar to Comment A7-12. Please see the Response to Comment A7-12.

A9-9 This comment is very similar to Comment A7-12. Please see the Response to Comment A7-12.

A9-10 This comment is very similar to Comment A7-13. Please see the Response to Comment A7-13.

- A9-11      The comment states that the Draft EIS does not fully acknowledge that revitalization of developed areas has resulted in improvement in scenic roadway corridors. Please see the Response to Comment A7-14, which addresses this issue.
- A9-12      The comment states that the Regional Plan Update Draft EIS could further expand the discussion and analysis of coverage changes in the Region by acknowledging that parcels within areas identified under Alternatives 2, 3 and 4 for revitalization consist of areas that are often over 90 percent covered. The comment further states that the City of South Lake Tahoe has conducted such an analysis in evaluating the Tahoe Valley area as part of the City's General Plan EIR and can provide this information to TRPA to assist in this effort.
- The comment is correct that many centers are significantly over-covered, which is one of the reason those areas were identified for redevelopment. However, excess coverage in centers is an issue that is under the purview of the Regional Plan Update Draft EIS, not the RTP/SCS Draft EIR/EIS. Please refer to Response to Comment A7-15 in the Regional Plan Update Final EIS.
- In the RTP/SCS Draft EIR/EIS, land coverage is addressed in Impact 3.7-4, beginning on page 3.7-33. That impact notes that implementation of the RTP/SCS would result in removing, relocating, and adding coverage within the Region, potentially resulting in increased coverage. All transportation projects included in the RTP/SCS that result in additional coverage would either be Linear Public Service Facilities; limited to the percent coverage allowed for each LCD set forth in TRPA Code of Ordinances Chapter 30; or required to compensate for added coverage in excess of the base allowable by identifying, purchasing, and transferring coverage from offsite parcels in accordance with TRPA Code of Ordinances Chapter 30. As a result, any increase in the total coverage in the Region would be avoided, compensated, or minimized (for Linear Public Services Facilities), and would be consistent with the Code. Therefore, for all RTP alternatives (Alternatives 1, 2, 3, 4, and 5), the impact to total coverage in the Region would be less than significant.
- A9-13      This comment is very similar to Comment A7-16. Please see the Responses to Comments A7-16(c) and A7-16(d).
- A9-14      This comment is very similar to Comment A7-17. Please see the Responses to Comments A7-17(a) and A7-17(b).
- A9-15      This comment is identical to Comment A7-20. Therefore, please refer to the Response to Comment A7-20.
- A9-16      The comment expresses the opinion that several of the traffic noise reduction measures listed in Mitigation Measure 3.6-1 would be infeasible. The comment does not provide reasoning or evidence to support the infeasibility of these measures. Mitigation Measure 3.6-1 is a programmatic response to the plan-level analysis of potential impacts arising from implementation of the Regional Plan Update and RTP/SCS. Please refer to Master Response 13 for a discussion about why adoption of a programmatic mitigation measure is necessary. Also refer to the Response to Comment A7-19. Mitigation Measure 3.6-1 commits to the development and implementation of a mitigation program to address traffic noise by meeting specific criteria and includes a list possible measures that may, or may not, implemented as part of that program.

A9-17 The comment states that RTP/SCS Draft EIR/EIS Section 3.8 fails to note hazards associated with seiche waves on existing and future revitalized areas in the Region. The comment further states the City of South Lake Tahoe's General Plan Draft EIR addresses this impact and documents the extent of this impact on the City, and suggests text for a mitigation measure to address this hazard.

Seiche hazards are addressed in RTP/SCS Draft EIR/EIS Impact 3.7-2, starting on page 3.7-27. As described on page 3.7-28, the probability of an earthquake strong enough to cause a seiche in Lake Tahoe is relatively low: only three to four percent in 50 years (Ichinose, et al. 2000), so effects from a tsunami or seiche are not considered likely to occur. This impact would be less than significant for all alternatives. Because this impact is less than significant, the mitigation measure suggested by the comment is not required. Please also refer to Response to Comment A7-24.

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**Response  
A10** Hilary Roverud  
City of South Lake Tahoe  
4/26/2012

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A10-1 Comment A10-1 discusses the progress of, and makes general statements of support for, the Regional Plan Update. The comment of support is noted.

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**Response  
A11** Hilary Roverud  
City of South Lake Tahoe  
6/28/2012

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A11-1 Comment A11-1 provides a brief overview of the comments submitted by the City of South Lake Tahoe in three separate comment letters. Please see the Responses to Comment Letters A7, A8, and A9.

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**Response  
A12** Patrick Wright  
California Tahoe Conservancy  
6/28/2012

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A12-1 Comment A12-1 provides an introduction to the California Tahoe Conservancy (CTC) comment letter and CTC's coordination role with the EIP and TMDL implementation.

A12-2 Comment A12-2 supports the proposed requirement that CTC use fees to acquire, restore, and retire only existing land coverage and expresses concerns related to the economic sustainability of the fee program. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment also expresses support for the removal of HRA boundary restrictions for expenditures of excess coverage mitigation funds. The comment of support is noted for consideration.

- A12-3      Comment A12-3 suggests flexibility for area-wide BMPs to address site constraints due to groundwater and written agreement from property owners to participate in shared accounting areas. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A12-4      The comment states that the term “retired” is mischaracterized in the Draft EIS. Please see Master Response 9, Consideration of Banked Commodities.
- A12-5      The comment requests clarification on how CTC parcels are addressed in the inventory of development rights. This comment is addressed in Master Response 9, Consideration of Banked Commodities.
- A12-6      The comment suggests that the definition and accounting of retired development be reviewed for accuracy. This comment is addressed in Master Response 9, Consideration of Banked Commodities.
- A12-7      Comment A12-7 inquires whether the new size restrictions on TAUs would apply to those already banked. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A12-8      Comment A12-8 states that the use of the term “development right” is too broad throughout the Regional Plan Update Draft EIS and the BAE study.
- The BAE study was not prepared by TRPA and is used only as a reference for the feasibility of proposed transfer ratios in the Region. The comment is correct that the term “development right” is precise and that the BAE study uses the term “development right” very broadly to apply to development rights (as defined by TRPA) as well as other commodities such as CFA, TAUs, bonus units, and existing residential units. For the purposes of the environmental analysis provided in the Regional Plan Update Draft EIS, Section 2.3.6, Essential Concepts: Marketable Rights Transfer Programs, lays out the definitions of the various types of transferable rights and entitlements pertaining to existing and new developments under the 1987 Regional Plan. Because the BAE study is used only to inform specific aspects of the analysis and is not part of the EIS, no changes to the document are required.
- A12-9      Comment A12-9 addresses the BAE study’s analysis of the transfer of development incentive program and requests that discussions related to the incentive program continue. Attachment 5 (preliminary list of priority projects) of the Final Draft Goals and Policies , calls for a review of the efficacy of the transfer ratios after adoption of the Regional Plan and adjustments as needed to ensure continued program effectiveness. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process where comments on plan provisions will be addressed. Also please refer to Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.

- A12-10 The comment addresses recreation land use classification changes and suggests that the EIS address how the proposal affects the concept of the Urban Boundary, the environmental benefits of concentrating development in existing nodes, and the potential for competition for transferred development available for transfer to the community centers. This component of Alternative 3 has been revised. Please see Chapter 2, Revisions to Alternative 3: Final Draft Plan, and Master Response 10, Development on Recreation-Designated Lands.
- The comment also suggests that further clarification be provided regarding Mitigation Measure 3.2-2 with regard to accessory uses. As described in Master Response 10, Development on Recreation-Designated Lands, Alternative 3 has been revised to include additional limitations on new uses in recreation districts. These revisions incorporate the elements of the mitigation measure and, as a result, Mitigation Measure 3.2-2 is no longer required. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has also been revised to clarify that any new uses in recreation districts would require commodities to be transferred in from elsewhere, that any transfers must result in retirement of existing units of use, and that subdivision would be limited to “air space” condominiums.
- The comment states that the Draft EIS does not evaluate the potential for increased urban development in recreation district areas as part of the scenic assessment, and does not identify the scenic effects of the change in re-designating lands from conservation to recreation. As Described in Master Response 10, Development on Recreation-Designated Lands, the plan has been revised to limit development and subdivision of residential, commercial, and tourist accommodation uses to two areas designated as Resort Recreation Districts. These locations are adjacent to some of the most intensively developed areas in the Region. These districts are limited in size and location; are in close proximity to the tourist base; would be subject to existing standards for height, density; and coverage; and would be subject to the existing scenic quality findings. There is no indication that uses in these areas would have unique scenic impacts not already addressed in Section 3.9, Scenic Resources. For a discussion of the environmental effects associated with the proposed Resort Recreation Districts, see Master Response 10, Development on Recreation-Designated Lands.
- A12-11 The comment notes that the Draft EIS uses the following terms interchangeably: “Stream Restoration Priority Areas” and “Stream Restoration Plan Areas.” The correct term is “Stream Restoration Plan Areas.” This does not change the significance conclusion of any impact in the EIS.
- The comment also addresses several specific details related to Area Plans, proposed under Alternative 3, in particular the provisions for TRPA’s annual audit of project approvals. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, regarding modifications to Area Plans to allow for an appeal process.
- A12-12 Comment A12-12 asserts that Impact 3.2-2, Land Use Classification Change, does not provide information related to the parcels, the specific changes contemplated, and the implications for public agency needs related to land management. This component of Alternative 3 has been modified, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan. In addition, Master Response 10, Development on Recreation-Designated Lands, provides information related to re-designation of lands from conservation to recreation; the originally proposed Code



of Ordinances amendment to allow development on recreation lands; and development potential and environmental effects of the proposed change.

A12-13

The comment asks whether specific language in Impact 3.10-4, Special-Status and Common Wildlife Species, is accurate. The comment states that some restoration and other projects intended for long-term environmental benefits can result in significant and unavoidable short-term effects (e.g., construction-related effects) and that the long-term benefits of project approval must be weighed against such effects.

TRPA understands and agrees that short- and long-term effects must both be evaluated during project approval. TRPA has approved several restoration and other projects with short-term significant effects on resources but long-term beneficial effects. The statement in the analysis that “TRPA will not permit a project that would degrade habitat without compensatory mitigation to avoid a significant effect” applies specifically to the seven TRPA special-interest wildlife species (“threshold” wildlife species) and relates primarily to long-term effects, which would affect the long-term attainment or maintenance of Threshold Standards. Typically, short-term effects can be mitigated through minimization and avoidance measures, and long-term effects are often beneficial or can be mitigated through habitat enhancement or other compensatory actions.

The section referenced in the comment describes existing biological resource policies, which are not proposed for change under any Regional Plan Update alternative. Significant impacts to wildlife resources must be mitigated to the extent feasible to avoid or minimize impacts. Impacts that would preclude the attainment of a threshold cannot be approved and must be fully mitigated. Restoration projects can have significant and unavoidable impacts as long as they do not preclude attainment of a threshold.

**Response  
A13**

**Patrick Wright  
California Tahoe Conservancy  
6/28/2012**

A13-1

Comment A13-1 expresses support for the overall direction of the Regional Plan Update and discusses several project components, including funding, effectiveness of incentives, BMP implementation, excess coverage mitigation fees, the Bike and Pedestrian Master Plan, and biomass facilities. This comment addresses Plan components and does not pertain to the adequacy of the environmental analysis. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. See also Responses to Comment Letters A3 and A12.

**Response  
A14**

**Daniel Siegel  
California Department of Justice  
6/27/2012**

A14-1

The letter summarizes key points contained in primary letter A15. Please refer to the Responses to Comment Letter A15 for responses to detailed comments.

Response A15	Daniel Siegel California Department of Justice 6/27/2012
A15-1	The comment includes prefatory remarks to more detailed comments contained in the letter.
A15-2	<p>The comment summarizes proposed land coverage provisions and suggests that the Draft EIS assumes that “only Basin-wide land coverage totals matter.” While reduction of Region-wide coverage is recognized as a beneficial outcome, this is not the sole determining factor for coverage or water quality impact determinations. Other factors that influence the evaluation of impacts related to coverage include the location and sensitivity of resources affected, and mitigating factors such as the amount of coverage meeting BMP requirements. Please refer to Master Response 3, Programmatic Coverage Assessment, for a discussion of how impervious coverage standards are applied at the Regional and site-specific scales.</p> <p>The comment cites several portions of Section 3.7, Geology, Soils, Land Capability, and Coverage, of the Draft EIS and states that the assumption that only regional land coverage totals matter “underlies most if not all of the DEIS’s conclusions about the water quality impact of proposed changes in coverage rules.” Section 3.7 considers factors other than Region-wide coverage totals; in addition, it is not the only evaluation of the water quality impact of proposed changes in coverage rules. Section 3.8, Hydrology and Water Quality, provides detailed analysis of the potential water quality impacts of proposed changes to coverage rules. Please refer to Impact 3.8-4, Stormwater Runoff and Pollutant Loads (Draft EIS pages 3.8-32 to 3.8-53) and Master Response 5, Effects of Concentrated Development on Water Quality, which provide additional detail on the water quality effects of many of the coverage provisions cited in the comment.</p> <p>The comment references a specific excerpt of the Draft EIS analysis of coverage transfer areas as evidence that the EIS assumes that the location of coverage is irrelevant. The excerpt cited explains that “[n]o evidence has been found that coverage transfers affecting the same receiving water are more beneficial when they are in closer proximity” (Draft EIS page 3.7-30). This text does not indicate that the EIS assumes the location of coverage is irrelevant, as suggested in the comment. In the pages preceding the excerpt cited in the comment, the EIS explicitly acknowledges that the location of coverage matters, explaining that “[m]ajor factors affecting the water quality and erosion impacts of coverage are the capability of the land where the coverage occurs (Bailey 1974) and the total amount of coverage within a watershed (Center for Watershed Protection 2003)” (Draft EIS page 3.7-28). The excerpted text refers specifically to the effects of HRA restrictions on coverage transfers, which require that coverage sending and receiving areas be in relatively close proximity to each other, but which do not limit the exact location of coverage, including the total amount of coverage in a watershed, the sensitivity of the land on which the coverage is placed, or the connectivity or proximity of the coverage to surface waters.</p> <p>The analysis of potential changes in coverage throughout the Region in Impact 3.7-1 is an appropriate approach to disclose the maximum amount of coverage likely to occur under each alternative, and to describe the location and sensitivity of land affected by changes in coverage, to the extent that those factors can be determined without undue speculation. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations</p>

are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.

As such, all development projects in the Region would be required to comply with existing and proposed land coverage policies and regulations, which establish the maximum allowable coverage; prohibit additional coverage in sensitive lands; establish transfer ratios; and require mitigation of excess coverage. Therefore, any projects implemented under the Regional Plan Update that would result in additional coverage would be limited such that total coverage in the Region as established by the Bailey Land Classification System is not exceeded, and/or such that existing excess coverage is reduced (see Draft EIS page 3.7-18).

As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Final Draft Plan represents Alternative 3 with important revisions that reduce the extent and scope of proposed changes to coverage provisions. These revisions remove or limit many of the specific proposed changes to coverage provisions that are cited in the comment. The Final Draft Plan maintains the existing prohibition on coverage transfers across HRAs and incorporates additional limits on direct off-site excess coverage mitigation. The Final Draft Plan also includes fewer areas affected by increases to maximum allowable coverage; decreases maximum allowable coverage near the shoreline of Lake Tahoe; establishes additional limits on comprehensive coverage management; and incorporates additional use of TMDL data in the review of Area Plans. These changes address many of the concerns raised in the comment. Furthermore, the development pattern of Town Centers, the Regional Center, and the High Density Tourist District would result in more compact mixed-use communities, supported by greater density and increased height, which would facilitate maintenance of the existing community centers' character, improve access to services, and reduce automobile dependency.

In addition to the proposed coverage provisions that would be eliminated or limited in the Final Draft Plan (see Chapter 2 of this Final EIS), the comment also refers to the proposed exemption of non-motorized public trails from TRPA land coverage calculations and requirements. As discussed in the Draft EIS in Impact 3.10-1, use of this exemption would be subject to siting and design requirements that would minimize disturbances to SEZs and sensitive wildlife habitats. Based on initial calculations (summarized on page 3.7-38 of the Draft EIS), new disturbance or loss of SEZ (LCD 1b) as a result of construction of public trails would be up to approximately 7 acres, which would be exempt from land coverage requirements under Code Chapter 30. However, as described in Draft EIS Section 3.10, Biological Resources, SEZ is also protected by TRPA as a sensitive wildlife resource (Code Chapter 62) and is considered a habitat of special significance, which is a TRPA threshold resource for which a non-degradation standard applies. Additionally, most SEZ affected under this exemption would be considered jurisdictional by the U.S. Army Corps of Engineers and, in California, by Lahontan RWQCB under the Clean Water Act Section 404 and the Porter-Cologne Act. Therefore, existing federal and state regulations would continue to require compensation and/or mitigation for the loss of riparian, wetland, and other SEZ habitats. Consequently, although non-motorized public trail impacts would be exempt from TRPA mitigation requirements specific to land coverage, mitigation would still be required for any significant impact to the biological functions and values of SEZs to achieve TRPA's non-

degradation standard for habitats of special significance and to comply with other applicable federal and state permitting requirements. Despite exemptions of public trails from TRPA land coverage calculations and requirements under Alternative 3, the protections on SEZs and other sensitive habitats described above would still be realized. The comment does not provide evidence that the analysis of the non-motorized public trail exemption presented in the Draft EIS is inadequate.

The comment also discusses the proposed partial exemption of pervious pavement and refers to it as a BMP. As described in TRPA's BMP Handbook, pervious pavement cannot serve as a BMP in that it cannot be used to infiltrate runoff from impervious surfaces. The exemption proposed under Alternative 3 would be restricted to non-sensitive lands (excluding roadways), subject to design and maintenance requirements, which would ensure that the pervious pavement continues to allow infiltration and would not impair water quality. The environmental effects of the partial coverage exemption for pervious pavement are described in Draft EIS Section 3.7 (page 3.7-38) and Section 3.8 (pages 3.8-44 to 3.8-45). The comment does not provide evidence that the analysis of the partial exemption of pervious pavement presented in the Draft EIS is inadequate.

Please see also the Response to Comment A25-9, which summarizes the total new coverage that could result from proposed exemptions.

A15-3 The comment suggests that the "DEIS assumes that Bailey's coverage limits are intended to be applied on a Basin-wide level, as opposed to smaller units within the Basin." As discussed in Master Response 3, Programmatic Coverage Assessment, TRPA appropriately used criteria to determine the significance, at a Regional scale, of increases in land coverage from this Regional Plan Update. See also Master Response 5, Effects of Concentrated Development on Water Quality, and the Response to Comment A15-2.

A15-4 The comment cites reports, proposals, and programs (i.e., USFS proposal to conduct impervious cover study; USFS Lake Tahoe Watershed Assessment (Murphy, D. D., and C. M. Knopp (eds.). 2000); TRPA IPES; 1989 208 Plan) to reinforce the notion that localized factors and smaller-scale geographies are important with regard to coverage and water quality, and that the Draft EIS assumes "that compliance with Bailey limits Basin-wide would avoid environmental impacts."

Please see the Response to Comment A15-2. In addition, see Master Response 3, Programmatic Coverage Assessment, and Master Response 5, Effects of Concentrated Development on Water Quality.

The Regional Plan Update Draft EIS is consistent with available science and does not rely solely on compliance with Region-wide Bailey coverage limits to assess environmental impacts, as shown throughout the 14 resource sections of Chapters 3 and 4 of the Draft EIS. TRPA agrees that the location, concentration, and type of coverage are very important, in addition to Region-wide coverage limits. The Regional Plan Update EIS is a policy-level environmental analysis. It does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.

Moreover, nothing in the citations provided by the comment analyzes the impact of regional policy decisions by speculating where coverage may occur on a parcel-by-parcel basis. In fact, the one analogous regional planning document cited by the comment, the 1989 Water Quality Management Plan ("208 Plan"), undertook the same level of analysis as TRPA conducted in the Regional Plan Update Draft EIS. The 1989 208 Plan EIS examined the impacts of expansion of coverage limits to include the current rules that allow more coverage on certain parcels beyond a strict application of the Bailey limits on a parcel-by-parcel basis. The 1989 208 Plan EIS projected how much additional coverage would be created Region-wide per Bailey LCD by the proposed policy change, which is the same method employed in the Draft EIS. (Compare 208 Plan, Volume I at pages 227-229, Volume VI-A at pages 50-52 with Draft EIS at pages 3.7-18 to 3.7-47.) This basic analytical approach has been used consistently in the Tahoe Region for similar regional planning environmental documents. See, for example, 1987 Final Environmental Impact Statement: Plan Area Statement and Implementing Ordinances of the Regional Plan, 1986 Supplement to EIS, 1983 EIS for the Regional Plan.

In addition to the Regional coverage analysis showing no significant impact, the following policies of the Final Draft Plan would ensure more localized and site-specific compliance with Bailey limits and assessment and mitigation of environmental impacts to support TRPA's direction to attain and maintain the established environmental Threshold Standards.

- ▲ The Bailey coverage limits per LCD, as established in TRPA Code Chapter 30, remain valid (see Draft EIS Tables 3.7-2 through 3.7-4).
- ▲ Existing regulations apply to transferred coverage, requiring a verification of land capability to ensure that transferred coverage is legally verified and does not exceed the maximum allowable coverage at the project level (TRPA Code Chapter 30).
- ▲ Water quality BMPs are required to be installed on any transferred coverage. As of 2011, only 35 percent of existing developed parcels had Water Quality BMP certifications, including redeveloped parcels that were required to install BMPs as a condition of project approval (TRPA 2011a). It would be reasonable to expect that at least 65 percent of transfers of existing coverage would result in the removal of coverage without BMPs and the placement of coverage with BMPs. As such, an increase in the rate and volume of coverage transferred would result in an increase in the rate of water quality BMP implementation and an increase in the total amount and proportion of coverage that incorporates BMPs.
- ▲ As addressed in the Lake Tahoe TMDL, transferring residential coverage from single-family residential units in rural areas to multi-family residential units in urban areas could result in coverage that has slightly higher sediment loading per square foot (Final Lake Tahoe Total Maximum Daily Load Report, November 2010). However, each multi-family unit would have on average 340 percent less coverage than a single-family unit (2,270 square feet per single family residence versus 655.7 square feet per unit for a multi-family residential unit, as shown in Table 1 in Appendix H of the Draft EIS) resulting in a net reduction in sediment loading. Furthermore, all transferred coverage will be required to have BMPs, compared to only 35 percent of existing development.
- ▲ The amounts of commercial and tourist uses under the proposed alternatives are limited by defined CFA and TAU allocations (see Draft EIS Table S-1), so coverage transfer incentives to concentrate coverage and development in urban areas would not increase the total amount of these uses.
- ▲ As explained in Attachment 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of the transfer incentives and the resulting restoration and/or

retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would require a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements.

- ▲ Three IPES elements (Condition of Watershed – 70 points, Water Quality Improvements in Vicinity of Parcel – 50 points, and Proximity to Lake – 50 points) were cited in the comment as “very significant” in terms of determining suitability for development. Although important elements for consideration, these points combined only constitute 15 percent of the IPES score. Further, these elements (at a broader level) were considered either implicitly or explicitly within the Bailey land capability system, and therefore reviewed as part of the Draft EIS.

As described in Chapter 2 of this Final EIS and summarized in the Response to Comment A15-2, Alternative 3 has been revised to include numerous additional environmental protections that address the points raised in this comment. Please also refer to the Response to Comment O16-11 regarding the EPA Water Quality Trading Policy.

Finally, the TMDL requires implementation of load reduction plans in areas of concentrated pollutant loading, providing a separate major safeguard to prevent water quality impacts resulting from concentrated coverage.

A15-5 The comment states that the Draft EIS does not take into account soft coverage. Please see Master Response 3, Programmatic Coverage Assessment.

A15-6 The comment asserts that Region-wide counting of coverage assumes that public lands will remain undeveloped and will “absorb the impacts of over-coverage on private lands.” The comment suggests that, since the U.S. Forest Service (LTBMU) has agreed to “abide by Bailey coverage limits” and controls 75 percent of the land in the Tahoe Basin, TRPA must either assume the development of all potential coverage on federal lands or exclude all federal lands from a Region-wide coverage analysis.

The Draft EIS makes reasonable assumptions regarding public lands. First, as demonstrated in Exhibit 2-4 of the Draft EIS, the Existing Land Use Plan for the Region, the existing proportion of developable land for residential, tourist, commercial, and public service facilities is small in comparison to the conservation and recreation lands in the Region. For context, as analyzed in Draft EIS Impact 3.7-1, estimates of new coverage due to Regional Plan Update alternatives would range from 8 acres (Alternative 1) to 202 acres (Alternative 5), with 66 acres for Alternative 3 (see Table 3.7-8). Based on a total land area of nearly 202,000 acres in the Region, new coverage estimates range from a low of approximately 0.004 percent (four one-thousandths of one percent) to approximately 0.1 percent (one-tenth of one percent) of the land area of the Region. Alternative 3, the Final Draft Plan, would result in approximately 0.03 percent (three one-hundredths of one percent) of the Region’s land area. In addition, all alternatives would reduce coverage within LCD 1b (SEZ) and would increase coverage in higher capability lands (LCD 4–7) due to limits on new coverage in sensitive lands, transfer ratios, and coverage mitigation policies, which would further concentrate development within community centers and incentivize removal of coverage from sensitive lands, particularly SEZ.

Second, contrary to the comment’s suggestion, there is no evidence to suggest that a substantial amount of coverage would be built on public conservation or recreation lands, such as lands managed by the LTBMU, and there are currently no known substantial development projects

proposed on public lands in the Region. Resource management on U.S. Forest Service lands in the Region are guided by the Land and Resource Management Plan for the LTBMU. The U.S. Forest Service is in the process of updating the Land and Resource Management Plan for the Region and recently accepted public comments on a Draft EIS that included four alternative approaches for land and resource management on Forest Service lands in the Region (available at: <http://www.fs.usda.gov/main/lrbmu/landmanagement/planning>). None of the alternatives under consideration by the U.S. Forest Service LTBMU include changes that would result in substantial increases in land coverage. As such, it is reasonable to assume that no substantial increases in coverage will occur on public conservation and recreation lands.

As described in Draft EIS Impact 3.7-1, all development projects, whether on private or public land, would be required to comply with existing and proposed land coverage policies and regulations, which establish the maximum allowable coverage; restrict additional coverage in sensitive lands; establish transfer ratios; and require mitigation of excess coverage. Therefore, any projects implemented under the Regional Plan Update that would result in additional coverage would be limited such that total coverage in the Region as established by the Bailey Land Classification System is not exceeded, and/or such that existing excess or illegal coverage is reduced.

Please see also Master Response 10, Development on Recreation-Designated Lands, for more information on the development potential within Recreation lands.

- A15-7      The comment suggests that fires create coverage and that prescribed or unplanned fires should be accounted for in the estimates of land coverage. Chapter 90 of the Code of Ordinances defines land coverage as “[a] man-made structure, improvement, or covering... that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering....” While fires create disturbed or denuded areas temporarily devoid of vegetation and susceptible to erosion, the resulting landscape does not constitute coverage. Nonetheless, TRPA acknowledges that the temporary disturbance associated with burned areas can result in temporary increases in erosion. Therefore, all burns, prescribed or natural, are required to have temporary BMPs. Furthermore, the Regional Plan Update would not increase the potential for fire; rather, the Regional Plan Update provisions requiring that BMPs be consistent with defensible space would reduce fire danger (see Draft EIS page S-21).
- A15-8      The comment states that the Draft EIS does not address coverage increases on public lands and the associated environmental impacts. As noted above in the Response to Comment A15-6, no change is necessary to the amount of coverage anticipated on public lands. Please also see the Response to Comment A15-7 and Master Response 10, Development on Recreation-Designated Lands, which address this topic.
- A15-9      The comment requests that the Draft EIS provide an analysis disclosing the amount of coverage that may be transferred from sending parcels with relatively low-impact land uses, such as single-family residences. The general assumption of the comment is that receiving areas will be primarily commercial land uses, which have been shown in Lake Tahoe TMDL research to generate higher pollutant loads relative to single-family residential uses; therefore, the proposed coverage transfer policies could create significant impacts when transferred coverage comes from lower impact land uses and goes to higher impact land uses.

The comment is correct that commercial land uses are estimated to generate, on average, higher pollutant loads per square foot of coverage than land uses such as single-family residences, as recognized and described in the Draft EIS on page 3.8-33. However, it is not accurate to assume more coverage in community centers would result in more commercial uses. The total amount of commercial coverage that could be created under each Regional Plan alternative would be limited by the amount of development commodities proposed (i.e., additional CFA) and not by coverage transfers. As shown in Table 2 of Appendix H, Coverage Information, of the Draft EIS (page H-3), Alternative 3 is expected to result in more coverage in community centers relative to other alternatives due to a higher number of multi-family residential units in the centers, not as a result of additional commercial uses. As described in the Lake Tahoe TMDL, transferring residential coverage from single-family residential units in rural areas to multi-family residential units in urban areas could result in coverage that has slightly higher sediment loading per square foot (Final Lake Tahoe Total Maximum Daily Load Report, November 2010). However, each multi-family unit would have, on average, 340 percent less coverage than a single-family unit (2,270 square feet per single-family residence versus 655.7 square feet per multi-family residential unit, as shown in Table 1 in Appendix H) resulting in a net reduction in sediment loading. Furthermore, all transferred coverage would be limited to high capability lands and development would be required to meet existing BMP standards to control potential increases in stormwater runoff and pollutant loads. The BMPs installed would be commensurate with the potential water quality impacts specific to the proposed development or land use. TRPA therefore could reasonably conclude that the net result of the transferred coverage would be a net decrease in sediments loads. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, for more information on this topic.

The estimates of the amount of coverage transferred under each alternative are disclosed in Section 3.7 of the Draft EIS, Impact 3.7-1, Land Coverage. Appendix H of the Draft EIS describes, in detail, the supporting assumptions and calculations used to estimate potential changes in coverage Region-wide. Estimated changes to coverage in the Draft EIS are based on the total number of development commodities allowed under each Regional Plan Update alternative. The EIS does not attempt to estimate the specific types of land uses where coverage transfers would occur from sending parcels; this would be highly speculative because coverage transfers would result from individual project proposals.

Please also see Master Response 6, Effects of Revised Height and Density Allowances on Development Potential, and the Response to Comment O16-15 for additional information on how development allocations limit development potential in the Region.

A15-10

The comment states that the Draft EIS does not evaluate the effect of maintaining excess coverage fees at current levels.

Code Section 30.6.1(C)(2) establishes how the excess coverage mitigation fee shall be calculated:

Mitigation Fee = Land Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Land Coverage Cost (factor to be established by TRPA staff by January 1 of each year based on certified real estate appraiser's estimate of the land bank's cost to acquire and restore land coverage under this program)



Regional Plan Update Alternatives 1, 3, 4, and 5 do not propose changes to the method for calculating excess coverage mitigation fees. The EIS analyzes impacts from changes proposed in each alternative; the EIS does not analyze the environmental effects of existing policies or programs that are not proposed for change within any alternative. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

Additionally, the Draft EIS analyzes a proposed set of excess coverage mitigation policies including an increase in the coverage mitigation fee as proposed under Alternative 2. As discussed on Draft EIS pages 3.7-31 through 3.7-32, increasing the excess coverage mitigation fee would ensure that, when available, existing hard coverage can be acquired and restored with the fees generated. Requiring that fees be used for removal of existing hard coverage and prioritizing removal of structures in SEZs would have beneficial effects when the mitigation fees are used. However, as shown in Table 3.7-11, the existing restriction on the use of mitigation fees within the HRA where they were generated limits the supply of available coverage that can be removed and has resulted in deficits of unmitigated coverage in many HRAs. Further restricting the use of mitigation funds, without changing HRA boundaries to increase the supply of coverage that could be removed, would exacerbate these negative effects and could lead to greater deficits of unmitigated coverage. Increasing coverage mitigation fees would partly offset that effect by allowing land banks to acquire more expensive coverage within each HRA. However, higher mitigation fees would also serve as a disincentive for redevelopment projects, which, in combination with other disincentives for redevelopment in Alternative 2, would reduce the total number of projects that mitigate excess coverage.

A15-11 The comment states that the Draft EIS does not address impacts from the potential aggregation of coverage as a result of an Alternative Comprehensive Coverage Management System (ACCM), as proposed under Area Plans in Alternative 3.

Because implementation of an ACCM requires the overall reduction of coverage and would result in the implementation of BMPs, the Draft EIS concludes that ACCMs in general would have a beneficial impact (Draft EIS page 3.7-37). In fact, ACCMs are an available option under the current Code under either parcel consolidation or project area designations (Code Section 30.4.1.C.2). Both of these devices allow coverage to be managed at a larger scale than the parcel level and have resulted in significant water quality benefits (e.g., the Heavenly Gondola Project). The ACCM provision in the Code allows for this concept to apply to circumstances beyond single-ownership or single-project contexts. Thus, while TRPA hopes that the allowance for ACCMs will promote redevelopment and associated water quality benefits, it is also speculative to estimate how many ACCMs would actually be developed. The potential aggregation of coverage beyond limits already analyzed in the Draft EIS (e.g., transfers up to 70 percent) suggested in the comment cannot be estimated because that result is inherently site-specific as each ACCM would apply to a unique combination of parcels and amounts of coverage. Because it is speculative to attempt to identify the location, number, configuration, and coverage distribution of parcels involved in ACCMs, it would be inappropriate at the Regional level to guess how coverage may aggregate in specific instances.

Moreover, as explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans under Alternative 3 would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA, which would

include more specific evaluation of comprehensive management systems when specific projects are proposed. Thus, each proposed ACCM would undergo thorough, site-specific review to address all site-specific concerns that might arise from the unique circumstances presented by that ACCM's parcel arrangement and coverage distribution. Additionally, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised so that comprehensive coverage systems cannot result in increases in coverage within 300 feet of the Lake. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), the Area Plan process under Alternative 3 has been revised to include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.

Please also see Master Response 5, Effects of Concentrated Development on Water Quality.

A15-12 The comment states that the Draft EIS does not analyze the impact of proposed coverage changes in Community Plan areas.

As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to clarify that there would be no change to the maximum allowable coverage within Community Plans that are not also within Town Centers, the High Density Tourist District, or the Regional Center.

A15-13 The comment states that the Draft EIS does not analyze certain issues concerning permeable pavement. As noted in the comment, Alternative 3 would allow a 25 percent credit for pervious coverage on high capability lands (LCDs 4–7), subject to design and maintenance requirements to minimize and mitigate impacts. Pervious pavement allows for movement of water through the load-bearing surface into an underlying storage layer that can infiltrate or attenuate stormwater runoff. Although permeable pavement typically infiltrates 100 percent of precipitation that falls directly on its surface (Brattebo and Booth 2004) the Draft Plan only offers a 25 percent coverage exemption as a conservative approach to compensate for any lack of maintenance or removal of vegetation.

Draft EIS Impact 3.8-4 analyzes proposed pervious coverage exemptions (page 3.8-44). The analysis discloses that, although pervious pavement can be highly effective for reducing stormwater runoff volumes, performance of pervious pavements can decline if it is not properly sited or maintained. The analysis finds that the effectiveness could be diminished over the long term, and therefore the pervious coverage could become ineffective at allowing runoff to pass through the surface and could increase stormwater runoff, creating a potentially significant impact.

Therefore, the Draft EIS requires implementation of Mitigation Measure 3.8-4 (page 3.8-52) for Alternatives 3 and 4, which requires eligibility for this coverage exemption to be linked to BMP requirements, design guidelines, and the Bailey Land Capability System. This mitigation ensures that potential impacts related to the pervious coverage exemption are reduced to a less-than-significant level by only allowing parcels with installed and maintained BMPs that meet TRPA requirements to qualify for the coverage exemption; and restricting the exemption to locations with low sediment loads unless a redundant infiltration BMP is in place. Furthermore, pervious pavers must meet design and maintenance requirements for the exemption to apply (Draft Code Section 30.4.6.D), and the 2011 Final Draft BMP Handbook identifies proper siting, design and

installation considerations, and inspection and maintenance, noting the importance of maintaining the infiltration capacity of pervious pavements.

The comment asserts that the EIS does not analyze the impacts of the partial coverage exemption for pervious pavement in light of the fact that pervious “pavers” are already a BMP to mitigate “the impacts of coverage on a parcel.” Although pervious pavement is identified as a BMP in the BMP Handbook, it is only credited to infiltrate precipitation that falls directly on its surface, not runoff from surfaces other than its own. Therefore, pervious pavement is not considered a BMP to mitigate impacts from other coverage allowed on a parcel, as stated in the comment.

Next, the comment argues that the Draft EIS does not analyze the alleged “experimental” nature of pervious pavement, the need for maintenance, and the fact that some activities may damage the function of the pavement (e.g., snowplows operated by inexperienced drivers). However, as noted above, the implementing Code states that, in order to qualify for the coverage reduction, pervious pavement must be maintained to preserve its functionality (see Draft Code Section 30.4.6.D.1.a). Similarly, the comment’s concerns that the Draft EIS does not analyze the removal of vegetation associated with installation of pervious pavers is addressed by only awarding a 25 percent credit for the maintained pervious pavement even though it would be 100 percent permeable. In addition, Section 3.10, Biological Resources, analyzes the potential impacts of the Regional Plan Update alternatives’ proposed policies, including coverage exemptions, on sensitive habitats, tree removal, aquatic habitat, special-status species, and invasive species and finds no relevant significant impact.

A15-14 The comment suggests that the EIS analyze the effects of coverage policies that concentrate development on nearshore algae growth. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, which addresses the potential for localized increases in pollutant loading (including nutrient loading) that could affect nearshore algae.

A15-15 The comment asserts that comparison of coverage for build-out of the alternatives to the coverage from the build-out analysis in the TMDL is not adequate because the Region has not attained certain water quality thresholds. The comment cites *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990).

The status of water quality threshold standards, taken from the 2011 draft Threshold Evaluation Report, is presented on pages 3.8-8 through 3.8-11 of the Draft EIS. The stated purpose of the Regional Plan Update, in accordance with the Tahoe Regional Planning Compact, is to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will attain and maintain the environmental Threshold Standards for the Lake Tahoe Region. All five proposed alternatives, as analyzed in the Draft EIS, are designed to meet the intended purpose of the Regional Plan Update.

As described on page 3.8-12 of the Draft EIS, the Lake Tahoe TMDL was a collaborative, multi-agency, multi-year effort that developed an extensive body of scientific research that (1) identifies the load, or mass, of pollutants responsible for Lake Tahoe’s transparency decline; (2) quantifies the sources of pollutants to the Lake; and (3) establishes load reduction milestones that can be used to develop policies and load reduction plans to progress toward attainment of water quality goals. The Lake Tahoe TMDL estimated changes in pollutant loading resulting from a build-out scenario for all remaining vacant parcels with development rights in the Tahoe

Region by assuming that 3,959 parcels would be developed for residential uses, 33 parcels would be developed for commercial uses, 783 parcels would be permanently conserved as open space, and 200,000 square feet of additional CFA would be created (Hessenflow and Halsing 2006: page 6). In total, the Lake Tahoe TMDL analysis estimated that 373 acres of additional impervious coverage would be created at built-out in the Tahoe Region (LRWQCB and NDEP 2010: page 14-7).

Given the comprehensive scope and scientific rigor of the research supporting the peer-reviewed Lake Tahoe TMDL report, the Draft EIS approach is valid in its use of the analysis and findings published in the Lake Tahoe TMDL as a primary reference supporting water quality findings for the Regional Plan Update. The Lake Tahoe TMDL research provides current scientific context with which to evaluate changes that affect attainment of TRPA water quality Threshold Standards. The TMDL load reduction milestones focus on reductions in nutrients (nitrogen and phosphorus) and fine sediment particles, and the research identifies runoff from developed lands as the most significant source of fine sediment and phosphorus to Lake Tahoe. The significance criteria identified in Section 3.8.3 of the Draft EIS relate directly to both TMDL load reduction goals and attainment of water quality threshold standards, and are used throughout the Section 3.8 impact analysis to evaluate water quality impacts associated with each of the Regional Plan Update alternatives.

The comment suggests that the Draft EIS should deem any increase in coverage as potentially significant; however, this is not supported by fact. Development on high-capability lands, paired with the installation of BMPs, is capable of mitigating the effects of new coverage and improving the conditions of properties that currently lack BMPs. Please see the full impact analysis of water quality and hydrology in Section 3.8 of the Draft EIS.

This point also illustrates why the comment's reliance on the *Kings County* case is inappropriate. The comment seeks to equate additional coverage with additional discharge of a pollutant that is currently exceeding an applicable mandatory standard (in the *Kings County* case, release of ozone precursors where ozone levels exceeded the applicable air quality standard). Land coverage, while related, is not a water quality threshold. More importantly, an increase in coverage does not necessarily lead to an increase in pollutant discharge, as demonstrated in the Draft EIS. Likewise, the net impact of the Regional Plan Update, in conjunction with implementation of the TMDL, results in a substantial decrease in sediment and nutrient loading—sufficient to attain and maintain TRPA's water quality Threshold Standards. The analysis conducted in the Draft EIS therefore discloses, to the extent possible, impacts to water quality and is fully consistent with legal requirements.

A15-16

The comment asserts that reliance on BMPs is questionable because of a track record of lack of maintenance. Any proposed project and associated construction in the Region would be subject to existing laws and regulations requiring erosion and sediment controls, implementation and maintenance of temporary and permanent BMPs, waste control measures, and management controls for stormwater runoff. Based on the current maintenance requirements and practices, education efforts, and enforcement requirements summarized below, it is valid to assume that implementation of BMPs would be effective:

- ▲ TRPA Code Chapter 60 – Water Quality, Section 60.4.9 – Maintenance of BMPs requires BMP maintenance to ensure continued effectiveness.

- ▲ BMP Handbook Chapter 6 - Inspection, Maintenance and Monitoring, describes maintenance requirements/practices and includes resources such as a checklist for residential properties, and templates for inspection and maintenance logs for commercial and large multi-family properties:

[http://www.tahoebmp.org/Documents/BMPHandbook/Chapter%206/Chapter\\_6.pdf](http://www.tahoebmp.org/Documents/BMPHandbook/Chapter%206/Chapter_6.pdf)
- ▲ The Home Landscaping Guide for Lake Tahoe and Vicinity includes a landscape maintenance chart and methods to minimize maintenance in Chapter 2 – Design for Function and Ease of Maintenance and covers Seasonal Maintenance Schedules in Chapter 12:

<http://www.unce.unr.edu/publications/files/nr/2006/eb0601.pdf>
- ▲ The BMP Contractor’s Manual How to Install Residential Scale BMPs discusses maintenance needs of temporary BMPs in Chapter 2, maintenance of infiltration systems in Chapter 4, and general BMP maintenance and monitoring in Chapter 7. This manual is the curriculum of the annual BMP Contractors Workshop:

<http://www.tahoebmp.org/Documents/Contractors%20BMP%20Manual.pdf>
- ▲ TRPA has received grant funding to inspect BMPs to ensure they meet maintenance requirements. Beginning in 2013, TRPA will review BMP certificates that are older than five years and re-issue BMP certificates with a current date for properties that demonstrate regular maintenance is occurring through copies of inspection and maintenance logs from the BMP Handbook, along with any other documentation (records, photos, invoices etc.). Depending on the information submitted, TRPA may require a final inspection before Certificate are reissued.
- ▲ TRPA inspectors and Stormwater Management Program staff enforce temporary BMP maintenance while the project permit is active, prior to final inspection.
- ▲ The TRPA Stormwater Management Program has secured grant funding to develop a Single Family Residential BMP Maintenance video that will be posted online and shown at the annual BMP Contractors Workshop.
- ▲ The TRPA Stormwater Management Program has also secured grant funding to send maintenance reminder letters and to follow up with notice of failure letters on permanent BMP maintenance for commercial and large multi-family properties in California and Nevada. This task is expected to be complete in 2013.
- ▲ Current grant proposals submitted by TRPA Stormwater Management Program would continue to enhance maintenance tracking to validate TMDL crediting for local jurisdictions. Grants are expected to be awarded in 2014.

Furthermore, as described on page 3.8-48 of the Draft EIS, Alternative 3 proposes a revision to TRPA policy to encourage the use of area-wide water quality treatment facilities and funding mechanisms as an alternative to meeting regulatory requirements with site-, parcel-, or project-specific BMPs when area-wide treatment facilities can be shown to provide equal or greater water quality benefits relative to parcel-specific BMP implementation. While area-wide treatment solutions have been implemented on a limited basis under current TRPA policy to facilitate BMP compliance on properties with special circumstances that constrain BMP implementation (e.g., Stateline Stormwater Association in Stateline, Nevada), the revised policy would expand the ability to implement area-wide treatment facilities to any area in the Region where the water quality benefit of this approach can be demonstrated to meet or exceed existing water quality requirements. In general, area-wide water quality treatment facilities are expected to be more cost effective for large projects in community centers to implement, inspect, and maintain because the strategy allows for greater flexibility in siting and designing

treatment systems. This policy may lead to more efficient maintenance practices relative to conducting maintenance activities on many smaller and widely distributed individual parcels and sites. It is therefore reasonable for TRPA (and the two States in the TMDL) to rely upon the implementation and maintenance of BMPs to address water quality impacts.

- A15-17 The comment asserts that the project description is unclear about where new allowable uses would be allowed within recreation districts in Alternative 3, as well as about the potential environmental impacts of such development.

As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to allow new uses only in two locations, which would be designated as Resort Recreation Districts, a new land use classification. Please see Master Response 10, Development on Recreation-Designated Lands, for further information.

- A15-18 The comment disagrees with the statement on page 3.3-48 of the Draft EIS that describes the VMT benefits of Alternative 3 by placing land use in regionally accessible and centrally located areas rather than on the regional periphery. The comment describes three problems with that conclusion. The first point relates to Alternative 3 potentially allowing significant development in Recreation Districts. The second point relates to allowing transfers based on the “retirement” of other units that could never be developed. The third point relates to the discussion of “Centers,” which is addressed in the Response to Comment A15-19.

First, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to allow new uses only in two locations, which would be designated as Resort Recreation Districts, a new land use classification. These two locations were specifically identified as areas where additional uses could reduce VMT because of their close proximity to the most intensively developed portions of the Region. Please see Master Response 10, Development on Recreation-Designated Lands, for further information.

In response to the second point, the travel model does not assume that residential units would be constructed on parcels that are not developable. In the model, residential units are only distributed to parcels with a developable IPES score. Alternative 3 assumes that, because of transfer incentives, a relatively high proportion of development rights associated with undevelopable parcels would be available for transfer to Town Centers. The reduced VMT associated with Alternative 3 (compared to Alternatives 1, 2, 4, and 5) results from a higher number of residential units being placed in Town Centers, rather than in outlying areas. No Regional Plan Update alternative assumes that development would be allowed on parcels in stream environment zones (SEZ) or otherwise undevelopable areas.

Please also see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, and the Response to Comment O16-15, which addresses concerns that the Draft EIS should evaluate the effects of transferring coverage from more rural uses to more urban uses.

- A15-19 The comment states that the Draft EIS fails to analyze whether areas eligible for coverage transfers have sufficient densities or adequate configurations to achieve VMT benefits. Please see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, and Master Response 5, Effects of Concentrated Development on Water Quality.

	<p>The comment also suggests that the model results should disclose whether the positive VMT results under Alternative 3 are attributable to one or two Town Centers located on South Shore, or due to many different centers. Due to the policy-level environmental analysis, VMT effects associated with individual Town Centers were not analyzed. Please refer to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.</p>
A15-20	<p>The comment states that the EIS must provide more than a perfunctory description of mitigation measures without supporting analytical data. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for more information on the appropriate use of programmatic mitigation measures.</p>
A15-21	<p>The comment suggests that the description of Alternative 1 is confusing and that the Draft EIS implies that Alternative 1 would result in less development than occurred under the existing 1987 Regional Plan. The Draft EIS summarizes development potential under Alternative 1 as follows: "Alternative 1 would authorize no additional development rights or allocations beyond those authorized in the 1987 Regional Plan. Consequently, Alternative 1 would result in a reduced <b>rate</b> of development as compared to the 1987 Plan because only the remaining development rights authorized under that Plan would be used" (Draft EIS page S-7, emphasis added). As described, Alternative 1 would result in a reduced rate of development compared to the 1987 Regional Plan, not a net reduction in the total amount of development. Table 3.2-2 (Draft EIS page 3.2-8) shows development that occurred under the 1987 Regional Plan and Table 3.2-6 (Draft EIS page 3.2-17) shows development potential under Alternative 1. More development commodities were used under the 1987 Plan than would be available for new development under Alternative 1. Both Plans use an approximately equal planning horizon, so Alternative 1 would result in less development per year on average than occurred under the 1987 Plan, and hence a reduced rate of development.</p>
A15-22	<p>The comment states that the EIS must account for all development rights that are banked by the California Tahoe Conservancy and Nevada Division of State Lands. This comment is addressed in Master Response 9, Consideration of Banked Commodities.</p>
<b>Response A16</b>	<p><b>Daniel Siegel</b>  <b>California Department of Justice</b>  <b>4/26/2012</b></p>
A16-1	<p>The comment expresses three primary concerns with Alternative 3: (1) delegation of authority to local jurisdictions under Area Plans; (2) perceived weakening of coverage requirements; and (3) the amount of new development that could be allowed through the proposed transfer of development program.</p> <p>With regard to delegation of authority under Area Plans, please see Section 2.2.1, Delegation and Project Appeals, in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan. As described on page 2-34 of the Draft EIS, Alternative 3 would allow public agencies to develop Area Plans to govern development within specific geographic areas, subject to requirements of the Regional Plan and Code. Once an Area Plan is developed and found in conformance with the Regional Plan, TRPA may transfer some project review and approval authority to the agency administering the Area Plan. As modified in the Final Draft Plan, the Area Planning framework would include an appeals process for all delegated projects (Policies LU-4.12 and IAP-1.3 and</p>

Draft Code Section 13.9). Project review and approval could be delegated by TRPA to other agencies, but all delegated decisions could be appealed to TRPA.

A detailed discussion of coverage requirements and their environmental basis is provided in the Response to Comment A15-2. Please see the Response to Comment A15-2, which addresses the three concerns raised in this comment.

Under Alternative 3, bonus units (CFA, TAU, and residential units) would be available for projects within community centers that remove and retire development from outside community centers. This approach would provide incentives for further concentrating development in the community centers and would reduce development in other areas where it is more environmentally impactful, with the greatest incentives being provided for removal and retirement of development in SEZs (LCD 1b) and outlying areas.

Response A17	Tamara Sasaki California Department of Parks and Recreation 6/28/2012
A17-1	Comment A17-1 provides an introduction to the California Department of Parks and Recreation (California State Parks) comment letter on the Regional Plan Update Draft EIS. No issues related to the environmental analysis are noted.
A17-2	Comment A17-2 states that the Edwin L. Z'berg Natural Preserve within Ed Z'berg-Sugar Pine Point State Park is incorrectly designated as recreation by TRPA. This land use designation is not proposed to be changed as part of the Regional Plan Update and is therefore not within the scope of the EIS. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A17-3	<p>Comment A17-3 addresses Part E, Non-Motorized Trail Exemption, of Mitigation Measure 3.8-4, Coverage Exemption Requirements, and requests that TRPA increase flexibility of other agencies' non-motorized trail plans for coverage exemptions. Other agencies' non-motorized trail plans may not be subject to TRPA discretion; however, the Bike and Pedestrian Plan is subject to amendment and new trails may be added as appropriate. This comment does not claim that the mitigation measure is inadequate or infeasible; rather, it requests a less strict approach. No changes to the impact discussion or proposed mitigation are necessary.</p> <p>The comment also expresses support for the Americans with Disabilities Act (ADA) coverage exemption proposed under Alternative 4 in the Draft EIS; recommends modification to the pesticide prohibition proposed under Alternative 2 of the Draft EIS; states opposition to the use of wastewater to extinguish wildfires on California State Parks lands; and requests that the Code reflect the title "Tahoe State Recreation Area" and not "Tahoe State Park." See Chapter 2, Revisions to Alternative 3: Final Draft Plan, for information related to the ADA coverage exemption. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
A17-4	Comment A17-5 recommends coverage exemptions and streamlined permitting of qualified EIP projects and expresses support for Water Quality Policy 3.5: "Promote infiltration facilities and functioning flood plains along stream corridors as a strategy for removing instream loads of sediment and nutrients." This comment refers to proposed provisions of the Regional Plan



- Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A17-5      Comment A17-5 addresses several Vegetation and Wetlands goals and policies. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A17-6      Comment A17-6 provides recommendations for policies related to bears in the Region. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A17-7      The comment recommends that the Draft EIS include a discussion of ways in which the various alternatives would affect the bear population and the potential for human-bear interactions. Section 3.10, Biological Resources, addresses common species in general. Although black bear is not specifically discussed, it was considered and evaluated as a common species during the analysis. Although the local bear population is an important resource, the scope of the Draft EIS analysis for biological resources was focused on the seven significance criteria listed on page 3.10-34. The criteria that would apply to black bear and other common species are: introduce new species of animals into the Region, or result in a barrier to the migration or movement of wildlife; result in a substantial change in the diversity or distribution of species, or number of any species of plants or wildlife; or result in deterioration of existing fish or wildlife habitat quantity or quality. As described in the Draft EIS, no significant impacts to any common species related to these criteria are expected.
- A17-8      The comment references Policy FI-1.8, which states:
- Support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout in appropriate remote locations.
- The Lahontan cutthroat trout is, in all probability, extinct in the Basin. Any efforts to reintroduce this particular strain of cutthroat should be encouraged. Reintroducing Lahontan Cutthroat Trout to Lake Tahoe, itself appears to be infeasible. However, it appears that it may be possible to reintroduce the Lahontan Cutthroat Trout to specific isolated lakes or streams.
- Because Lahontan cutthroat trout (LCT) is present in Meiss Meadows due to earlier reintroduction efforts, and has more recently been introduced to Lake Tahoe, the comment asks whether reintroduction to Lake Tahoe is still considered infeasible, as stated in the policy language.
- LCT was recently reintroduced to the Nevada side of Lake Tahoe by the Nevada Division of Wildlife. Whether this program can result in a self-sustaining population is yet to be determined. TRPA will keep abreast of the efforts and may need to modify the policy accordingly, if the feasibility of reintroduction is demonstrated.

A17-9 The comment states that the Environmental Threshold Carrying Capacities for LCT and the Goals and Policies for LCT are conflicting statements, and that the Goals and Policies for fisheries emphasize support for LCT reintroduction in streams but not lakes.

The potential viability of a self-sustaining population of LCT in Lake Tahoe and its tributaries is an evolving issue. TRPA will continue to coordinate with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and Nevada Division of Wildlife to update goals, policies, threshold information, and code provisions as information about the status of the species in the lake system becomes available.

A17-10 Comment A17-10 addresses Policy R-1.3 and states that it should include mountain biking to reflect current recreational use in the Region. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

A17-11 The commenter provides several edits to Section 3.11, Recreation. TRPA concurs with the edits. The Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS are hereby revised as follows:

***On page 3.11-4 of the Regional Plan Update Draft EIS, under subheading, California Department of Parks and Recreation:***

The California Department of Parks and Recreation (DPR) defines its mission as follows: “to provide the health, inspiration, and education of the people of California by helping to preserve the state’s extraordinary biological diversity, protecting its most valued natural and cultural resources, and providing opportunities for high-quality recreational experiences based on those resources.” DPR manages the California State Park System, including Emerald Bay State Park, D.L. Bliss State Park, and Ed Z’berg-Sugar Pine Point State Park in the Region.

***On page 3.11-5 of the RTP/SCS Draft EIR/EIS:***

**California State Parks ~~California Department of Parks and Recreation~~**

The California Department of Parks and Recreation (DPR), ~~or California State Parks (CSP)~~, defines its mission as follows, “...to provide the health, inspiration, and education of the people of California by helping to preserve the state’s extraordinary biological diversity, protecting its most valued natural and cultural resources, and providing opportunities for high-quality recreational experiences based on those resources.” CSP manages the California State Park System, including Emerald Bay State Park, D.L. Bliss State Park, Ed Z’berg-Sugar Pine Point State Park, Washoe Meadows State Park, and Lake Valley State Recreation Area in the Region.

***On page 3.11-6 of the Regional Plan Update Draft EIS and page 3.11-7 of the RTP/SCS Draft EIR/EIS:***

- ▲ Ed Z’berg-Sugar Pine Point State Park

***On page 3.11-15 of the Regional Plan Update Draft EIS, under subheading Educational Programs and Interpretive Facilities:***

- ▲ several reroute and new trails at the Ward Creek property (in process, DPR)

A17-12	<p>The comment expresses support for the proposed new approach to identifying disturbance zones for northern goshawk based on the best available habitat. The expression of support is noted.</p> <p>The comment states that the wildlife thresholds should be amended to also include an SEZ indicator species, such as willow flycatcher or yellow warbler. As noted on page 2-14 of the Draft EIS, for this Regional Plan Update, TRPA proposed the revision of a limited number of threshold standards. For the most part, the revisions related to previous public input received during the Pathway process. TRPA will consider these suggested SEZ threshold standards and indicator species again with the next threshold review.</p> <p>The comment requests the establishment of a defined limited operating period (LOP) for construction near northern goshawk nests. TRPA agrees that an LOP or similar measure would be considered a standard requirement during project-level review for construction disturbances within 0.5 mile of an active goshawk nest. Because site conditions vary, adopting a uniformly applied threshold standard may not be equally protective from one site to the next. The Code of Ordinances applies a non-degradation standard within goshawk disturbance zones but does not specifically require a construction LOP. LOPs are applied as a special permit requirement to achieve the non-degradation standard, but the Code retains flexibility to account for the type of activity, topography, and other factors in establishing an LOP.</p> <p>The comment supports the northern goshawk non-degradation zone for projects in Alternatives 2 through 5. This support is noted.</p>
A17-13	<p>Comment A17-13 suggests that the Threshold Evaluation should be scheduled such that it informs the Regional Plan Update review. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
<b>Response A18</b>	<b>Tamara Sasaki</b> <b>California Department of Parks and Recreation</b> <b>6/28/2012</b>
A18-1	<p>Comment A18-1 provides an introduction to the California Department of Parks and Recreation's comment letter on the RTP/SCS Draft EIS/EIR.</p>
A18-2	<p>The comment states that the evaluation of transportation should address the two-lane highway system constrictions in areas where there is no continuous alternate route because these facilities are subject to construction related traffic delays, emergency vehicle response, and service delivery delays. The comment expresses concern that these delays could cause potentially devastating traffic backups during a Region-wide emergency scenario such as extreme flood, snowfall, wildfire, or earthquake. The comment is correct in stating that many of the two-lane highways in the Tahoe Region do not have convenient alternative routes. It is not required under CEQA or TRPA regulations, however, to analyze transportation system conditions for infrequent, non-recurring events, such as the scenarios mentioned. Significance criteria for impacts associated with transportation are listed on page 3.3-41 of the RTP/SCS Draft EIR/EIS. Impact 3.13-5 in the RTP/SCS Draft EIR/EIS addresses access for emergency services during project construction. This was determined to be a potentially significant impact, and Mitigation</p>

Measure 3.13-5 requires the preparation of a traffic control plan. No changes to the document are required.

A18-3

The comment notes that a proposed waterborne transit connection in or near Kings Beach could adversely affect the Kings Beach State Recreation Area visitor experience and facilities and requests that TMPO work with other involved agencies on an integrated plan to address such impacts. The Draft EIR/EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. As described in the third paragraph on page 1-6,

[T]he Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues...The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan...Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

The waterborne transit project will require its own environmental document, which will evaluate the location-specific impacts of candidate terminal sites, including Kings Beach. The comment's concern is noted. Coordination with California State Parks, NTPUD, California Department of Boating and Waterways, and CTC would be a part of the project-level environmental review of this location, if Kings Beach continues to be considered as a ferry terminal.

A18-4

Several corrections to Figure 3-9 of the RTP/SCS Draft EIR/EIS are provided by the commenter related to Skylandia, ownership of the Firestone Property, and the historic designations of the Gatekeepers Cabin, Pine Lodge Complex, and Vikingsholm. TMPO agrees with the corrections listed in the comment by California State Parks. The map is also part of the RTP and will be revised in the final RTP. By way of this response, it is recognized that the recommended corrections are a part of the Final EIR/EIS. The changes do not alter the environmental conclusions with respect to the significance of any environmental impact.

A18-5

The comment states that, in relation to Impact 3.4-2 of the RTP/SCS Draft EIR/EIS, construction delays create many hours of additional wasteful vehicle operation, increased travel times, and additional localized air pollution and greenhouse gas emissions due to roadway maintenance and improvement projects on two-lane highways where no alternate detour routes exist.

Impact 3.4-2 recognizes that construction period air pollutant emissions would result in potentially significant, temporary air quality impacts. While not listed explicitly in the list of sources of these temporary emissions, TMPO agrees that travel delays would be included with the other specifically cited causes. The best construction practices policy required by Mitigation Measure 3.4-2 would reasonably be expected to include preparation of a standard construction traffic management plan to minimize travel delay, in addition to the other measures included in this mitigation measure to reduce temporary air pollutant emissions.

A18-6

Comment A18-6 addresses Impact 3.9-1, Scenic Quality, and states that ferries running on regular repetitive schedules and courses would affect scenic quality by adding additional traffic

on the Lake. Impacts associated with new or expanded shorezone and shoreland facilities, including expanded public ferry piers, parking facilities) are addressed in Impact 3.9-1, Scenic Quality for Alternatives 1, 2, 3, and 5 of the RTP/SCS.

While ferries operating on the lake would be visible during their scheduled transit across the lake, ferries would not substantially alter scenic quality when in transit because they would travel out of view as they traversed the lake, would not be substantially different in size compared to existing vessels on the lake (particularly existing tourist excursion vessels), and watercraft are expected by viewers to be present on the Lake. Nonetheless, the visual effects of specific waterborne transit routes will be evaluated in project-level documents, including the visibility of vessels and fixed facilities. For purposes of the RTP/SCS EIR/EIS, the scenic impact conclusions and level of significance would not change as a result of the consideration of the visibility of ferry vessels in transit.

A18-7      The comment refers to Impact 3.10-5, Invasive Weeds and Aquatic Invasive Species, and states that, in Mitigation Measures 3.10-5a, “Implement Weed Management Practices during Construction,” the term, “equipment” should be more broadly defined to include transport vehicles. TMPO agrees that fill, other material, and vehicles are potential weed vectors. The use of the term, “equipment,” as is in the mitigation measure provides sufficient flexibility to encompass fill transport and other construction vehicles.

A18-8      The comment notes that CDPR anticipates a loss of revenue related to the potential increase in pedestrian and bicycle traffic and decrease in vehicular traffic at state park facilities. As indicated in the impact analysis in Section 3.2, Land Use, and Section 3.11, Recreation, the RTP/SCS strategies are compatible with California State Parks facilities overall, although the comment is correct that the potential exists for a shift to occur from vehicle access to pedestrian and bicycle access. Experience has shown that a well-designed, multi-use bicycle and pedestrian trail providing access to a public park would be expected to reduce vehicle trips to the park and increase the relative number of bicyclists and pedestrians entering the park. Such a mode shift would have beneficial environmental impacts related to reduced vehicle use, including reduced emissions and risk of motor vehicle accidents. Whether the total number of visitors would change or trail congestion would occur are determined by the project-specific conditions of the park, level of user demand, origin of users, trail alignment and accessibility, and other specific factors beyond the programmatic purview of the RTP/SCS EIR/EIS.

Regarding the comment’s concerns for reductions in vehicle parking fees and resulting fiscal considerations, TMPO understands and notes the issue for consideration of the RTP. Management actions may be needed by California State Parks to pursue fees in different ways or make other operational decisions; however, this is an economic issue rather than an environmental concern, so there is no further analysis provided in the RTP/SCS EIR/EIS.

Response A19	Mimi Moss Douglas County 6/21/2012
A19-1	Comment A19-1 includes prefatory remarks to the comments contained in the letter and expresses support for TRPA and the Regional Plan Update process. The comment of support is noted.
A19-2	Comment A19-2 states that the Draft Code of Ordinances does not specify what types of minor improvements would be exempt from TRPA review in the High Density Tourist District and suggests that a definition be provided. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
A19-3	The comment states that the 2011 Douglas County Master Plan needs to be referenced in the final Regional Plan, Code of Ordinances, Regional Transportation Plan, and EIS. This comment is noted. Douglas County adopted its updated Master Plan in March 2012. This action does not alter the environmental impact analysis, and no changes to the EIS or impact conclusions are required.
A19-4	<p>Comment A19-4 suggests that Chapter 13, Conclusions and Recommendations, of the 2011 Threshold Evaluation Report and mitigation measures included in the Regional Plan Update EIS for the selected alternative be included in Attachment 4 of the Final Draft Goals and Policies, Preliminary List of Priority Projects, and that the list be prioritized.</p> <p>The Preliminary List of Priority Projects is included as Attachment 5 of the Final Draft Goals and Policies. In addition, Attachment 4 of the Final Draft Goals and Policies includes all mitigation measures that must be completed within 12 months of adoption of the Plan. Each year, the TRPA Governing Board will review and prioritize projects listed in Attachment 5, which will then be incorporated into the TRPA work plan. The comment also requests that funding sources be identified. Funding sources will be addressed as part of the annual review and prioritization of priority projects.</p>
A19-5	Comment A19-5 suggests prioritizing development of a housing strategy and provides information related to housing needs in Douglas County. This comment refers to the Regional Plan Update itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
A19-6	Comment A19-6 suggests a timeline and process for adoption of the Regional Plan Update and Code of Ordinances. The Final Draft Plan is scheduled for release on October 24, 2012, with adoption hearings scheduled in November and December 2012. This is included in the Preliminary List of Priority Projects, which is Attachment 5 of the Final Draft Goals and Policies.
A19-7	Comment A19-7 suggests that TRPA develop a variance process. This is included in the Preliminary List of Priority Projects, which is Attachment 5 of the Final Draft Goals and Policies. This comment pertains to the Regional Plan Update itself and not to the environmental

- document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-8      Comment A19-8 requests further clarification of Mitigation Measure 3.2-2 with regard to what will be permissible with the proposed land use designation change from conservation to recreation on the 250-acre parcel in Douglas County. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to limit expanded uses to two specific areas, including the 250-acre parcel, and to designate those areas as Resort Recreation Districts. Specific additional limitations on new uses in these areas are included in the Final Draft Plan such that Mitigation Measure 3.2-2 is no longer required. See also Master Response 10, Development on Recreation-Designated Lands.
- A19-9      Comment A19-9 urges TRPA to consider the proposal for extension of time for air quality mitigation fees under Alternative 4. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include this proposal. As discussed in Chapter 2, the air quality impacts of the Final Draft Plan would be less than significant (even with the extension of time for air quality mitigation fees) and, therefore, no mitigation is required.
- A19-10     Comment A19-10 notes that “community center overlay districts,” as described on page 2-33 of the Draft EIS, are not shown on the land use map. As described on page 2-33, the term “community centers” is a collective term for the Town Center, Regional Center, and High Density Tourist District overlay districts. In response to policy comments, the Final Draft Plan (as described in Chapter 2 of this Final EIS) uses and defines the term “Centers” to include the Town Center, Regional Center, and High Density Tourist District overlay districts. Therefore, “community center” as used in this EIS is synonymous with “Center” in the Final Draft Plan. “Special Planning Districts” as shown on the land use maps are “overlay districts.” The terms imply specific planning provisions “overlaid” on a more general land use designation.
- A19-11     Comment A19-11 requests clarification of the requirements for a comprehensive coverage management system. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include additional limits on comprehensive coverage management systems. Comprehensive coverage management would be required to be demonstrably more effective at reducing coverage overall and at reducing coverage in Land Capability Districts 1 and 2. The Final Draft Plan retains these requirements and includes additional limitations that would prevent a comprehensive coverage management plan from increasing allowable coverage within 300 feet of the high water mark of Lake Tahoe or on the lakeward side of state highways in the Tahoe City and Kings Beach Town Centers (Draft Code Section 13.5.3.B.1).
- A19-12     Comment A19-12 suggests that footnote 22 on page 13-11 of the Draft Code be addressed with the Code update or added to the Preliminary List of Priority Projects (Attachment 5 of the Final Draft Goals and Policies). This comment refers to proposed provisions of the Code and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

- A19-13      Comment A19-13 states that the Code needs to be updated to reflect several provisions of the Regional Plan Update. This comment is noted. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-14      Comment A19-14 expresses confusion with regard to the calculations of maximum density as described in Section 31.5 of the Code. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-15      Comment A19-15 states that driveway and parking standards should be removed from the Code and regulated by local jurisdictions. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-16      Comment A19-16 requests a review and simplification of Code Chapter 37: Height. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-17      A 19-17 requests that TRPA work with local jurisdictions to discuss changes to the Performance Review System. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-18      Comment A19-18 recommends that TRPA's floodplain management policies and regulations be removed in the final Regional Plan and Code of Ordinances because floodplain management is handled by local jurisdictions. Alternatively, it recommends specific modifications to the Code. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-19      Comment A19-19 requests that recommendations made by the Tahoe Basin Fire Chiefs be incorporated into the final Regional Plan and Code of Ordinances. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-20      Comment A19-20 suggests that the Regional Plan Update include a program to allow conversion of retired TAUs to support condominium development that would provide more affordable housing for the local workforce. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, modifications to the TAU conversion criteria have been included in the Final Draft Plan. Please also refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A19-21      Comment A19-21 expresses concern related to the assumed funding levels described in Appendix F, Funding Source Detail, in Mobility 2035. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.



A19-22 Comment A19-22 includes concluding remarks, expressions of appreciation, and support for the process. The comment of support is noted.

**Response  
A20**

**Douglas County  
6/15/2012**

A20-1 Comment A20-1 provides a series of technical comments on the Draft Regional Plan, Regional Plan Update EIS, and Code of Ordinances. One comment addresses the EIS and pertains to the floodplain information used for Draft EIS Exhibit 3.14-2.

The floodplain data in Exhibit 3.14-2 reflect FEMA floodplains. However, because the 2010 updated data for Douglas County was not available when the analysis was conducted, TRPA's GIS analyst digitized the Douglas County floodplains. This exhibit was intended to be for reference purposes only; TRPA will rely on the 2010 FEMA data for use in project review.

The remaining comments address the Regional Plan and Code of Ordinances. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

**Response  
A21**

**Brandy McMahon  
Douglas County  
4/26/2012**

A21-1 Comment A21-2 expresses support for release of the Draft Regional Plan and discusses the list of priority projects, efforts made to update the Code, and the need to address housing-related issues. This comment relates to the Regional Plan and Code, and not to the EIS. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed. Also, please note that the list of priority projects is included as Attachment 5 of the Final Draft Goals and Policies.

**Response  
A22**

**Kimberly A. Kerr and Roger Trout  
El Dorado County Department of Transportation  
6/27/2012**

A22-1 The comment expresses appreciation and is prefatory to more detailed comments in the letter. The comment of support is noted.

A22-2 Comment A22-2 expresses concern with the cost of implementing one element of Mitigation Measure 3.4-2, "Develop and Implement a Best Construction Practices Policy for Construction Emissions," regarding air emissions performance criteria for construction contractor's equipment. As described in the Draft EIS at page 3.4-28, the Best Construction Practices Policy "may include, but are not limited to" the list of potential measures included in the mitigation measure, which are recommended as potential ways in which the performance standards may be achieved; the specific measures are yet to be developed and finalized. The final measures to be included in the Best Construction Practices will be identified within 12 months of adoption of the Regional Plan Update. TRPA's process of developing the best practices will include

consultation with El Dorado County and other local jurisdictions. Cost-related issues would be appropriate to address during this consultation. See also Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details for further discussion of the approach to Mitigation Measure 3.4-2.

A22-3

The comment questions how a nexus will be maintained between a project impact and the mitigation if air quality mitigation funds can be used anywhere within the air basin rather than within the same local jurisdiction as the impact. Because air quality impacts are regional and funds would be used within the same air basin, the air quality improvements of priority projects would benefit the entire air basin, regardless of local jurisdictional boundaries. Therefore, mitigation within the air basin is appropriate. Moreover, because funds would be used for the Region's priority projects, it may be more effective in bringing about air quality improvement than mitigation that is limited to the local jurisdiction.

The comment questions why another regional entity must be established to determine where the funds are spent, if the Tahoe Transportation District is eligible to receive Air Quality Mitigation Funds. No new entities would be established under any of the Regional Plan Updates. As stated in Code Section 65.2.6:

TRPA shall deposit air quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on air quality mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdiction, or to the Tahoe Transportation District at the local jurisdiction's request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Regional Transportation Plan or the 1992 Air Quality Plan. Pursuant to subparagraphs 65.2.4.C.2 and 65.2.5.C.2, certain funds may be identified for the construction of specific projects. By October 1 of each year, the recipient shall submit to TRPA an annual report of the funds expended as of June 30 each year.

The comment expresses concern related to a fair and unbiased distribution of air quality mitigation funds. As described in Draft Code Section 65.2.6.B:

As an alternative to distributing air quality mitigation funds to the jurisdiction of origin, a portion of the air quality mitigation funds may be distributed across jurisdictional boundaries to support projects of regional priority that are specifically identified in a regional capital improvement program developed in cooperation with local jurisdictions, such as the Five Year Environmental Improvement Program (EIP) Priority Project List.

The comment also cites a concern with the policy change discussed in Impact 3.4-9, Extension of Time for Air Quality Mitigation Fee Basis, asking how local jurisdictions can plan for future construction projects when Air Quality Mitigation Fees become uncertain. Please see Chapter 2, Revisions to Alternative 3: Final Draft Plan, for detailed discussion of the proposed air quality mitigation fee basis and its incorporation into the Final Draft Plan. In summary, adoption and implementation of the provision will not cause uncertainty in air quality mitigation fees. Research conducted by TRPA staff determined that, of the over \$3.5 million dollars in air quality mitigation fees collected over the past eight years, less than \$20,000 was collected from

businesses reopening after a previous closure, i.e., from the Code provision proposed for change. This represents less than 1 percent of the total fee revenue, a very small amount that, when considering the 8 year period over which it was collected and the number of entities that receive air quality mitigation funds, is negligible in terms of its effect on the overall program. Please see Section 2.2.19 of the Regional Plan Update Final EIS for additional information.

The comment requests more detailed information about how water quality mitigation funds will be modified to better reflect water quality impacts and benefits from development and redevelopment activities. This is a comment on a feature of the Plan itself, and not on the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

- A22-4      Comment A22-4 expresses the need for proper oversight of the coverage transfer process to protect water quality, and cites a specific scenario of concern. This is a comment on implementation and operational details of the plan itself, and not on the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A22-5      The comment requests more information about the proposed development of objective standards for extending the grading season. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A22-6      The comment requests that TRPA provide a process and timeframe for adoption of the Regional Plan Update that allows coordination with updating of the El Dorado County General Plan. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, for a discussion of the timeline and process for plan adoption.
- The comment also requests additional information about the reclassification of lands from conservation to recreation as evaluated in Impact 3.2-2. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, this aspect of Alternative 3 has been revised. The revised resort recreation designation limits the geographic extent of the new allowable uses to two specific sites. Please see Master Response 10, Development on Recreation-Designated lands.
- A22-7      The County of El Dorado is concerned about the potential ban on pesticide use proposed in Alternative 2. The analysis in Impact 3.14-3 in Draft EIS Section 3.14, Hazards and Public Safety, indicates that such a prohibition would result in a significant and unavoidable impact because it would increase public exposure to mosquito populations that could carry vector-borne diseases. The substance of the comment suggests agreement with the Draft EIS analysis.
- A22-8      The comment expresses concern with regard to potential for inconsistencies between TRPA regulations and the TMDL under the Regional Plan Update alternatives that would have “no official adoption or recognition” of the TMDL. This comment is noted for consideration. Please also see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

- A22-9 The comment expresses concern that 12 months may not adequate time to develop a GHG reduction policy. As described in Attachment 4 of the Final Draft Goals and Policies, TRPA has committed to completing this and other priority projects within 12 months of adoption of the Regional Plan Update. During this 12-month process, TRPA will seek input from local jurisdictions regarding specific elements of the GHG reduction policy. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.
- A22-10 The comment expresses concern that some of the detailed noise-reduction measures listed under Mitigation Measures 3.6-1 through 3.6-4 may be infeasible in some cases. Mitigation Measures 3.6-1 through 3.6-3 describe a programmatic response to the plan-level analysis of potential noise and vibration impacts arising from implementation of the Regional Plan Update and RTP/SCS. As described in Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, the programmatic approach involves development of certain programs of mitigation actions over the 12-month period following approval of the plans to provide an opportunity for TRPA and TMPO to coordinate with affected agencies on the mitigation details addressing specific noise issues. Mitigation Measures 3.6-1, 3.6-2, and 3.6-3 commit to the development and implementation of mitigation programs that meet applicable criteria, and to continue to develop project-specific mitigation, as applicable, until such programs are in place.
- Mitigation Measure 3.6-1, Mitigation Measure 3.6-2, and Mitigation Measure 3.6-3 require programs of mitigation actions and these programs are required to achieve specific, identified performance standards. This is consistent with provisions of both the TRPA and CEQA frameworks, which allow mitigation of a significant or potentially significant effect on the environment through a commitment to prepare and adopt a program of actions that would reduce the environmental effect. This is a proper and effective approach to use in programmatic environmental evaluations of large-scale plans when circumstances make it infeasible to define the full detail of specific mitigation actions at the time a plan is adopted (i.e., specific locations, detailed designs, and/or operating parameters of projects implementing a plan are not yet known). Mitigation Measures 3.6-1, 3.6-2, and 3.6-3 list possible measures that may reduce potential noise effects. No specific evidence is offered to support the statement that measures are infeasible.
- With regard to concern about development of noise reduction program within 12 months, TRPA will lead that development and is committed to such a time frame. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.
- A22-11 The comment expresses concern that 12 months is not sufficient time to develop a regional housing needs assessment. TRPA will lead that development and has committed to such a time frame. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.
- A22-12 Comment A22-12 identifies areas of policy and analysis in which the County of El Dorado concurs with the direction of the Regional Plan Update and the Draft EIS. This comment of support is noted.

Response A23	Zac Appleton U.S. Environmental Protection Agency 6/28/2012
A23-1	The comment expresses appreciation for the early coordination between TRPA and EPA with regard to preparation of the Regional Plan Update Draft EIS and indicates that EPA has several suggestions on water quality and solid waste generation.
A23-2	Comment A23-2 addresses the Lake Tahoe TMDL. Issues related to the relationship between the Regional Plan and water quality planning document are addressed in Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
A23-3	The comment provides input on incorporation of various aspects of the TMDL into the Regional Plan Update alternatives. Please refer to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements. With regard to modifying the descriptions of the alternatives, see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A23-4	The comment provides input on incorporation of various aspects of the TMDL into the Regional Plan Update alternatives. Please refer to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
A23-5	Comment A23-5 notes that TRPA may need to update the Water Quality Management Plan developed under Section 208 of the Clean Water Act and offers EPA's assistance in that update. Please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
A23-6	The comment notes that the TMDL budgets for some of the transportation strategy packages in Table 3.3-10 are listed as \$0 and requests an explanation for this dollar amount. These zero dollar amounts appear under the heading of "Unconstrained Project List" for Transportation Strategies A and C. Transportation Strategy Packages A and C, by definition, are limited to projects on the constrained project list; therefore, no funds are devoted to unconstrained TMDL projects in Packages A and C.
A23-7	<p>The comment requests that TRPA clarify whether water quality programs described in Appendix A of the Regional Plan Update Draft EIS are required or voluntary. Goal WQ-3.11 refers to the BMPs, implementation of which would continue to be required for all projects, as described in Goal WQ-3.12: "Projects Shall Be Required to Meet TRPA BMP Requirements as a Condition of Approval for All Projects." As such, all projects that require an approval from TRPA, and projects where TRPA approval is delegated to other jurisdictions, are required to comply with BMP and other water quality requirements as a condition of approval.</p> <p>For water quality retrofits of existing development that are not associated with a project application, BMP installation is also required. However, compliance efforts would continue to be targeted in priority areas due to the limited enforcement resources available to TRPA and the numerous competing needs for those resources. TRPA would also continue to emphasize voluntary compliance with BMPs for all property owners in accordance with Policy WQ-3.11. Voluntary compliance is facilitated through notifying property owners of requirements,</p>

providing technical assistance in BMP implementation, and providing incentives only available to properties that comply with BMP retrofit requirements.

- A23-8      Comment A23-8 requests clarification regarding removal of the discussion of the 208 Plan from the proposed Goals and Policies, and recommends that it be retained. Removal of the 208 Plan discussion from the Goals and Policies (along with other editorial changes) is proposed only to streamline the document and reduce redundancy. No substantive changes with regard to the 208 Plan or TRPA's role as preparer of the 208 Plan would result from deleting the referenced language. The 208 Plan remains an important element of TRPA's water quality restoration program. See also Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Update.
- A23-9      The comment states that the recently adopted total nitrogen load reduction milestones from a 2004 baseline adopted in the California and Nevada Lake Tahoe TMDLs may be a better pelagic lake management standard than the dissolved inorganic nitrogen loading reductions identified in Appendix B. The standard states, "These numerical threshold standards for Pelagic Lake Tahoe are currently being exceeded and will likely continue to be exceeded until full implementation of the pollutant loading reductions prescribed by the Lake Tahoe Total Maximum Daily Load program and implemented by the State of California and Nevada." This comment relates to the Regional Plan, and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A23-10     Comment A23-10 provides several suggested changes to the "Summary of Coordinated Water Quality Policies, Programs, Laws & Monitoring/Tracking" in the revised Goals and Policies (Appendix A of the draft Regional Plan Update EIS). See Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A23-11     The comment requests that the EIS clarify how allowing coverage transfers across HRA boundaries would maintain beneficial uses. The Basin Plan requires that local jurisdictions would be required to meet the TMDL requirements not to increase loading on a catchment scale, and nothing in the Regional Plan Update would interfere with this requirement. Approaches would vary catchment by catchment. In addition, the Plan has been revised to no longer include transfers across HRA boundaries (see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan). See also Master Response 5, Effects of Concentrated Development on Water Quality.
- A23-12     EPA recommends that TRPA incorporate California's 75 percent recycling goal in the Draft EIS. As noted in the comment, adequate landfill space is available to accommodate the amount of growth anticipated under the Regional Plan Update alternatives. Nonetheless, California's 75 percent recycling goal is a positive goal that is also sought in the Region. By way of this response, TRPA acknowledges and includes California's 75 percent recycling goal in the Final EIS.
- A23-13     Comment A23-13 encourages TRPA to consider diverting solid wastes from landfills as a GHG mitigation strategy. As described in Section 3.5, Greenhouse Gas Emissions and Climate Change (page 3.5-15), under Alternative 1 "the Tahoe Regional Sustainability Plan will develop a

framework of climate change mitigation and adaptation strategies. The mitigation strategies will aim to reduce operational emissions of activities within the Basin from emission sources such as transportation, energy consumption, solid waste, and water consumption.” Mitigation Measure 3.5-1, Implement Sustainability Measures with Performance Standards, applies to all Regional Plan Update alternatives and includes the following measure under “Minimize Operation-Related GHG”: “Expand recycling opportunities and increase recycling infrastructure, including food waste diversion into a composting process.” This comment is noted for additional consideration during development of the Greenhouse Gas Emission Reduction Policy.

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**Response  
A24**

**Jack Landy**  
**U.S. Environmental Protection Agency**  
**6/28/2012**

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A24-1      Comment A24-1 identifies EPA’s concerns about the coordination and relationship between the TMDL, Regional Plan Update, and 208 Plan. Please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

The comment raises issues related to the Regional Plan Update, TMDL gap analysis, inclusion of project components into all alternatives, and pollutant load reduction plans. The comment proposes that the Final EIS conduct a gap analysis between the TDML and the Regional Plan Update to inform future Plan and Code amendments not proposed as part of Alternative 3. Such an analysis is outside the scope of this EIS. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment also requests more information about coverage transfers between HRAs. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, revisions have been made to this aspect of Alternative 3 and the Final Draft Plan no longer includes transfers across HRA boundaries. .

Please see also the Responses to Comments A23-1 through A23-13.

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**Response  
A25**

**Patty Kouyoumdjian**  
**Lahontan Regional Water Quality Control Board**  
**6/28/2012**

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A25-1      Comment A25-1 provides an introduction to this comment letter and expresses support for land use policies that focus on watershed restoration. The comment is noted for consideration during the review of the merits of the alternatives.

A25-2      Comment A25-2 asserts that the Regional Plan Update does not adequately describe the linkage between the Regional Plan Update and the Lake Tahoe TMDL and does not discuss TRPA’s role and responsibility in TMDL implementation. The comment includes suggestions regarding how the TMDL should be reflected in the Regional Plan Update, specifically in the Goals and Policies. Please See Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Final Draft Plan includes new provisions that would incorporate TMDL reporting data in the review of Area Plans and would make TRPA and TMDL reporting requirements more consistent.

- A25-3 Comment A25-3 expresses support for the proposed Area Plan concept and suggests that the proposal be expanded to allow local governments to assess impervious coverage on a sub-watershed scale. The comment of support is noted. As to the suggested modification of the policy and suggestion that the EIS consider such a policy, please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A25-4 Comment A25-4 addresses the concentration-based stormwater effluent limits and suggests that TRPA take the opportunity, through the Regional Plan Update, to align TRPA stormwater treatment standards with Water Board standards. The comment suggests that the Code be updated to be consistent with the amended Water Quality Control Plan for the Lahontan Region and that the EIS be revised accordingly. With regard to this suggested policy modification, please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed. Also see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A25-5 Comment A25-5 suggests that proposed water quality improvement policies are not aligned with NPDES permit requirements and future MOA requirements of Lahontan RWQCB and NDEP, respectively, under the Lake Clarity Crediting Program. The comment cites the Regional Plan proposal to establish road abrasive materials specifications and reporting by municipalities, and information pertaining to application and recovery as inconsistent with, and duplicative of, the NPDES and MOA reporting requirements. It is not the intent of the policy to duplicate reporting required under other programs, but to achieve the stated goal of reducing sediment loading from roadway operations. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in this Final EIS, Alternative 3 has been modified to allow greater coordination between TMDL and TRPA reporting requirements. Also see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A25-6 Comment A25-6 expresses support for the proposal to provide municipal governments with additional flexibility regarding the use of water quality mitigation fees, and suggests that the Regional Plan Update link transportation projects to water quality improvement. Linking transportation projects to water quality improvement is an important function of the Regional Transportation Plan. As described on page 2-3 of the RTP/SCS Draft EIR/EIS,
- [t]he RTP also includes numerous water quality improvement measures, such as best management practice (BMP) projects, related to transportation facilities. By including water quality protection measures in the RTP, the RTP also helps support attainment of the total maximum daily load (TMDL) requirements for limiting the discharge of sediment and nutrients to Lake Tahoe and water quality threshold carrying capacities.
- Water quality improvement projects are described in Section 2.8.1, RTP/SCS Components, of the RTP/SCS Draft EIR/EIS, under the following sub-headings: Corridor Revitalization Projects, Transit Projects, TMDL/Stormwater Projects; and in Table 2-1, RTP List of Projects Included in Transportation Strategy Packages, in the RTP/SCS Draft EIR/EIS. Environmental impacts, including beneficial effects, are discussed in Section 2.8.2 of the RTP/SCS Draft EIR/EIS. Impact 3.8-2, Stormwater Runoff, Drainage Capacity, Infiltration Related to Pollutants Reaching the Lake, describes the effects of proposed roadway improvements. Additionally, an evaluation of the water quality mitigation fee program to consider amendments reflecting water quality



impacts and benefits from development and redevelopment activities in accordance with updated Regional Plan policies is included in Attachment 5, Preliminary List of Priority Projects, to the Final Draft Goals and Policies.

- A25-7 Comment A25-7 expresses support for area-wide stormwater treatment and suggests that the EIS consider an alternative that would eliminate reference to the 20-year, 1-hour design storm and other requirements that inhibit the flexibility inherent in the Area Plan concept. This comment pertains to plan policies themselves and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed. Also see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A25-8 This comment pertains to the Threshold Update and the TMDL, and not to the environmental analysis of the Regional Plan Update. Nonetheless, the Draft EIS includes an analysis of atmospheric nitrogen and deposition as it relates to the TMDL and the Air Quality Threshold Standards for atmospheric deposition. As the comment relates to the proposed threshold standards for PM<sub>10</sub> and PM<sub>2.5</sub>, the threshold standards would not be relaxed. Thus, there would be no adverse impacts on water quality associated with the proposed changes to the threshold standards for PM. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed. Also see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A25-9 Comment A25-9 states that the mitigation for the proposed coverage exemptions is not well described. It notes that coverage estimates are included for non-motorized trails and that the coverage assessment method addresses development units, but does not account for other exempted coverage and potential coverage needs associated with public services and recreation projects.
- Other exempted coverage (i.e., temporary coverage and Americans with Disabilities Act [ADA] facilities) includes the 60-acre maximum estimate of temporary coverage (page 3.7-38 of the Draft EIS) and 5 acres for the ADA exemption (page 3.8-50 of the Draft EIS). Pervious decks and pervious pavement that meet detailed siting and design requirements are partially exempted because they do not meet the definition of coverage or function as coverage. Therefore, these pervious surfaces are not included in the estimates of impervious coverage. The Draft EIS thoroughly evaluates potential effects of all coverage exemptions based on performance standards (i.e., the ability of a property to continue to infiltrate runoff based on proposed limitations) (see Regional Plan Update Draft EIS pages 3.8-43 through 3.8-47 and page 3.8-50).
- The comment suggests that the EIS provide a detailed summary of the change in coverage associated with coverage exemptions, coverage transfers, and proposed policies. This information is provided in the Draft EIS in Sections 3.7 and 3.8 and is summarized in Table 3-12, below. Table 3-12 includes potential coverage from development, which includes the difference between new coverage and coverage reductions from transfers, and all potential new coverage from trails (described in detail in Table 3.7-9 in the RTP/SCS Draft EIR/EIS). New coverage from proposed exemptions is included in the totals displayed in the table under Alternatives 3 and 4, but is not estimated for each LCD because this coverage would be restricted to high capability land (LCDs 4–7).

In reviewing the coverage estimates presented in the Draft EIS, TRPA identified a mapping error that overestimated the potential new coverage that could result from the construction of exempted bicycle trails (i.e., Class 1 trails were mapped at 14 meters in width instead of 14 feet). This mapping error resulted in a very conservative estimate of the impacts of the non-motorized public trail exemption. Table 3-12 summarizes the coverage estimates presented in the Draft EIS for all alternatives. Table 3-13 includes the same information for the Final Draft Plan, but includes the corrected estimates of trail coverage. These revised trail coverage estimates would not change the significance determination in Impact 3.7-1, and they would result in less potential for environmental impacts than identified in the Draft EIS.

Coverage associated with proposed exemptions would not be subject to land coverage calculations, restrictions, and mitigation requirements established in Chapter 30 of the Code as long as all requirements for proposed exemptions are met, including implementation of Mitigation Measure 3.8-4. Coverage of sensitive land could affect biological resources; however, as discussed in Impact 3.7-1 of the Draft EIS.

Existing federal and state regulations would provide habitat compensation for the loss of riparian, wetland, and other SEZ habitats through the permitting processes required by CWA Section 404, CWA 401 (in California), waste discharge requirements (for waters of the state pursuant to the Porter-Cologne Act), California Fish and Game Code Section 1600 *et seq.* (in California), and CEQA review (in California). (These regulations are described in detail in Section 3.10, Biological Resources [of the Regional Plan Update Draft EIS].) Therefore, although impacts of non-motorized public trails would be exempt from TRPA mitigation requirements specific to land coverage, mitigation would still be required for any significant impact to the biological functions and values of SEZs, to achieve TRPA's non-degradation standard for habitats of special significance and comply with other applicable federal and state permitting requirements.

With regard to coverage associated with recreation and public service projects, it would be too speculative for meaningful consideration to attempt to determine the level of coverage related to these future projects throughout the Region. Furthermore, none of the Regional Plan Update provisions would affect the amount of coverage associated with public service or recreation projects. The Regional Plan Update EIS provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development, recreation projects, or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analysis would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific projects.

Table 3-12. Total Coverage Estimates per Alternative																				
	Alternative 1				Alternative 2				Alternative 3				Alternative 4				Alternative 5			
	Development	Trails	Exemptions	Total	Development	Trails	Exemptions	Total	Development	Trails	Exemptions	Total	Development	Trails	Exemptions	Total	Development	Trails	Exemptions	Total
1a	-2	6	0	4	18	29.1	0	47.1	6	25.9	0	32	28	25.9	1	54	30	6	0	36
SEZ (1b)	-5	2.1	0	-2.9	-9	6.7	0	-2.3	-15	6.7	0	-8	-12	6.7	1	-4	-10	2.1	0	-7.9
1c	-1	0	0	-1	1	8.9	0	9.9	-1	8.5	0	8	1	8.5	0	10	2	0	0	2
2	-1	3.5	0	2.5	4	12.1	0	16.1	1	10	0	11	7	10	0	17	8	3.5	0	11.5
3	-1	0	0	-1	7	3.6	0	10.6	2	3.5	0	6	12	3.5	0	16	13	0	0	13
4	0	5.5	0	5.5	13	14.8	0	27.8	5	14.6	10	29	19	14.6	10	44	22	5.5	0	27.5
5	4	6.8	0	10.8	37	38.1	0	75.1	20	42.3	22	84	53	42.3	23	118	62	6.8	0	68.8
6	5	1.8	0	6.8	20	28.2	0	48.2	23	27.5	14	65	35	27.5	15	77	41	1.8	0	42.8
7	8	2	0	10	11	8.7	0	19.7	25	8.7	14	48	34	8.7	15	58	33	2	0	35
Total	7	27.7	0	34.7	102	150.2	0	252.2	66	147.7	60	274	177	147.7	65	390	201	27.7	0	228.7
Coverage from exemptions reflects 5 acres from the ADA exemption applied to LCDs 1-7 (Alternative 4), and 60 acres from temporary coverage applied to LCDs 4-7 (Alternatives 3 & 4). Distribution of exempted coverage was estimated based on the proportion of existing coverage in LCDs where the exemptions apply. Tables 10-14 of Appendix H shows the proportion of existing coverage per LCD under each alternative in the Regional Plan Update Draft EIS.																				

Table 3-13. Total Coverage Estimates for the Final Draft Plan				
Land Capability District	Development	Trails	Exemptions <sup>1</sup>	Total
1a	6	12	1	19
SEZ (1b)	-15	7	1	-7
1c	-1	3	0	2
2	1	6	0	8
3	2	1	0	4
4	5	3	10	18
5	20	9	23	52
6	23	9	15	47
7	25	2	15	41
Total	66	52	65	183
Coverage estimates are in acres and are based on the 1974 Bailey Land Capability Map with an updated SEZ overlay. Trail coverage reflects corrected coverage estimates. <sup>1</sup> Distribution of exempted coverage was estimated based on the proportion of existing coverage in LCDs where the exemptions apply. Tables 10-14 of Appendix H shows the proportion of existing coverage per LCD under each alternative in the Regional Plan Update Draft EIS.				



The comment also suggests that the Draft EIS erroneously concludes that new coverage in SEZ would affect jurisdictional wetlands and would be subject to mitigation prescribed by the Water Board, NDEP, and U.S. Army Corps of Engineers. The Draft EIS does not assume that all coverage in SEZ would affect jurisdictional wetlands. As described on Draft EIS page 3.7-38:

for the coverage occurring in sensitive SEZ lands, SEZ is also protected by TRPA as a sensitive wildlife resource as described in Chapter 62 of the Code (Wildlife Resources), and SEZ and riparian habitats are considered “habitats of special significance,” which is a TRPA threshold resource for which a nondegradation standard applies. Additionally, most of the SEZ and riparian habitats affected by implementation of Alternative 3 would likely be considered jurisdictional waters by USACE and, in California, by LRWQCB under CWA Section 404 and the Porter-Cologne Act. Existing federal and state regulations would provide habitat compensation for the loss of riparian, wetland, and other SEZ habitats through the permitting processes required by CWA Section 404, CWA Section 401 (in California), waste discharge requirements (for waters of the state pursuant to the Porter-Cologne Act), California Fish and Game Code Section 1600 et seq. (in California), and CEQA review (in California). (These regulations are described in detail in Section 3.10, Biological Resources.) Therefore, although impacts of non-motorized public trails would be exempt from TRPA mitigation requirements specific to land coverage, mitigation would still be required for any significant impact to the biological functions and values of SEZs, to achieve TRPA’s nondegradation standard for habitats of special significance and comply with other applicable federal and state permitting requirements.

In other words, the EIS does not rely on mitigation imposed by existing permitting programs of other agencies to determine that impacts would be less than significant, but provides an overview of the relevant federal and state permitting requirements that could apply to SEZ coverage.

The comment states that the EIS should consider past and future coverage reductions to more comprehensively assess the relationship between public service and recreation coverage in the context of programmatic restoration. The Regional Plan Update’s contribution to cumulative effects on coverage is discussed on pages Draft EIS pages 4-16 through 4-17. Furthermore, the Regional Plan Update EIS does not address impacts at the level of proposed land use development, recreation projects, or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. It would be too speculative to attempt to determine coverage or use of coverage exemptions for future projects throughout the Region. Such environmental analysis would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific projects. No changes to the EIS are required.

A25-10

The Water Board is interested in working with TRPA to address broad policy concerns. The comment expressing support for continued collaboration is noted.

<b>Response A26</b>	<b>Patty Kouyoumdjian Lahontan Regional Water Quality Control Board 6/28/2012</b>
A26-1	<p>Comment A26-1 addresses issues related to implementation of the TMDL in coordination with the Regional Plan Update. Please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.</p> <p>The comment notes many similarities between the Regional Plan Update approach and the TMDL approach. The comment also hopes to establish consistency in monitoring reporting provisions among the agencies. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.</p>
<b>Response A27</b>	<b>Kindred Murillo Lake Tahoe Community College 6/28/2012</b>
A27-1	The comment expresses general support for Alternative 3 and general opposition to Alternative 1 of the Regional Plan Update. The comment also notes that a written comment letter will be submitted. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response A28</b>	<b>Alexi Lanzi Nevada Division of Environmental Protection 5/3/2012</b>
A28-1	Comment A28-1 states that the Nevada Division of Environmental Protection (NDEP) Bureau of Water Pollution Control does not have any comments. No response is necessary.
A28-2	The comment indicates that TMPO may be subject to water quality permitting for projects addressed in the RTP/SCS. This comment speaks to project-specific permitting that may be required and is noted for consideration during project review. No further response is necessary.
<b>Response A29</b>	<b>Mahmood Azad Nevada Tahoe Conservation District 4/30/2012</b>
A29-1	The comment expresses support for the proposed reduction of phosphorus-based fertilizers in the Basin to address water quality and algal issues. The comment further provides suggestions for an alternative formulation for fertilizer. This comment of support is noted.
A29-2	The comment addresses terminology used in the Water Quality Subelement of the Regional Plan Update, specifically the words “reuse” and “discharge,” and notes that use of treated municipal wastewater for wildfire suppression purposes may not be considered a “discharge” under the Clean Water Act. This comment is noted for consideration. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

A29-3	The comment suggests that fertilizer reformulation be investigated by UC Davis and UNR. The comment further suggests changing Regional Plan Update language to “phase in” a reformulated fertilizer instead of “phas[ing] out the sale and use of [phosphorus] fertilizer.” This comment refers to Regional Plan Update Policy WQ-3.9. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response A30</b>	<b>Scott Morgan California State Clearinghouse 6/29/2012</b>
A30-1	The comment conveys that no state agencies submitted comments to the California State Clearinghouse. The comment further states that the Clearinghouse acknowledges that the Regional Plan Update EIS has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act.
<b>Response A31</b>	<b>Jennifer Montgomery Placer County 5/16/2012</b>
A31-1	The comment requests that the public comment period be extended from 60 days to 90 days to allow TRPA to meet with the Placer County Board of Supervisors during the public comment period. TRPA staff met with the Placer County Board of Supervisors on June 19, 2012, during the public comment period. Also please see Master Response 2, Duration of Public Comment Period.
<b>Response A32</b>	<b>Michael Johnson Placer County Community Development Resource Agency 6/19/2012</b>
A32-1	<p>The comment includes prefatory remarks, introduces the comment letters from Placer County, provides general support for various proposed policies, and requests publication of the “to-do list.”</p> <p>The to-do list is included as Attachment 4 and Attachment 5 of the Final Draft Goals and Policies. Attachment 4 includes all mitigation programs that must be developed within 12 months of adoption of the Regional Plan Update; Attachment 5 includes all of the other priority projects identified by the TRPA Governing Board. Each year the Governing Board will review and prioritize projects on Attachment 5, which may be incorporated into the TRPA work plan.</p>
A32-2–A32-10	Comments A32-2 through A32-10 list and summarize comments provided in Letters A33, A36, and A37. These comments are repeated, and detailed responses are provided in the appropriate letters below.
A32-11	The comment addresses the listing of “California Strategic Growth Council-Funded Sustainability Planning – the Sustainability Plan” in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS (Section 3.5.2, Regulatory Background, of both environmental documents). The comment expresses concern that the Sustainability Plan is considered to serve a regulatory

function. The text of Section 3.5.2 of the Draft EIS and Draft EIR/EIS do not state that the Sustainability Plan provides regulatory authority; rather it is “a public-private partnership, established to lead the development of sustainability tools and drive coordinated sustainability efforts. The sustainability tools are intended to support development of economic incentives, GHG reduction strategies, and climate change adaptation strategies” (Section 3.5.2, under subheading California Strategic Growth Council-Funded Sustainability Planning of the Draft EIS and Draft EIS/EIR). The California Strategic Growth Council-Funded Sustainability Planning is listed under the Regulatory Background because it is administered by TMPO, a regulatory authority.

A32-12 Similar to Comment A32-11, above, this comment expresses concern that the Sustainability Plan is interpreted as a regulatory document, and the Sustainability Collaborative is treated as a regulatory authority.

In the Regional Plan Update Draft EIS, Mitigation Measure 3.5-1, Implement Sustainability Measures with Performance Standard, requires TRPA to coordinate implementation of a GHG Emission Reduction Policy through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local and other governments addressing Best Construction Practices and ongoing operational efficiency. TRPA will consider all relevant materials produced by the Sustainability Collaborative to efficiently develop a GHG emission reduction policy. This does not provide the Sustainability Collaborative with governing authority or rely upon the Sustainability Plan as a regulatory document. TRPA has identified interim GHG reduction measures and will treat projects on an individual basis until a regional GHG reduction target is established and approved by the Governing Board.

A32-13 The comment states that the document should acknowledge the presence of General Plans and Community Plans in areas where such documents may also provide regulatory control and/or guidance. In the Regional Plan Update Draft EIS, Impact 3.2-3, Consistency with Applicable Plans, Policies, and Regulations, provides a discussion of coordination with and/or consideration of other applicable plans in the Region, including the Regional Transportation Plan/Sustainable Communities Strategy, LTBMU Forest Plan, Water Quality Management Plan, EIP, Lake Tahoe TMDL, and Local General Plans and Master Plans. Programs developed in response to adopted mitigation measures in the Draft EIS will consider existing regulations to facilitate effective implementation.

A32-14 The comment asks for clarification on what type of capital and operational improvements to transit and bicycle trails would be proposed or acceptable for mitigation associated with metered development allocations. Regarding the comment requesting a list of specific projects that will be required to allow release of allocations, achievement of the LOS standard will be influenced by both land use changes and transportation facility development and operation. It is premature to identify what specific projects, or combination of projects, may be needed to mitigate localized LOS impacts. TRPA anticipates that new LOS improvement projects will be included with new development proposals (as required by code) and implemented by public agencies in the Region. Please see Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria.

A32-15 The comment asks why rural LOS standards were used for Tahoe City, and recommends that the RTP/SCS EIR/EIS should analyze rural versus urban standards in the context of the Tahoe Region. The comment concludes that LOS E for a period of four hours or less should not be considered a significant impact in Tahoe City. Page 3.3-41 of the RTP/SCS Draft EIR/EIS describes roadway



segments that are defined as urban versus rural. Study locations within Tahoe City are defined as urban, as indicated in Table 3.3-14 of the Draft EIR/EIS, which shows an LOS E standard for SR 28 east of Tahoe City. An LOS D standard is applied for SR 89 north and south of Tahoe City because the applicable study segment locations are located in rural areas.

- A32-16 The comment raises concerns that the proposed system of tying phasing of allocations to roadway LOS in Mitigation Measure 3.3-3 [sic] is a disincentive to environmental redevelopment. The commenter identifies Mitigation Measure 3.3-3, but appears to be referring to Mitigation Measure 3.3-1, Phased Release of Allocations/ LOS Monitoring/Travel Demand Management, in the RTP/SCS Draft EIR/EIS. The comment describes the Kings Beach Commercial Core Improvement Project (KBCCIP), and notes that this project was approved by both Placer County and TRPA and intentionally reduces roadway capacity in order to attain pedestrian- and transit-oriented goals. The comment raises a concern that because the KBCCIP will lead to exceedance of existing roadway LOS, this will result in the allocation of fewer development commodities. This is not the case. For this specific project, the TRPA Governing Board made a finding of overriding consideration for exceedance of LOS standards, and so allocations would not be withheld. The KBCCIP project is a good example of the types of projects that are supportive of Regional Plan goals for walkable communities that support multiple modes of travel. Please also see Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria.
- A32-17 The comment asks why page 3.3-44 of the RTP/SCS Draft EIS/EIR does not include any sample projects for the Tahoe City or Kings Beach areas. This comment is presumably referring to the identification of potential additional multi-modal improvements that address significant impacts of the RTP/SCS alternatives (Mitigation Measure 3.3-1, Phased Release of Allocations/ LOS Monitoring/ Travel Demand Management in the Draft EIS and Draft EIR/EIS). The projects listed on page 3.3-44 of the Draft EIR/EIS are located along the US 50 South Shore because this highway showed the greatest frequency of significant impacts, particularly for Alternatives 4 and 5. Page 3.3-44 lists two “potential candidate improvement projects.” This list does not preclude consideration of other projects in other areas of the Tahoe Region.
- A32-18 The comment states that the Regional Plan Update’s redirection of development (page 3.2-2 of the Regional Plan Update Draft EIS) does not provide for quality of life, economic sustainability, and environmental improvements in the Placer County portion of the Tahoe Region. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-19 The comment suggests that the transfer incentives for CFA and TAUs in Regional Plan Update Alternatives 3 and 4 are conceptual and might not provide enough incentive to stimulate transfers out of sensitive lands and redevelopment of existing commercial or tourist accommodation developments. The Regional Plan Update Draft EIS summarizes the transfer incentives on page 3.2-48, in Table 3.2-14 on page 3.2-49, and in Exhibit 3.2-12. The Draft EIS summarizes the expected result of the CFA and TAU transfer incentives as follows (Draft EIS page 3.2-57):
- Proposed policies pertaining to transfer ratios, coverage, height, and density would remove some existing obstacles to redevelopment. Compared to the other alternatives, Alternative 3 would be expected to result in the greatest level of redevelopment activity, with somewhat higher densities in community centers, by promoting the

highest levels of coverage removal, removal of existing development, and transfer of development rights from sensitive lands.

The Draft EIS does not make any specific predictions about the amount of commercial or tourist accommodation units transferred or redeveloped. No analysis in the Draft EIS relies upon a specific amount of commercial or tourist accommodation units being transferred to offset other adverse impacts. The Final Draft Plan includes an evaluation of the efficacy of transfer ratios, which would determine if the transfer ratios should be revised as the comment suggests (Final Draft Goals and Policies, Attachment 5).

The comment also suggests that an insufficient supply of existing commercial and tourist accommodation development exists within sensitive lands in Placer County to facilitate transfers out of sensitive lands within that jurisdiction. TRPA has prepared an accounting of existing commercial and tourist accommodation units as shown in the tables below.

As shown in Table 3-14 below, a total of 498,582 square feet of CFA or approximately 38 percent of all CFA in Placer County is within sensitive lands. Likewise, a total of 450 TAUs or approximately 34 percent of all TAUs in Placer County are within sensitive lands (Table 3-15). The accounting of existing CFA and TAUs indicates that a sufficient supply of existing development is available to facilitate transfers out of sensitive lands in Placer County.

The comment also cites Exhibit 3.2-11 of the Regional Plan Update Draft EIS and states that the limited height restrictions imposed under Alternative 3 would not allow for sufficient density. The Alternative 3 height districts are described under “Density and Height” on page 3.2-48 of the Draft EIS. Exhibit 3.2-11 in the Draft EIS is intended to illustrate the Alternative 3 height districts, but the exhibit mistakenly duplicated the Alternative 2 Kings Beach height district from Exhibit 3.2-10. Exhibit 3.2-11 has been corrected, and this change is presented in Chapter 4, “Revisions and Corrections to the Draft EIS.” This correction does not alter the conclusions with respect to the significance of any environmental impact.

Exhibit 3.2-11 on page 3.2-50 of the Regional Plan Update Draft EIS has been revised to show the Alternative 3 height districts. A revised Exhibit 3.2-11 is shown below.

- A32-20 The comment addresses TRPA’s authority and responsibility and states that TRPA must recognize local jurisdiction boundaries. The comment further states that the analysis should include commodity allocation programs that acknowledge jurisdictional differences. Please see the Response to Comment A32-19.
- A32-21 The comment addresses the Regional Plan’s specificity related to height and setbacks. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-22 The comment addresses perceived duplicative review in various regulatory areas, including noise, BMPs, Water Quality and the TMDL, and historic resources management. Please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

**Table 3-14. Commercial Floor Area (CFA) Accounting**

Jurisdiction/Agency	Estimated Existing CFA		Estimated Existing CFA by Land Capability Districts			Estimated CFA by Land Use District			Unused CFA
	Total Existing CFA <sup>1</sup>	Banked CFA <sup>2</sup>	SEZs (1b)	Sensitive Lands (1a, 1c, 2 & 3)	Non-Sensitive Lands (4, 5, 6 & 7)	Located in Community Plans, Town Centers or Regional Center	Located in the High Density Tourist District	Located Outside	Remaining from 1987 Plan3
City of South Lake Tahoe	2,858,989	0	1,228,452	19,110	1,611,427	2,122,597	0	736,392	52,986
Douglas	703,777	0	12,588	548,501	142,688	609,702	0	94,075	36,250
El Dorado	325,766	0	89,406	69,868	166,492	198,670	0	127,096	36,150
Placer	1,306,564	4,566	477,560	21,022	807,982	930,073	0	376,491	72,609
Washoe	1,208,797	0	9,855	146,281	1,052,661	1,167,138	0	41,659	2,000
TRPA Pool	NA	0	NA	NA	NA	NA	NA	NA	183,584
California Tahoe Conservancy	NA	19,676	NA	NA	NA	NA	NA	NA	NA
Nevada Division of State Lands	NA	0	NA	NA	NA	NA	NA	NA	NA
<b>Totals</b>	<b>6,403,893</b>	<b>24,242</b>	<b>1,817,861</b>	<b>804,782</b>	<b>3,781,250</b>	<b>5,028,180</b>	<b>0</b>	<b>1,375,713</b>	<b>383,579</b>
<sup>1</sup> Estimated CFA based on a GIS query of TRPA's LIDAR Data and county assessor's data for parcels coded as commercial. Does not include commercial square footage associated with Tourist Accommodation Uses. <sup>2</sup> Data provided by Placer County staff; CTC Annual Authorization of Land Bank Activities and Allocations of Coverage and other Marketable Rights, June 20, 2012 Staff Summary. <sup>3</sup> 158,816 square feet of CFA from the TRPA Pool of 183,584 have been reserved for Community Enhancement Projects that have not been built.									

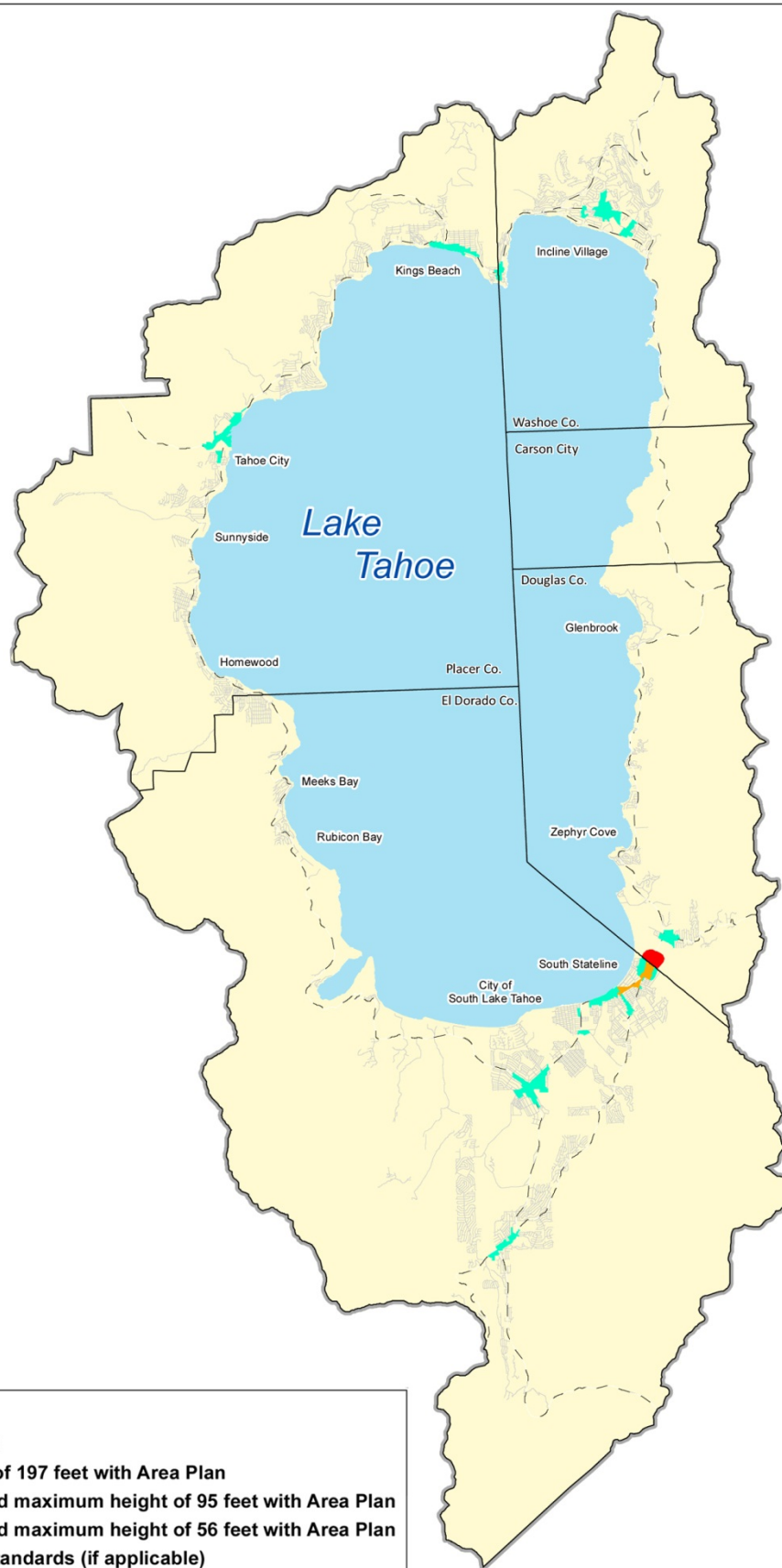
**Table 3-15. Tourist Accommodation Bonus Units (TAU) Accounting**

Jurisdiction/ Agency	Estimated Existing TAUs		Estimated Existing TAUs by Land Capability Districts			Estimated TAUs by Land Use District			Unused TAUs
	Total Existing TAUs <sup>1</sup>	Banked TAUs <sup>2</sup>	SEZs (1b)	Sensitive Lands (1a, 1c, 2 & 3)	Non-Sensitive Lands (4, 5, 6 & 7)	TAUs Located in Community Plans, Town Centers or Regional Center	TAUs Located in High Density Tourist District	TAUs Located Outside	TAUs Remaining from 1987 Plan <sup>3</sup>
City of South Lake Tahoe	7,026	18	1,822	188	5,016	6,028	0	998	0
Douglas	2,651	0	988	638	2,013	341	2,262	48	0
El Dorado	113	0	0	93	20	0	0	113	0
Placer	1,340	6	400	50	890	969	0	371	0
Washoe	817	0	0	38	779	817	0	0	0
TRPA Pool	NA	0	NA	NA	NA	NA	NA	NA	342
California Tahoe Conservancy	NA	24	NA	NA	NA	NA	NA	NA	NA
Nevada Division of State Lands	NA	0	NA	NA	NA	NA	NA	NA	NA
<b>TOTALS</b>	<b>11,947</b>	<b>48</b>	<b>3,210</b>	<b>1,007</b>	<b>8,718</b>	<b>8,155</b>	<b>2,262</b>	<b>1,530</b>	<b>342</b>

<sup>1</sup> Estimated TAUs based on a GIS query of county assessor's data for parcels coded as tourist use.

<sup>2</sup> Banked units remaining from the former Redevelopment Agencies of Placer County and the City of South Lake Tahoe. The CTC has 24 banked ERUUs that may be used as TAUs. See CTC Annual Authorization of Land Bank Activities and Allocations of Coverage and other Marketable Rights, June 20, 2012 Staff Summary.

<sup>3</sup> A total of 90 bonus units from the TRPA Pool of 342 have been reserved for Community Enhancement Projects that have not been built. Of the 342 TAUs, 130 have been assigned to various community plans.



#### Legend

- TRPA Jurisdiction
- Maximum height of 197 feet with Area Plan
- Up to 6 stories and maximum height of 95 feet with Area Plan
- Up to 4 stories and maximum height of 56 feet with Area Plan
- Existing Height Standards (if applicable)

X10010042 01 027

Source: TRPA 2012

Exhibit 3.2-11

Alternative 3 Height Districts



- A32-23 The comment expresses concerns related to the allocation system. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-24 The comment requests certain allowance, including the ability to process variances and provide modified incentives. Alternative 3 in the Draft EIS contained policies that would allow jurisdictions to establish alternative transfer ratios for development rights, as long as they are determined to generate equal or greater environmental gain compared to the transfer ratios established in the Regional Plan. The Final Draft Plan contains revisions, however, that would limit this policy to only the two Stream Restoration Plan Areas (Draft Code Section 13.5.3.B.4).
- A32-25 The comment pertains to Area Plan conformance. As explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans would be required to be consistent with the Goals and Policies of the Regional Plan and standards of the Code; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and, for plans in California, CEQA. Delegation of review responsibilities for regionally significant projects would not be included in Area Plans, and TRPA would retain direct review responsibility over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Final Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and Chapter 2 of the Regional Plan Update Final EIS, the Area Plan process under Alternative 3 has been revised to include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.
- A32-26 The comment expresses confusion related to classification of goals, policies, and implementation measures. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-27 The comment requests the two-step subdivision process to be added to the Draft Plan's Primary List of Priority Projects (Attachment 5 of the Goals and Policies). This comment will be noted for consideration during the project approval process. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-28 The comment requests that TRPA modify the methodology for measuring height. This comment will be noted for consideration during the project approval process. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-29 The comment addresses the Regional Plan Update's proposal to not accept permit applications for biomass projects until evidence shows they will not have environmental or human health impacts. The comment considers existing environmental review requirements to serve the same purpose. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-30 The comment addresses Area Plan community design requirements. Alternative 3 identifies specific community design standards that must be included in an Area Plan if it is to be found in

conformance with the Regional Plan (Draft Code Section 13.5.3.D). These design standards are intended to protect the environment and promote desired community character. The Final Draft Plan, described in Chapter 2 of this Final EIS, includes additional site design standards for development within community centers. The additional standards include requirements to promote pedestrian activity, transit, and multiple transportation modes; protect viewsheds; encourage variations in height and density that incorporate areas of smaller buildings and reduced density; and preserve sensitive areas, open space, and corridors of undisturbed lands (Draft Code Section 13.5.3.D.1.b).

The Final Draft Plan would retain all of the community design standards of Alternative 3 and would incorporate additional environmental protections. As a result, the Final Draft Plan would result in reduced potential for adverse impacts as compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

- A32-31 The comment expresses that the water quality section exemplifies duplicative review. Please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- A32-32 The comment expresses concern related to urban bear strategies. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-33 The comment relates to IPES scoring in the Region and requests evaluation of IPES in the “to-do” list. Attachment 5 of the Final Goals and Policies identifies the items that will be addressed by TRPA, as prioritized annually by the Governing Board. Evaluation of the IPES program is included in Attachment 5.
- A32-34 The comment raises concern that environmental analyses of future projects will always need to identify unavoidable roadway LOS impacts, because the Draft EIS and Draft EIR/EIS have identified certain roadways that exceed LOS standards. This comment refers to Impact 3.3-1, which identified significant LOS impacts for certain roadway segments by 2035. Future projects will be evaluated for their impacts in compliance with CEQA, TRPA, and other applicable environmental laws and this document will not dictate the conclusions.
- A32-35 The comment relates to issues regarding primary residents in the Region. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis.
- A32-36 The comment suggests a mixed use and/or light industrial category to be added to Policy LU-2.1. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-37 The comment addresses non-conforming properties. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- A32-38 The comment addresses concerns with Policy LU-3.4 that states residential neighborhoods should be maintained with no significant change. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental analysis. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-39 The comment provides a summary of comments from various Placer County departments and divisions. Identical and additional comments are provided in Comments A32-1 through A32-38; please see the Responses to Comments A32-1 through A32-38.
- A32-40 The comment addresses changes made during the Regional Plan Update Committee process, including issues related to IPES, housing, air quality, natural hazards, driveway design considerations, and signage. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A32-41 The comment states that TRPA requirements could have a fiscal impact on Placer County. Fiscal matters are not of environmental significance and this comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the project approval process. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response**  
**A33**

**Rebecca Taber**  
**Placer County Engineering and Surveying**  
**5/22/2012**

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- A33-1 The comment provides suggested revisions to the Goals and Policies and Code of Ordinances. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- A33-2 The comment seeks to clarify that implementation of non-motorized and public transportation projects as mitigation for Regional traffic impacts would only be carried out when financially feasible. This comment applies to Mitigation Measure 3.3-1 on pages 3.3-43 and 3.3-44 of the Regional Plan Update Draft EIS and page 3.3-46 of the RTP/SCS Draft EIR/EIS. Mitigation Measure 3.3-1 notes that several actions will be taken to maintain compliance with vehicle level-of-service (LOS) goals and policies. The first of these actions is: "TRPA will prioritize, and cause to be implemented, if feasible, enhanced non-motorized and public transportation projects and services to accommodate the additional travel demand." This prioritization would occur through updates to the Regional Transportation Plan (RTP), which is a financially constrained document. Because it is financially constrained, the RTP must show adequate revenues to pay for projects listed. Therefore, identification of funding for necessary projects would occur concurrently with the process for prioritizing and adding the necessary non-motorized and public transportation projects to the RTP. No changes to either document are required.



<b>Response A34</b>	<b>Andrew Darrow Placer County Flood Control and Water Conservation District 5/22/2012</b>
A34-1	<p>The comment requests that Policy NH-1.2 state that an appropriate hydraulic analysis, including determination of a project's impact on 100-year floodplain limits, be required prior to construction of facilities within the 100-year floodplain. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a Regional-scale plan.</p> <p>The comment further states that FEMA and the Placer County Flood Damage Prevention Ordinance prohibit fill, new construction, substantial improvement, or other development within streams that have a regulatory floodway unless it can be shown through a hydraulic analysis that no increase in flood levels would occur. This comment refers to proposed provisions of the Regional Plan Update and not to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1 regarding the plan review and adoption process and where comments on plan provisions are addressed.</p>
<b>Response A35</b>	<b>Crystal Jacobsen Placer County Planning Services Division 5/22/2012</b>
A35-1	The comment recommends text changes to policies in the Regional Plan Update Goals and Policies, including Policies LU-1.1, LU-2.1, LU-2.4, LU-2.5, LU-3.4, and CD-2.1. This comment refers to proposed provisions of the Regional Plan Update and not to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1 regarding the plan review and adoption process and where comments on plan provisions are addressed.
<b>Response A36</b>	<b>Andy Fisher and Nick Trifiro Placer County Facility Services Department 5/22/2012</b>
A36-1	Comment A36-1 requests that the Placer County Department of Facility Services (Parks and Property Management Divisions) be permitted to review any proposed modifications to the Plan Area Statements (PASs). Revisions to the PASs would occur only in the context of preparing an Area Plan, which would be initiated by Placer County and undertaken in coordination with TRPA. The comment is noted for consideration during project review.
A36-2	The comment notes that the new land use designations are not reflected in Attachment 6, Land Use and Management Designations for Planning Areas. Town Center, Regional Center, and High Density Tourist District are proposed as new special district overlays in Alternative 3; the Mixed Use designation is proposed as a combination of the existing Commercial and Public Service designations in Alternative 3. Attachment 6 describes the existing Planning Area (PAS) land use and management designations, which remain effective until replaced by a conforming Area Plan.
A36-3	Comment A36-3 requests that TRPA inform the commenter of any mid-cycle updates that include land use changes. The comment is noted for consideration during project review.

- A36-4 The comment includes suggested revisions to Chapter V, Recreation Element, of the Goals and Policies. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A36-5 The comment includes suggested revisions to Chapter III, Transportation Element, of the Goals and Policies. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A36-6 The comment asks for clarification about the differences between the list of Goals and Policies for recreation in Draft EIS Section 3.11.2, Recreation, and the list in Appendix A to the Draft EIS, Alternative 3 Draft Goals and Policies. The Recreation Element of the Draft Goals and Policies contains no substantive changes. It does, however, include organizational changes to make the element consistent with other elements of the Plan and easier to understand. These include removing the sub-headings for Dispersed Recreation, Developed Recreation, and Urban Recreation; renumbering Goals and Policies; and changing “Lake Tahoe Basin” to “Lake Tahoe Region.” See Appendix A of this Final EIS, the Final Draft Goals and Policies, for details on all proposed non-substantive changes to the Alternative 3 Draft Goals and Policies.
- The comment also lists several editorial clarifications or corrections to the text of Section 3.11.2 and Exhibit 3.11-1, “Parks and Protected Natural Resource Areas.” The requested revisions are noted. The corrections do not alter the conclusions with respect to the significance of any environmental impact.
- A36-7 The comment requests revision to TRPA Code Section 85.7, Vegetation. This comment refers to proposed provisions of the Code of Ordinances and does not pertain to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- A36-8 The comment suggests that a list of sample recreation features within various categories of recreational use be developed and used uniformly within the various documents and sections. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.
- A36-9 The comment requests the opportunity to review Community Plans as they are being updated to be consistent with the new TRPA Regional Plan. Placer County Community Development Resources Agency is the lead agency on the Placer County Area Plan and Community Plan Update and will be coordinating with TRPA and other Placer County departments. This comment does not raise environmental issues or concerns and is noted for consideration.

<b>Response A37</b>	<b>Ralph Gibson Placer County Museums Division 5/22/2012</b>
A37-1	The comment asks for further details regarding the provisions of Policy C-1.1 (cultural resources). The questions refer to proposed provisions of the Regional Plan Update and not to the environmental document. Please refer to Master Response 1 regarding the plan review and adoption process and where comments on plan provisions are addressed.
<b>Response A38</b>	<b>Yushuo Chang Placer County Air Pollution Control District 6/28/2012</b>
A38-1	Comment A38-1 presents prefatory remarks. No response is needed.
A38-2	The comment states that air quality issues do not stop or change at the border of the two states and notes that, with the Regional Plan Update, TRPA has an opportunity to review air quality from a Region-wide standpoint. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding where comments on plan provisions will be addressed.
A38-3	The comment requests additional information on the distribution of new units of development within community centers as modeled in the travel demand model. The distribution of growth assumptions used in the travel demand model are summarized in Appendix E, part 7 on pages E.7-1 to E.7-11 in the Regional Plan Update Draft EIS and in Appendix C, part 7 on pages C.7-1 to C.7-11 in the RTP/SCS Draft EIR/EIS. Additional information on the individual Traffic Analysis Zones (TAZ) associated with community centers and the distribution of residential growth within those TAZs is provided in the tables below (Tables 3-16 and 3-17).
A38-4	<p>Comment A38-4 raises questions about the relationship between the Regional Plan Update Draft EIS and the SCS and compliance with SB 375. A discussion of this relationship is included in Draft EIS Chapter 1, Section 1.5; this discussion points the reader to more detailed explanation and analysis in the RTP/SCS Draft EIR/EIS (please refer to Section 2.6), which was prepared and issued for public review and comment simultaneously with the Regional Plan Update Draft EIS. The relationship between the two plans is also described on page 3.3-5 under “California Air Resources Board: Global Warming Solutions Act (AB 32), and Sustainable Communities and Climate Protection Act (SB 375 and SB 575)” in Draft EIS Section 3.3, Transportation. Impact 3.5-2, Consistency with SB 375 Targets and AB 32 Goals, explains which alternatives are considered to be consistent with SB 375.</p> <p>In summary, compliance with SB 375 is relevant in California. The land use alternatives proposed for the RTP and Regional Plan Update address the land use component of SB 375 compliance in California, and also include other land use designations and policies in Nevada. Incorporation of the transportation strategies is described in detail in Section 3.3.4, Environmental Consequences and Recommended Mitigation Measures, under “Methods and Assumptions.” Appendix E explains how each transportation strategy was incorporated into the modeling.</p>

Table 3-16. Allocation of Residential Housing Units by Alternative					
Traffic Analysis Zone	2035 Alternatives				
	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
9	170	101	484	101	101
10	0	17	4	17	17
11	0	31	15	43	43
13	0	16	2	16	16
50	0	17	28	17	37
57	138	138	484	87	87
58	0	0	53	24	24
61	0	0	2	17	17
75	10	10	213	240	240
97	0	65	35	110	110
155	40	36	126	16	36
156	0	16	4	16	16
157	0	17	4	17	17
189	0	19	11	22	22
190	20	35	444	42	42
200	0	16	485	16	16
202	0	16	8	17	17
205	0	16	8	16	16
206	134	83	126	83	83
265	0	16	4	16	16
272	38	36	121	36	36
279	0	16	4	16	16
280	0	17	4	17	17
295	100	68	41	68	68
297	48	41	6	42	42

Table 3-17. PTOD-Town Center Areas	
Traffic Alternative Zones	
Casino Core	9, 10, 200, 202
South Stateline	11, 12, 18, 25, 19, 20, 27, 28, 29, 31
Incline	280, 272, 279, 265, 284
Meyers	93, 86, 85, 84
North Stateline	296, 297, 295
Kings Beach	189, 181
Tahoe City	159, 157, 155, 153
Kingsbury	205
South Wye	57, 50, 61, 58

A38-5

The comment states that the Draft EIR needs to ensure that there is consistency within the data. The comment points out that Table 3.5-4 shows 1,570,454 VMT in 2035 under Alternative 1, whereas Table 3.3-14 shows 2,141,000. This difference is explained by the footnotes in each table. Footnote 1 in Table 3.5-4 indicates that the RTAC method was used to calculate VMT. The RTAC method excludes all VMT from through trips and 50 percent of the VMT from internal-to-external and external-to-internal trips (i.e., instances where one end of the trip enters or exits the Tahoe Region). This is the preferred method for calculating VMT for use in GHG analysis related to SB 375 compliance in California, because it avoids double-counting or overlooking of emissions between regions.

Table 3.3-14 includes a note stating that the VMT calculation includes all miles driven with the Tahoe Region. Part 4 of Appendix E contains the spreadsheet output that shows how both sets of calculations were prepared. Please refer to Response to Comment A38-8 for more details on how VMT calculations were prepared.

The comment also notes that the proposed residential units in Appendix F are not consistent with the proposed units in Table 3.2-16. Part 7 of Appendix E (page E.7-3), Model Input Consistency with Revised Accounting of Remaining Allocations, explains that the model was run based on an initial accounting of units; however, the accounting was later revised, and the revised numbers are used throughout the Draft EIS.

The comment recommends that all air quality and GHG impact modeling analyses be reviewed to reconcile any discrepancies. In response to this comment, TRPA staff met with District staff to review the air quality and GHG modeling in detail.

Lastly, the comment requests that Section 3.3 provide additional discussion and/or tables that summarize the results provided in Appendix E. In response to this comment, the following is an assessment of each part of Appendix E and how this information was summarized within Section 3.3:

- ▲ Part 1 of Appendix E consists of existing conditions LOS calculations and hourly traffic volume data. Table 3.3-3 summarizes existing intersection LOS operations and page 3.3-18 describes how the hourly traffic volume data were used to determine the number of hours during which a particular roadway facility was operating at LOS E.
- ▲ Part 2 of Appendix E presents analysis methods, including the HCM 2010 peak-hour volume LOS standards and Trip Reduction Impact Analysis (TRIA) spreadsheets. Table 3.3-4 shows the roadway segment LOS thresholds based on the HCM 2010 calculations and pages 3.3-37 and 3.3-38 provide an in-depth discussion of the TRIA spreadsheet.
- ▲ Part 3 of Appendix E consists of two memoranda regarding the TRPA travel demand model. Pages 3.3-33 and 3.3-34 describe the travel demand model and meaningful results from these memoranda. Given the amount and complexity of material contained within these memos, it was decided that these data should not be included directly in Section 3.3, but rather within an appendix that is available to readers who desire in-depth information regarding the travel demand model.
- ▲ Part 4 of Appendix E consists of various spreadsheet outputs for the VMT calculations, both for California only and for the entire Tahoe Region, for 2010, 2020, and 2035. Table 3.3-5 shows a detailed breakdown of summer 2010 VMT within the Tahoe Region by trip type. Table 3.3-14 shows the 2035 VMT for the five Regional Plan Update Alternatives. Section 3.5 includes summarized VMT for 2020 conditions.

- ▲ Part 5 of Appendix E consists of intersection LOS calculations for all alternatives under 2035 conditions. These results are summarized in Table 3.3-13.
- ▲ Part 6 of Appendix E consists of the *Lake Tahoe Resident and Visitor Model Description and Results Final Report*. This report is lengthy and very technical, and therefore is not appropriate to include in Section 3.3. It was included in Appendix E in case readers were interested in learning more about the travel demand model. Pages 3.3-33 and 3.3-34 provide an overview of the travel demand model.
- ▲ Part 7 of Appendix E presents the methodology used to estimate VMT and GHG emissions in more detail than is included in Section 3.3. Nonetheless, Section 3.3 contains sufficient information to enable readers to understand how VMT was calculated.
- ▲ Part 8 of Appendix E contains a memorandum regarding mode split and the TRIA spreadsheet. This information was provided primarily for reference purposes. Key data such as the percent reductions in vehicle trips due to the TRIA and observed mode split data are provided directly in Section 3.3.

This assessment demonstrates that Section 3.3 contains an appropriate description of analysis methods, data, and conclusions to enable a reader to make an informed judgment regarding the transportation performance of each Regional Plan Update Alternative. As is typical for environmental documents, additional technical information is included in an appendix for those readers who desire to review the information in greater detail.

A38-6

The commenter has concerns regarding the methodology used to determine significance of mobile-source emissions associated with the Regional Plan Update alternatives. Specifically, the commenter's concerns relate to the fact that the methodology accounts for reductions in mobile-source oxides of nitrogen (NO<sub>x</sub>) expected over the Plan implementation period. The commenter asks how a net reduction in NO<sub>x</sub> emissions could occur despite the allocation of additional residential, commercial, and tourist accommodation unit development under Alternatives 2 through 5.

Impact 3.4-3 includes estimates of the net change in operational emissions of criteria air pollutants and precursors (reactive organic gases [ROG], NO<sub>x</sub>, carbon monoxide [CO], and particulate matter [PM<sub>10</sub> and PM<sub>2.5</sub>]) compared with existing conditions and the net change in emissions associated with the increment of development that would be approved under each alternative.

Sources of operational emissions that were estimated include area- (e.g., landscaping, snow removal, consumer products, fireplaces), natural gas-, and transportation- (e.g., mobile- and waterborne transit-) related sources. Area-source and natural gas-related emissions were estimated using the California Emissions Estimator Model (CalEEMod) using the allocated commodities of each land use type. Mobile-source emissions were estimated using the California Air Resources Board's (ARB's) Mobile-Source Emission Factor Model (EMFAC) 2011 with input from the TRPA travel demand model for VMT in 2010 (existing conditions/baseline) and 2035 (project buildout) for each alternative. Waterborne transit-related emissions were estimated using vessel emission factors from ARB.

Existing conditions were characterized by mobile-source emissions from development in 2010. Emissions associated with the Plan were estimated for the increment of development allocated under each alternative in buildout year 2035. The difference between mobile-source emissions

in 2035 for each alternative and 2010 emissions represents the net change in mobile-source emissions that would occur as a result of approving that plan alternative, as illustrated below.

### Mobile-Source Emissions Calculation

Alternatives 1-5 Mobile-Source Emissions (2035)	-	Baseline: Mobile-Source Emissions Under Existing Conditions (2010)	=	Net Change in Mobile-Source Emissions from Implementing Alternatives 1-5 (2035)
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Change in mobile-source emissions is a negative value because emissions from vehicles will decrease over the plan build-out period due to emission regulations and fleet turnover. Please see Response to Comment A38-17 regarding the applicable regulations that cause emission factors to decrease in future years.

Total operational emissions were estimated by summing the net change in mobile-source emissions attributable to each Plan alternative with the net increase in area-, natural gas-, and waterborne transit-related operational emissions. This step is illustrated below.

### Total Operational Emissions Calculation

Net Change in Mobile-Source Emissions Alternatives 1-5	+	Increase in Area + Natural Gas Emissions Alternatives 1-5	+	Waterborne Transit Emissions Alternatives 1, 3, 4, & 5 (2035)	=	Net Change Operational Emissions from Implementing Alternatives 1-5 (2035)
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In the case of ROG, NOX, and CO for each alternative, the net change in mobile-source emissions is a negative value because vehicle emissions will decrease substantially between 2010 and 2035. The expected reduction in mobile-source emissions in the Region is large enough to accommodate the incremental increase in operational emissions associated with new VMT and new area-, natural gas-, and waterborne transit-related sources of operational emissions that would result from implementation of the Regional Plan Update. As opposed to a project-level analysis, the analysis of a Plan provides a unique opportunity to evaluate emissions of the entire region. This analysis evaluates a proposed package of policies and land use alternatives at a regional scale, which, through transportation modeling, allows TRPA to evaluate how the land uses and associated policies interact with one another.

This is the proper baseline upon which the significance conclusion is based. Other environmental review guidelines (e.g., CEQA Guidelines 15125, Environmental Setting) and court decisions on the subject of baseline have determined that the proper baseline against which a project's impacts should be compared is existing conditions at the time of the NOP or at the time the analysis is commenced unless special circumstances warrant a modified baseline. There are not special circumstances related to air quality in the case of the proposed project that warrant a modified baseline for criteria air pollutant emissions. Thus, use of existing conditions as baseline is the appropriate choice.

TRPA recognizes that the information requested in this comment is the increment of operational emissions associated with the additional development that would be allocated under each alternative. This information is provided in Impact 3.4-3 in Tables 3.4-15, -17, -19, and -21 of the

Regional Plan Update Draft EIS on pages 3.4-31 through 3.4-36. These tables present the “Net Change in Emissions Compared with Alternative 1”, which represents the net increase in emissions from the respective alternative minus the emissions that would occur under Alternative 1 (the No Project Alternative; i.e., the development allocations that remain under the existing regional plan). By subtracting emissions attributable to Alternative 1 from emissions associated with Alternatives 2-5, we can isolate the increment of additional emissions attributable to the alternative under consideration. This is similar to the concept suggested by the comment in the formula on page 5 of the comment letter under comment A38-18, but included all sources of operational emissions attributable to the project alternative subject to analysis.

#### Incremental Increase in Operational Emissions under Alternatives 2-5 Calculation

Alternatives 2-5 Operational Emissions (2035)	-	Alternative 1 Operational Emissions (2035)	=	Increment of Additional Operational Emissions from Implementing Alternatives 2-5 (2035)
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The incremental increase in emissions from new development was provided for informational purposes; however, the proper baseline upon which significance conclusions are based was used (i.e., proposed project minus existing conditions). The objective of the analysis is to evaluate the emissions profile of the Region with implementation of the Regional Plan Update, and whether the Regional Plan Update would impair the Region’s ability to attain applicable air quality standards and threshold indicators. Due to the fact that emissions from vehicles in the Region will be reduced substantially by the year 2035, the overall emissions profile in the Region will be better than under existing conditions after including emissions resulting from implementation of the Regional Plan. The projected emissions inventory of the Region can more than accommodate the levels of development under consideration in each of the Plan alternatives. The Regional Plan Update would not impair the Region’s ability to meet ambient air quality standards or environmental threshold carrying capacities for air quality.

- A38-7      The commenter raises the possibility that additional analysis of impacts and recirculation of the Regional Plan Update EIS may be necessary, if the TRPA Governing Board decides to “pick and choose” aspects of different alternatives. TRPA is mindful of the need to fully analyze the environmental impacts of any alternative considered for approval by the Governing Board, including combined alternatives. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding how comments on the plan and the approval process of the plan will be addressed.
- A38-8      The comment states that no justification is provided in Section 3.3 (Transportation) as to how the other types of VMT (Region-wide and California only) used in the analyses in Section 3.4 (Air Quality) and 3.5 (GHG Emissions and Climate Change) are determined from the transportation modeling results. The purpose of Section 3.3 is to analyze impacts to the transportation system as a whole including impacts to roadways, bicyclists, pedestrians, and transit users. Pages 3.3-19 and 3.3-20 explain why VMT is important, how it is measured, describe the TRPA VMT threshold standard, and VMT calculation methods for the California side of the region (to evaluate compliance with SB 375). Table 3.3-5 presents VMT for the entire Tahoe Region for summer 2010 conditions by trip type. The notes in this table provide trip origin-destination examples for each trip type to assist the reader in better understanding differences in trip types.



The comment requests a summary of transportation model output and methodology in support of the air quality and GHG impact analyses. Please see page 3.5-8 of the Regional Plan Update Draft EIS or page 3.5-9 of the RTP/SCS Draft EIR/EIS regarding the RTAC methodology for allocating VMT as utilized in analysis of Impact 3.5-2, Consistency with SB 375 Targets and AB 32 Goals.

Tables 3-18 and 3-19 below summarize the VMT outputs from the TRPA Travel Demand Model that were relied upon for the mobile-source emissions modeling analyses of Impact 3.5-2, Consistency with SB 375 Targets and AB 32 Goals (GHG targets) (Table 3-18) and Impact 3.4-3, Long-Term Operational Emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, Impact 3.4-7, Atmospheric Deposition and 3.5-1, Increase in GHG Emissions (Table 3-19). This data was provided to Ascent Environmental by Fehr & Peers in 2012. Please also see Response to Comment O26-10 for additional discussion on VMT estimates.

<b>Table 3-18. California VMT and Vehicle Trips Summary – RTAC Methodology</b>		
<b>Scenario</b>	<b>VMT</b>	<b>Vehicle Trips</b>
2005 Base Year	949,750	139,996
2020 Alternative 1	928,908	133,802
2020 Alternative 2	944,010	135,716
2020 Alternative 3	925,150	133,901
2020 Alternative 4	963,786	136,941
2020 Alternative 5	981,457	139,536
2035 Alternative 1	989,899	137,556
2035 Alternative 2	1,004,890	143,341
2035 Alternative 3	1,017,955	146,660
2035 Alternative 4	1,068,686	149,650
2035 Alternative 5	1,095,393	151,074
Notes: RTAC = Regional Targets Advisory Committee; VMT = vehicle miles traveled. Source: TRPA Travel Demand Model		

<b>Table 3-19. Tahoe Region VMT and Vehicle Trips Summary – RTAC Methodology</b>		
<b>Scenario</b>	<b>VMT</b>	<b>Vehicle Trips</b>
2010 Base Year	1,459,299	198,340
2035 Alternative 1	1,570,454	205,155
2035 Alternative 2	1,552,670	210,940
2035 Alternative 3	1,585,335	215,406
2035 Alternative 4	1,650,574	217,392
2035 Alternative 5	1,700,389	220,770
Notes: RTAC = Regional Targets Advisory Committee; VMT = vehicle miles traveled. Source: TRPA Travel Demand Model		

The commenter states that no justification is provided in Section 3.3 as to how Region-wide and California-only VMT are determined from the transportation modeling results. The VMT of the Tahoe Region was calculated for 2010 and 2035 conditions using the TRPA travel demand model. When estimated using traffic models, VMT is normally calculated in one of two ways. One method is to multiply the number of vehicles per day on a given road segment by the segment length, and then sum this product for all road segments within the model. A second method is to identify the origins and destinations of all daily trips and to multiply those trip end pairs by the trip length. The second method works particularly well when there are not multiple alternative routes and information is desired regarding the amount of VMT associated with a portion of a region or by trip purpose. Accordingly, method two was used to estimate VMT for the Tahoe Region given the need to isolate VMT associated with external trips for compliance with California's SB 375. Trip ends that begin in California versus Nevada can be easily tracked by grouping the traffic analysis zones (TAZs) by state.

Below is output from the 2010 TRPA model that shows the amount of VMT by trip origin and destination (Table 3-20). The first four columns of data show VMT for the AM, mid-day, PM, and late night periods, which comprise a complete 24-hour period. The fifth column (DA) is the sum of the first four columns, and yields VMT over the entire day. The value of "91,572" in the upper left-hand value cell represents the total miles driven during the AM peak period (7- 10 AM) by motorists that have both a trip origin and destination in California.

Table 3-20. Year 2010 TRPA Model Output					
Trip O-D	AM	MD	PM	LN	DA
CA-CA	91,572	174,592	118,829	81,845	466,838
CA-NV	45,839	84,061	57,989	43,525	231,414
CA-Ext	33,097	85,899	47,638	44,295	210,929
NV-CA	45,839	84,061	57,989	43,525	231,414
NV-NV	20,412	45,177	27,526	21,809	114,924
NV-Ext	21,640	104,928	36,423	40,789	203,780
Ext-CA	33,097	85,899	47,638	44,295	210,929
Ext-NV	21,640	104,928	36,423	40,789	203,780
Ext-Ext	28,390	31,866	23,172	27,188	110,616
Total	341,526	801,411	453,626	388,060	1,984,623

Trips labeled as "Ext" either have an origin and/or a destination outside the Tahoe Region. An example of a "CA-Ext" trip is a motorist who departs the City of South Lake Tahoe and heads westerly along US 50 to Echo Summit and beyond. For that type of trip, the reported VMT is the amount that occurs within the Tahoe Region (it is not possible to estimate how much VMT occurs beyond the Tahoe Region due to the uncertainty of the trip's external destination).

The VMT calculations include the contributions of all miles driven within the Tahoe Region by permanent residents, seasonal/occasional residents (in accordance with occupancy levels), external workers, day-use visitors, and overnight visitors. The day-use visitor category has a variety of tour purposes including recreation, gaming, shopping, and other types. Since day-use visitor trips, by definition, enter and then exit the Tahoe Region, they represent a variety of travelers ranging from a trip between Truckee and Tahoe City for shopping purposes, a trip between Sacramento and South Shore for gaming purposes, and a trip between Reno and

Incline Village for recreation purposes, as indicated in *Lake Tahoe Resident and Visitor Model Description and Results* (Parsons Brinckerhoff 2007).

The commenter also notes that Part 4 of Appendix E does not provide any modeling data which demonstrates how the 2005 VMT data for the California portion of the Region was determined. Part 4 of Appendix E of the Draft EIS (and Part 4 of Appendix C of the Draft EIR/EIS) provides the VMT spreadsheet outputs that were used in Sections 3.3 and 3.5, including Region-wide and California only VMT. The only exception is the 2005 VMT calculation, which was inadvertently omitted (it was not used in Section 3.3 but was used as an input to the GHG analysis in Section 3.5). The spreadsheet output for 2005 conditions is included in Table 3-21, below, and by way of this response, incorporated into Part 4 of Appendix E/C of the Regional Plan Update Final Draft EIR and RTP/SCS Final Draft EIR/EIS.

Table 3-21. 2005 Base Year VMT (California)	
Pre-RTAC	
Trip Type	Daily VMT
II	495,722
IX	454,801
XI	453,255
XX	548,271
Total (California Only)	1,403,778
Total (With XX Trips)	1,952,049
Post-RTAC	
Trip Type	Daily VMT
II	495,722
IX	227,401
XI	226,627
Total	949,750

A38-9 The comment requests clarification on how Mitigation Measure 3.3-3 (Implement Additional VMT Reduction) will be implemented, when it will be implemented, and what kinds of proposed transportation measures will be applied for each alternative. The comment recommends that more detailed, additional analysis be provided to demonstrate how the VMT reduction target can be achieved for each alternative. Mitigation Measure 3.3-3, on page 3.3-49 of the Regional Plan Update Draft EIS, states,

*“To ensure that the VMT Threshold Standard is achieved, TRPA will develop and implement a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT. New CFA, TAUs, and residential allocations will be authorized for release by the TRPA Governing Board every four years, beginning with the approval of the Regional Plan. Approval of the release of allocations will be contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent four-year period.”*

The intent of Mitigation Measure 3.3-3 is to give planned transportation and land use policies, programs, and policies time to work, then to monitor, in real time, their effect on VMT. The transportation modeling conducted for the EIS is useful in demonstrating the potential for and

scale of future regional effects, however predictions become inherently more uncertain towards the end of the planning horizon. As an example, historically, TRPA and TMPO Regional Transportation Plans have predicted an increase in VMT over time, however VMT has been on a decreasing trend since 1986 (Regional Transportation Plan, Figure 1-14). Modeling conducted for the Regional Plan Update Draft EIS and the RTP/SCS Draft EIR/EIS identifies that the region may approach its VMT threshold around 2033. Mitigation Measure 3.3-3 allows the TRPA to observe the relative success of near-term transportation projects, and to use that experience to choose the projects that most effectively reduce VMT when updating future Regional Transportation Plans, ensuring consistency with the VMT threshold.

Mitigation Measure 3.3-3 is implemented through language proposed to be added to existing Chapter 50, Allocation of Development. This language reads:

*50.4.2 TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.*

*50.4.3. LOS and VMT Monitoring. Two years after each [land-use commodities] release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.*

Mitigation Measure 3.3-3, as implemented through proposed code section 50.4.3, puts into place a mechanism for restricting the release of allocations in the case that VMT is nearing the threshold, through monitoring and forecasting of VMT in four-year increments. Mitigation Measure 3.3-3 provides assurance that the VMT threshold will be met by only allowing release of allocations that can be shown through modeling not to push VMT over the threshold for the subsequent four years. Through existing Chapter 50, TRPA already has in place an annual performance-based process for release of allocations, and this new provision will be folded into that process. Please also see Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria for a related discussion.

- A38-10 The comment reiterates the statement in comment A38-2 regarding the use of Region-wide threshold standards for air quality. Please see the Response to Comment A38-1.
- A38-11 The commenter notes a typo in Table 3.4-4. Page 3.4-7 of the Draft EIS has been updated to reflect the correction to the 8-hour national primary standard for CO below.
- A38-12 The comment recommends additional air district rules be included in the Regional Plan Update Draft EIS for consideration. Page 3.4-12 of the Draft EIS will be revised to include the following:

Additional rules that may be applicable to the Plan area include:

**PCAPCD Rule 214 and EDCAQMD Rule 238—Transfer of Gasoline into Vehicle Fuel Tanks.**  
**PCAPCD Rule 225—Wood Burning Appliances.**  
**PCAPCD Rule 242 and EDCAQMD Rule 233—Stationary Internal Combustion Engines.**  
**PCAPCD Rule 246 and EDCAQMD Rule 239—Natural Gas-Fired Water Heaters.**  
**PCAPCD and EDCAQMD Regulation III—Open Burning.**

Table 3.4-4. Ambient Air Quality Standards

Pollutant	Averaging Time	TRPA Thresholds	California <sup>a,b</sup>	Nevada	National <sup>c</sup>	
					Primary <sup>b,d</sup>	Secondary <sup>b,e</sup>
Ozone	1-hour	0.08 ppm	0.09 ppm (180 µg/m <sup>3</sup> )	0.10 ppm (195 µg/m <sup>3</sup> ) <sup>f</sup>	– <sup>e</sup>	Same as primary standard
	8-hour	–	0.070 ppm (137 µg/m <sup>3</sup> )	–	0.075 ppm (147 µg/m <sup>3</sup> )	
Carbon monoxide (CO)	1-hour	–	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	Same as primary standard
	8-hour	9 ppm	6 ppm <sup>f</sup> (7 mg/m <sup>3</sup> )	6 ppm <sup>f</sup> (7 mg/m <sup>3</sup> )	<del>69</del> ppm (10 mg/m <sup>3</sup> )	
Nitrogen dioxide (NO <sub>2</sub> ) <sup>g</sup>	Annual arithmetic mean	–	0.030 ppm (57 µg/m <sup>3</sup> )	53 ppb (100 µg/m <sup>3</sup> )	53 ppb (100 µg/m <sup>3</sup> )	Same as primary standard
	1-hour	–	0.18 ppm (339 µg/m <sup>3</sup> )	–	100 ppb (188 µg/m <sup>3</sup> )	–
Sulfur dioxide (SO <sub>2</sub> )	Annual arithmetic mean	–	–	0.030 ppm (80 µg/m <sup>3</sup> )	–	–
	24-hour	–	0.04 ppm (105 µg/m <sup>3</sup> )	0.14 ppm (365 µg/m <sup>3</sup> )	–	–
	3-hour	–	–	0.5 ppm (1,300 µg/m <sup>3</sup> )	–	0.5 ppm (1300 µg/m <sup>3</sup> )
	1-hour	–	0.25 ppm (655 µg/m <sup>3</sup> )	–	75 ppb (196 µg/m <sup>3</sup> )	–
Respirable particulate matter (PM <sub>10</sub> )	Annual arithmetic mean	–	20 µg/m <sup>3</sup>	50 µg/m <sup>3</sup>	–	Same as primary standard
	24-hour	–	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	
Fine particulate matter (PM <sub>2.5</sub> )	Annual arithmetic mean	–	12 µg/m <sup>3</sup>	–	15.0 µg/m <sup>3</sup>	Same as primary standard
	24-hour	–	–	–	35 µg/m <sup>3</sup>	
Lead <sup>g</sup>	Calendar quarter	–	–	1.5 µg/m <sup>3</sup>	1.5 µg/m <sup>3</sup>	Same as primary standard
	30-Day average	–	1.5 µg/m <sup>3</sup>	–	–	–
	Rolling 3-Month Average	–	–	–	0.15 µg/m <sup>3</sup>	Same as primary standard
Hydrogen sulfide	1-hour	–	0.03 ppm (42 µg/m <sup>3</sup> )	0.08 ppm (112 µg/m <sup>3</sup> )	No national standards	
Sulfates	24-hour	–	25 µg/m <sup>3</sup>	–		
Vinyl chloride <sup>g</sup>	24-hour	–	0.01 ppm (26 µg/m <sup>3</sup> )	–		
Visibility-reducing particulate matter	8-hour	<i>Regional:</i> Extinction coefficient of 25 Mm-1 (157 km, 97 miles) 50 percent of the year, 34 Mm-1 (115 km, 71 miles) 90 percent of the year. <i>Subregional:</i> 50 Mm-1 (48 miles) 50 percent of the year, 125 Mm-1 (19 miles) 90 percent of the year.				

Notes: µg/m<sup>3</sup> = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million; TRPA = Tahoe Regional Planning Agency

<sup>a</sup> California standards for ozone, SO<sub>2</sub> (1- and 24-hour), NO<sub>2</sub>, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

<sup>b</sup> Concentration expressed first in units in which it was issued. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25 °C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

<sup>c</sup> National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. The PM<sub>10</sub> 24-hour standard is attained when 99 percent of the daily concentrations, averaged over 3 years, are

**Table 3.4-4. Ambient Air Quality Standards**

Pollutant	Averaging Time	TRPA Thresholds	California <sup>a,b</sup>	Nevada	National <sup>c</sup>	
					Primary <sup>b,d</sup>	Secondary <sup>b,e</sup>
equal to or less than the standard. The PM <sub>2.5</sub> 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact the U.S. Environmental Protection Agency for further clarification and current federal policies.						
<sup>d</sup> National primary standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.						
<sup>e</sup> National secondary standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.						
<sup>f</sup> Applicable in the Lake Tahoe Air Basin.						
<sup>g</sup> The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.						
Sources: TRPA 2007, ARB 2010, NDEP 2010.						

A38-13

The comment points out that additional ozone air quality monitoring data is available for 2010. In addition, more recent monitoring data has become available since the time the Draft EIS was published for year 2011. Pages 3.4-17 – 18 of the Draft EIS will be revised as follows:

### MONITORING STATION DATA AND ATTAINMENT AREA DESIGNATIONS

Concentrations of criteria air pollutants are measured at ~~three~~ two monitoring stations in the LTAB: the South Lake Tahoe–Sandy Way station, the South Lake Tahoe–1901 Airport Road station, and the Incline Village–Crystal Bay station. In general, the measurements of ambient air quality from these monitoring stations are representative of the air quality in the vicinity of the study area. Table 3.4-6 summarizes the air quality data from these stations for 2008–~~2010~~2011.

**Table 3.4-6. Summary of Annual Air Quality Data (2008–~~2010~~2011)<sup>1</sup>**

Ozone <sup>2</sup>	2008	2009	2010	2011
Maximum concentration (1-hour/8-hour, ppm)	0.091/0.077	0.077/0.071	<u>0.071/0.067</u> —	<u>0.077/0.068</u>
Number of days state standard exceeded (1-hour/8-hour)	0/5	0/1	<u>0/0</u> —	<u>0/0</u>
Number of days national standard exceeded (1-hour/8-hour)	0/1	0/0	<u>0/0</u> —	<u>0/0</u>
Respirable Particulate Matter (PM <sub>10</sub> ) <sup>3</sup>	2008	2009	2010	2011
Maximum Concentration (µg/m <sup>3</sup> ) (California)	96.7	52.8	71.4	<u>55.8</u>
Number of days state standard exceeded (measured <sup>4</sup> )	10	1	2	<u>3</u>
Number of days national standard exceeded (measured <sup>4</sup> )	*	*	*	<u>*</u>

Notes: µg/m<sup>3</sup> = micrograms per cubic meter; — = data not available; ppm = parts per million; \* = Insufficient data to determine the value.

<sup>1</sup> Data provided from the South Lake Tahoe–Sandy Way, South Lake Tahoe–1901 Airport Road, and ~~the Incline Village–Crystal Bay~~ monitoring stations, as noted below. Data on carbon monoxide, nitrogen dioxide, sulfur dioxide, and fine particulate matter not available for the Lake Tahoe Air Basin.

<sup>2</sup> Data from the South Lake Tahoe–1901 Airport Road Station and ~~the Incline Village–Crystal Bay Station~~; data not available after 2009.

<sup>3</sup> Data from the South Lake Tahoe–Sandy Way Station.

<sup>4</sup> Measured days are those days that an actual measurement was greater than the level of the state daily standard or the national daily standard. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.

Sources: ARB 2011b, EPA 2012b

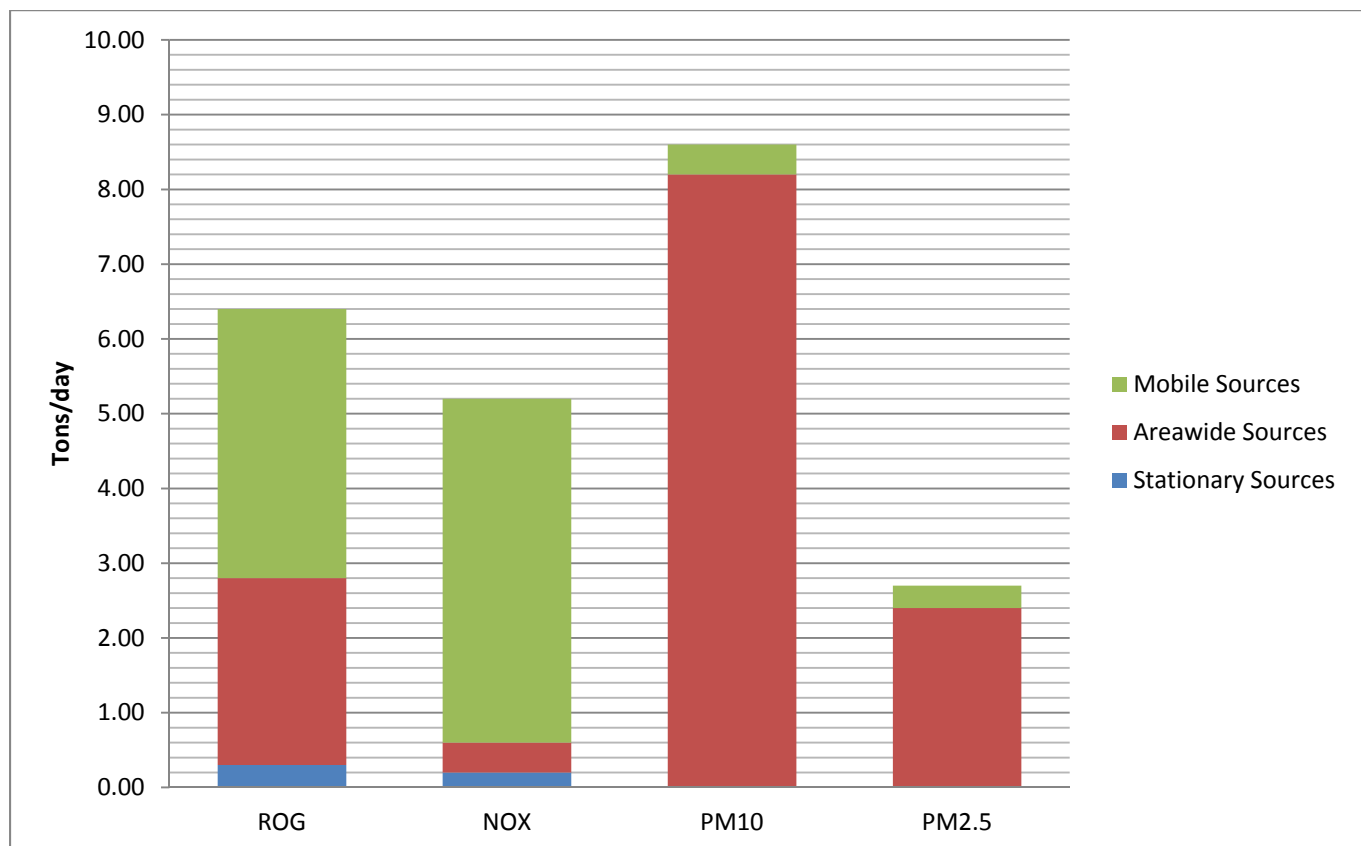
A38-14

The commenter notes a typo on page 3.4-18 and 3.4-19 of the Draft EIS regarding the emissions inventory. The comment is correct that the 2008 emissions inventory data is for the California portion of the LTAB only. Page 3.4-18 of Draft EIS will be revised as follows:

### EMISSIONS INVENTORY

Exhibit 3.4-1 summarizes emissions of criteria air pollutants and precursors within the for various source categories for the California portion. According to the California portion of LTAB emissions inventory, mobile sources are the largest contributor to the estimated annual average for air pollutant levels of ROG and NO<sub>x</sub> accounting for approximately 37 percent and 88 percent respectively, of the total emissions. Areawide sources account for approximately 95 percent and 89 percent of the Basin's PM<sub>10</sub> and PM<sub>2.5</sub> emissions, respectively (ARB 2008).

***Page 3.4-19 of the Draft EIS will be revised as follows:***



Source: ARB 2008.

**Exhibit 3.4-1.**

**California Portion of the Lake Tahoe Air Basin 2008 Emissions Inventory**

- A38-15      The comment recommends that CEQA thresholds of significance established by each local jurisdiction be summarized in the Draft EIS. Page 3.4-11 of the Draft EIS has been revised to include the following:
- “PCAPCD and EDCAQMD attain and maintain air quality conditions in Placer and El Dorado Counties through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean-air strategy of PCAPCD and EDCAQMD includes preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, and issuing permits for stationary sources of air pollution. PCAPCD and EDCAQMD also inspect stationary sources of air pollution and responds to citizen complaints, monitor ambient air quality and meteorological conditions, and implement programs and regulations required by the CAA, CAAA, and CCAA.
- PCAPCD and EDCAQMD have established project-level thresholds of significance for criteria air pollutants and precursors that they recommend agencies consider during environmental review. PCAPCD and EDCAQMD both recommend 82 lb/day for ROG and NOX as the level above which a project would be considered to have a significant air quality impact for ozone. In addition, PCAPCD also recommends 82 lb/day as the level above which a project would result in a significant impact for PM<sub>10</sub>.
- All projects in the respective counties are subject to adopted PCACPD and EDCAQMD rules and regulations in effect at the time of construction. Specific rules applicable to the construction of the proposed project may include but are not limited to the following...”
- It is important to note that the air districts’ project-level thresholds may not necessarily be appropriate thresholds to determine significant impacts from a long-range regional plan such as the Regional Plan Update. It may be appropriate for individual projects located in the applicable jurisdictions to be evaluated using the project-level thresholds. The entire plan would be comprised of multiple projects constructed and operating over the next 20 years. Impact 3.4-3 of the Draft EIS provides a regional analysis of the emissions profile under each alternative compared with existing conditions.
- A38-16      The comment recommends that the Construction Best Practices Policy proposed for TRPA adoption under Mitigation Measure 3.4-2 be adopted as an ordinance or rule to increase the likelihood of successful implementation. It is the intention of TRPA that Construction Best Practices would be included either as standard permit requirements for projects permitted by TRPA or by entities delegated permitting authority under a conforming Area Plan, or as a requirement in the Code of Ordinances. Either way, the Construction Best Practices will be enforceable.
- A38-17      The comment notes that the EMFAC 2011 model includes mobile-source regulations applicable to California, and the Draft EIS should provide more detail about why the EMFAC model can be applied to the entire Region (which includes Nevada). Applicable vehicle regulations in California that are embedded in EMFAC 2011 include the California Low Emission Vehicle (LEV) level II standards, which set emission limits by vehicle class for NOX, non-methane organic gases, CO, PM, and formaldehyde. EMFAC 2011 was released prior to the adoption of the more stringent California LEV level III standards (i.e., the Advanced Clean Car programs), and therefore, does not account for the most stringent vehicle emissions standards applicable at this time. Effects of



AB 1493 emissions limits on greenhouse gas (GHG) emissions (i.e., Pavley standards) and the low carbon fuel standard (LCFS) regulations are available as optional outputs from EMFAC 2011 only related to GHG emissions (and were not accounted for in the GHG analysis contained in Section 3.5). The effects on criteria air pollutants from Pavley and LCFS are not modeled in EMFAC 2011. For trucks, EMFAC 2011 includes vehicle standards and fleet rules (e.g., Drayage, Statewide Truck and Bus, Refuse Trucks, Public Fleets). It does not include benefits of the recently proposed federal heavy-duty truck fuel economy improvements or the benefits of the ARB GHG regulations (Sax, pers. comm., 2012). At this time, vehicles sold in California would be subject to the current California LEV-III emissions standards. However, the analysis is conservative in that EMFAC 2011 only accounts for LEV-II emissions standards.

Vehicles sold in Nevada would be subject to Tier 2 EPA Federal Vehicle Emissions Standards, which also set emissions limits for NOX, non-methane organic gases, CO, PM, and formaldehyde. The EPA Tier 2 standards are similar to the California LEV-II standards, especially with respect to light-duty vehicles for NOX and PM. A comparison of California LEV-II and EPA Tier 2 standards is available at this link: <http://www.epa.gov/greenvehicles/detailedchart.pdf>. According to EMFAC 2011 output for the Tahoe Region in 2010, approximately 62 percent of the vehicle population and 64 percent of the VMT was comprised of light-duty autos and trucks, and 21 percent of the vehicle population and 20 percent of the VMT was comprised of medium-duty vehicles, which are vehicle classes that are covered by both the LEV-II and EPA Tier 2 standards.

In addition, the majority of VMT in the Region occurs in California. In 2010, 62.3 percent of VMT in the Region occurs in California, and can be represented by vehicles sold in California. In 2035, California's share of VMT is 62.9 percent, 64.6 percent, 64.1 percent, 64.6 percent, and 64.3 percent for Alternatives 1 through 5, respectively.

Because the EMFAC 2011 underestimates California side emission reductions, which account for the majority of VMT in the Region, and because vehicles in Nevada would be subject to EPA Tier 2 standards, which would result in emission reductions similar to those modeled, the EMFAC 2011 model is an appropriate modeling tool to sufficiently characterize emissions from vehicles in the Plan area.

A38-18      The commenter has concerns regarding the methodology used to determine long-term operational emission impacts. Please see Response to Comment A38-6, above.

A38-19      The comment notes a conflict within Impact 3.4-5 regarding siting of sensitive receptors along transportation corridors, which are sometimes considered sources of TACs. Pages 3.4-39 – 3.4-40 of the Draft EIS includes a discussion regarding ARB's Air Quality and Land Use Handbook (ARB 2005) for siting receptors near major roadways, and notes that none of the roadways in the plan area would qualify as "major roadways" per ARB's definition. Thus, the Regional Plan Update would be in compliance with ARB's guidance for siting receptors in proximity to roadways and would not result in land use conflicts with mobile sources of TACs. The commenter would also like to know if there are mechanisms in place for preventing land use conflicts between residential land uses and commercial land uses such as fuel stations. ARB's siting guidance for separation between typical gasoline dispensing stations and residential land uses is 50 feet (ARB 2005), which is achievable based on proposed land uses. The ARB-recommended setback distance from large gasoline dispensing facilities is 300 feet (ARB 2005). The types of gas stations in the Region would qualify as "typical" and not "large" (throughput

greater than 3.6 million gallons per year) and would readily comply with the 50 foot setback distance siting recommendations from ARB.

It is important to note that the Draft EIS is a programmatic analysis of a set of policies, and subsequent projects would be evaluated individually for land use compatibility impacts. Nonetheless, TRPA's environmental review requirements would evaluate risks to human health and safety (TRPA Initial Environmental Checklist questions 17a, 17b, 21d, 10a, and 2a), which would also address the commenter's concern.

- A38-20 The comment recommends that Mitigation Measure 3.4-5 be adopted in the form of an ordinance or rule to increase the likelihood of successful implementation. As explained on page 1-8 of the Draft EIS, mitigation measures in the Regional Plan Update EIS to address significant environmental impacts take the form of amendments to goals and policies, development of Code revisions, and commitments to prepare regional-scale, resource-specific mitigation programs. It is the intention of TRPA that Construction Best Practices would be included either as standard permit requirements for projects permitted by TRPA or by entities delegated permitting authority under a conforming Area Plan, or as a requirement in the Code of Ordinances. Please also see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.
- A38-21 The comment expresses concerns about the potential for increased frequency of prescribed open burning by fire departments and wildfire management agencies associated with new development, and associated impacts on air quality. To varying degrees, each alternative focuses on redevelopment and concentration of development within already developed areas. None of the alternatives would result in new development in areas not already managed for wildfire risks in the Wildland Urban Interface (see Impact 3.2-1 on pages 3.2-11 to 3.2-67 for more information on proposed land use patterns). There is no evidence to suggest that the type of development that could occur under the Regional Plan Update alternatives would increase the frequency of open burning for wildfire management. Further, Impact 3.14-1 discusses wildland fire impacts, and policies related to defensible space. Impact 3.14-1 concluded that there would be beneficial impacts associated with wildland fire risks under Alternatives 2-5 of the Regional Plan Update.
- A38-22 This comment expresses the same concerns as discussed above under A38-6 and A38-18, but with respect to GHG emissions. Operational GHG emissions were evaluated under Impact 3.5-1 according to the same methodology described above for criteria air pollutants under Impact 3.4-3. GHG emissions were estimated for existing conditions (2010) and for project buildout (2035) for each alternative. The difference was taken between 2035 and 2010 to determine the net change in GHG emissions compared to existing conditions. There would be a substantial increase in GHG emissions for each alternative because the decrease in mobile-source emissions would not outpace the net increase in total operational GHG emissions attributable to the Plan alternatives in the way that mobile-source emissions of NOX would decrease in future years.
- The comparison of 2035 emissions from the Plan to emissions in 2010 (existing conditions) remains the appropriate baseline for the analysis of GHG emissions for the reasons described in response to comment A38-6.
- A38-23 The comment recommends that Impact 3.5-1 evaluate whether Mitigation Measure 3.3-3 would result in GHG emission reductions. If the VMT reductions prescribed in Mitigation Measure 3.3-3

are achieved, the reduction in GHG emissions would be proportional to these percentages respective to each alternative. However, if mobile-source GHG emissions estimated in Impact 3.5-1 were reduced by 1.3-10.9 percent, depending on the Alternative in question, total GHG emissions would still be considered substantial and the significance conclusion of Impact 3.5-1 would not change.

A38-24 The comment recommends that Mitigation Measure 3.5-1 discuss the feasibility of the proposed sustainability measures such as retrofitting existing buildings for energy efficiency and require passive solar design in new buildings. The types of measures proposed in Mitigation Measure 3.5-1 are considered feasible for many types of projects and are recommended as feasible mitigation measures in guidance documents such as the California Air Pollution Control Officers Association's (CAPCOA) Quantifying GHG Mitigation Measures. Furthermore, the measures listed in Mitigation Measure 3.5-1 are examples of the measures that could be included). Specific requirements will be developed in coordination with local jurisdictions within 12 months of adoption of an updated Regional Plan. Please also see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

A38-25 The comment states that the Draft EIS does not contain any discussion about how the proposed transportation strategy packages would be incorporated with each Regional Plan Update alternative and how they would assist in the reduction of GHG emissions from mobile sources. The Draft EIS contains a summary description of how the transportation strategy packages are incorporated into each Regional Plan alternative in the Summary Chapter on page S-5, and a detailed description of how each strategy package is incorporated into each Regional Plan alternative in Chapter 2, Regional Plan Update Alternatives, beginning on page 2-18 of the Draft EIS. The reader is referred to the RTP/SCS EIR/EIS for a comprehensive description and programmatic analysis of the policies, transportation strategy packages, and capital projects that comprise the RTP/SCS. Chapter 3.5, Greenhouse Gas Emissions and Climate Change, page 3.5-8 of the Draft EIR/EIS, describes how existing GHG emissions from mobile sources were estimated using VMT obtained from the transportation analysis prepared for the Regional Plan update. The description under the Impact Analysis for Impacts 3.5-1 and 3.5-2, beginning on page 3.5-15 of the Draft EIR/EIS, describes how GHG emissions from mobile sources were estimated for each Regional Plan alternative. Further, Appendix E, Part 7 of the Draft EIR/EIS, contains a description of how VMT was estimated for use in the GHG analysis.

The comment states that a mitigation measure is more likely to be implemented if it is proposed in the form of an ordinance. The comment does not specify to which mitigation measure it refers. In fact, many mitigation measures included in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS are proposed to be implemented through the Final Draft Code. Many others are on the priority list (Attachment 4 of the Final Draft Goals and Policies) to be developed within the first 12 months after Plan approval, and all other mitigation measures included in the RTP/SCS EIR/EIS will be monitored through the Mitigation Monitoring and Reporting Program prepared for the RTP/SCS, which will be subject to approval along with certification of the EIR/EIS.

A38-26 The comment recommends additional discussion of the types of strategies that would be included in the APS that would result in Alternatives 1, 4, and 5 attaining the SB 375 targets. As stated in Mitigation Measure 3.5-2, the APS would need to include strategies for bringing the alternative into compliance, such as additional transportation projects, development right transfer incentives, a compact land use pattern, reduced allocations, and energy efficiency

measures that would result in achievement of SB 375 targets. Therefore, the mitigation would be in accordance with meeting SB 375 targets and specific strategies would be determined when a specific APS is prepared.

As described under Impact 3.5-2, ARB issued to TMPO regional GHG reduction targets pursuant to SB 375. ARB appointed a Regional Targets Advisory Committee (RTAC) to work with metropolitan planning organizations, including the TMPO, to set reasonable targets for each region. The reduction targets set for the Lake Tahoe Region are a 7-percent reduction in GHG per capita by 2020 and a 5-percent reduction in GHG per capita by 2035 compared with 2005 levels. The targets apply to mobile-source emissions from automobiles, light-duty trucks, and medium-duty trucks traveling in the California portion of the Tahoe Region. These targets were set based on levels that TRPA and TMPO transportation modeling showed were feasible to achieve (See “Proposed SB 375 Greenhouse Gas Targets – Documentation of the Resulting Emissions Reductions based on MPO data,” <http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf>). To qualify as an SCS, the RTP must demonstrate how these targets would be met through land use changes and transportation improvements that would reduce regional VMT. The RTP is being prepared in a parallel process with the Regional Plan Update and relies on the Regional Plan Update land use assumptions under each alternative.

As part of the RTP preparation process, VMT and vehicle trips for the California-portion of the Region under each alternative were obtained from the TRPA travel demand model (see Section 3.3, Transportation, and Appendix E) and were estimated using the RTAC method (discussed in Section 3.5.3 above). Mobile-source emissions associated with VMT from automobiles, light-duty trucks, and medium-duty trucks were estimated using the EMFAC 2011 model. No AB 32 Scoping Plan measures were incorporated into this mobile-source emissions modeling. These results from the RTP/SCS EIR/EIS were reproduced in Impact 3.5-2 for reference, as they relate to the Regional Plan Update alternatives.

The data that show Alternatives 2 and 3 support achievement of SB 375 targets is provided in Tables 3.5-15 and 3.5-16 of the Draft EIS. Please also see Response to Comment O26-10, which discusses that even if VMT estimates were increased slightly, Alternatives 2 and 3 would still achieve SB 375 targets.

Because Alternatives 1, 4 and 5 would not comply with SB 375 requirements, these alternatives do not comply with applicable legislation adopted for the purpose of reducing GHG emissions. This would be considered a cumulatively considerable and, thereby, significant impact. Mitigation Measure 3.5-2 requires these alternatives to adopt an APS in accordance with SB 375. Further analysis would be required by TRPA should TRPA choose to adopt an APS along with Alternatives 1, 4, or 5 define the additional transportation projects, development right transfer incentives, a compact land use pattern, reduced allocations, and energy efficiency measures that would result in achievement of SB 375. Please also see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

A38-27

The commenter is requesting the VMT information for the California portion of the Region that was referenced in Table 3.5-3 of the Draft EIS regarding 2005 VMT data. This information is provided below, which was obtained from the transportation model (Tables 3-22, 3-23, and 3-24).

**Table 3-22. El Dorado & Placer County VMT and VT Summary – Boundary Method**

Scenario	El Dorado County		Placer County	
	VMT	VT	VMT	VT
2010 Base Year	760,129	131,050	428,545	46,864
2020 Alternative 1	815,410	133,009	458,357	49,582
2020 Alternative 2	790,654	135,823	447,554	51,581
2020 Alternative 3	801,233	138,351	452,818	48,427
2020 Alternative 4	815,410	138,411	458,357	50,418
2020 Alternative 5	825,001	140,016	462,887	50,487
2035 Alternative 1	825,745	137,629	473,675	52,606
2035 Alternative 2	845,175	143,298	475,762	56,384
2035 Alternative 3	844,728	145,167	481,739	58,542
2035 Alternative 4	880,770	148,710	503,585	59,487
2035 Alternative 5	895,956	148,648	511,904	60,516

Source: TRPA Travel Demand Model

**Table 3-23. California VMT and VT Summary – RTAC Methodology**

Scenario	VMT	VT
2020 Alternative 1	928,908	133,802
2020 Alternative 2	944,010	135,716
2020 Alternative 3	925,150	133,901
2020 Alternative 4	963,786	136,941
2020 Alternative 5	981,457	139,536
2035 Alternative 1	989,899	137,556
2035 Alternative 2	1,004,890	143,341
2035 Alternative 3	1,017,955	146,660
2035 Alternative 4	1,068,686	149,650
2035 Alternative 5	1,095,393	151,074

Source: TRPA Travel Demand Model

**Table 3-24. Tahoe Region VMT and VT Summary – RTAC Methodology**

Scenario	VMT	VT
2035 Alternative 1	1,570,454	205,155
2035 Alternative 2	1,552,670	210,940
2035 Alternative 3	1,585,335	215,406
2035 Alternative 4	1,650,574	217,392
2035 Alternative 5	1,700,389	220,770

Source: TRPA Travel Demand Model

A38-28	<p>Please see Response to Comment A-38-5. The area-source emissions modeling conducted using CalEEMod summarized in Impacts 3.4-3 and 3.5-1 was conducted for residential commodities that did not account for the remaining 114 additional residential commodities that are allowed under the 1987 Regional Plan. Additional modeling with CalEEMod was conducted to include the addition of 114 residential commodities in the Region in 2035, which would result in approximately an additional 1 ton per year (TPY) of ROG, 2 TPY of CO, and less than 1 TPY of NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> operational emissions from area and energy-related sources. GHG emissions would increase by approximately 800 TPY associated with these 114 residential commodities that would be allowed under Alternatives 1-5 that were not captured in the modeling in the Draft EIS. Mobile sources would remain unchanged, because VMT was obtained directly from the TRPA travel demand model. No changes to significance conclusions would occur associated with these additional emissions. Even with the inclusion of these additional emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, long-term operational emissions of ROG and NO<sub>x</sub> would still decrease substantially, and emissions of PM<sub>10</sub> and PM<sub>2.5</sub> would be nominal. Impact 3.4-3 would remain less than significant for these same reasons described on pages 3.4-29 – 3.4-36 of the Draft EIS. Impact 3.5-1 would remain significant and unavoidable for the same reasons described on pages 3.5-15 – 3.5-25 of the Draft EIS. This additional increment of GHG emissions would be approximately 1 percent of the total net increase in Region-wide GHG emissions estimated in Impact 3.5-1. Region-wide GHG emissions evaluated in Impact 3.5-1 would be similar in magnitude to those originally presented and evaluated in the Draft EIS, and Impact 3.5-1 would not be substantially more severe. Impact 3.5-2, which only evaluates mobile-sources of GHGs from certain vehicle classes in California is unaffected by this update to modeling. Please also refer to Master Response 9, Consideration of Banked Commodities, for additional information.</p>
A38-29	<p>The comment recommends that TRPA consult with California and Nevada Air Pollution Control Agencies regarding air quality regulations to avoid inconsistency and redundancy among the agencies. TRPA has conducted extensive consultation with applicable agencies, including air quality agencies in both states. This comment refers to proposed provisions of the Code and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions will be addressed.</p>
A38-30	<p>Comment A38-30 indicates concerns regarding Code Section 65.1.6.F relating to the prohibition on applications for biofuel facilities. This comment refers to proposed provisions of the Code and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions will be addressed.</p>
<p><b>Response A39</b></p>	<p><b>Yushuo Chang</b>  <b>Placer County Air Pollution Control District</b>  <b>6/28/2012</b></p>
A39-1	<p>The comment transmits the list of comments provided by the Placer County Air Pollution Control District on the RTP/SCS Draft EIR/EIS.</p>
A39-2	<p>The comment requests clarification about the relationship between the SCS and the Regional Plan Update alternatives. This relationship is described in detail in RTP/SCS Draft EIR/EIS Section 2.6, Relationship Between the RTP/SCS and the Regional Plan Update. Section 2.9, RTP/SCS</p>

Alternatives (of the Draft EIR/EIS), identifies the transportation strategies of the RTP that correlate with each alternative. In the Regional Plan Update Draft EIS, Appendix C provides a table indicating which transportation strategies correlate with each land use alternative in the Regional Plan Update.

- A39-3 The comment requests a summary of transportation model output and methodology in support of the air quality and GHG impact analyses in the RTP/SCS Draft EIR/EIS. Please see response to comment A38-8.
- A39-4 The comment notes the use of VMT per capita as a threshold for determining impact significance in Impact 3.3-3 of the RTP/SCS Draft EIR/EIS and indicates that total VMT should be used instead because it is a threshold standard. VMT per capita is a threshold of significance for analysis of GHG impacts, as indicated on page 3.3-41 of the RTP/SCS Draft EIR/EIS. The impact is intended to show the effectiveness of transportation policies in reducing VMT, which can best be shown through VMT per capita rather than total VMT. As a lead agency under CEQA, TRPA/TMPO has jurisdiction to identify relevant thresholds of significance, including but not limited to the adopted threshold standards identified in the Compact. In addition, the threshold standard does not apply in the RTP/SCS Draft EIR/EIS because the RTP itself does not propose anything that would increase VMT. No change to the threshold of significance is necessary.
- A39-5 The comment recommends additional air district rules be included in the RTP/SCS Draft EIR/EIS for consideration. Please see the Response to Comment A38-12.

***Pages 3.4-10 – 3.4-11 of the RTP/SCS Draft EIR/EIS are revised to include the following:***

Additional rules that may be applicable to the Plan area include:

- ▲ PCAPCD Rule 214 and EDCAQMD Rule 238—Transfer of Gasoline into Vehicle Fuel Tanks.
- ▲ PCAPCD Rule 225—Wood Burning Appliances.
- ▲ PCAPCD Rule 242 and EDCAQMD Rule 233—Stationary Internal Combustion Engines.
- ▲ PCAPCD Rule 246 and EDCAQMD Rule 239—Natural Gas-Fired Water Heaters.
- ▲ PCAPCD and EDCAQMD Regulation III—Open Burning.

- A39-6 The comment points out that additional ozone air quality monitoring data is available for 2010. Please see the Response to Comment A38-13. Page 3.4-17 of the RTP/SCS Draft EIR/EIS is revised to read as follows:

**MONITORING STATION DATA AND ATTAINMENT AREA DESIGNATIONS**

Concentrations of criteria air pollutants are measured at ~~three~~ two monitoring stations in the LTAB: the South Lake Tahoe—Sandy Way station, the South Lake Tahoe—1901 Airport Road station, and the Incline Village-Crystal Bay station. In general, the measurements of ambient air quality from these monitoring stations are representative of the air quality in the vicinity of the study area. Table 3.4-5 summarizes the air quality data from these stations for 2008–~~2010~~ 2011.

**Table 3.4-5. Summary of Annual Air Quality Data (2008–~~2010~~2011) <sup>1</sup>**

Ozone <sup>2</sup>	2008	2009	2010	2011
Maximum concentration (1-hour/8-hour, ppm)	0.091/0.077	0.077/0.071	<u>0.071/0.067</u> —	<u>0.077/0.068</u>
Number of days state standard exceeded (1-hour/8-hour)	0/5	0/1	<u>0/0</u> —	<u>0/0</u>
Number of days national standard exceeded (1-hour/8-hour)	0/1	0/0	<u>0/0</u> —	<u>0/0</u>
Respirable Particulate Matter (PM <sub>10</sub> ) <sup>3</sup>	2008	2009	2010	2011
Maximum Concentration (µg/m <sup>3</sup> ) (California)	96.7	52.8	71.4	<u>55.8</u>
Number of days state standard exceeded (measured <sup>4</sup> )	10	1	2	<u>3</u>
Number of days national standard exceeded (measured <sup>4</sup> )	*	*	*	<u>*</u>

Notes: µg/m<sup>3</sup> = micrograms per cubic meter; — = data not available; ppm = parts per million; \* = Insufficient data to determine the value.

<sup>1</sup> Data provided from the South Lake Tahoe–Sandy Way, South Lake Tahoe–1901 Airport Road, and ~~the Incline Village–Crystal Bay~~ monitoring stations, as noted below. Data on carbon monoxide, nitrogen dioxide, sulfur dioxide, and fine particulate matter not available for the Lake Tahoe Air Basin.

<sup>2</sup> Data from the South Lake Tahoe–1901 Airport Road Station and ~~the Incline Village–Crystal Bay Station~~; data not available after 2009.

<sup>3</sup> Data from the South Lake Tahoe–Sandy Way Station.

<sup>4</sup> Measured days are those days that an actual measurement was greater than the level of the state daily standard or the national daily standard. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.

Sources: ARB 2011b, EPA 2012b

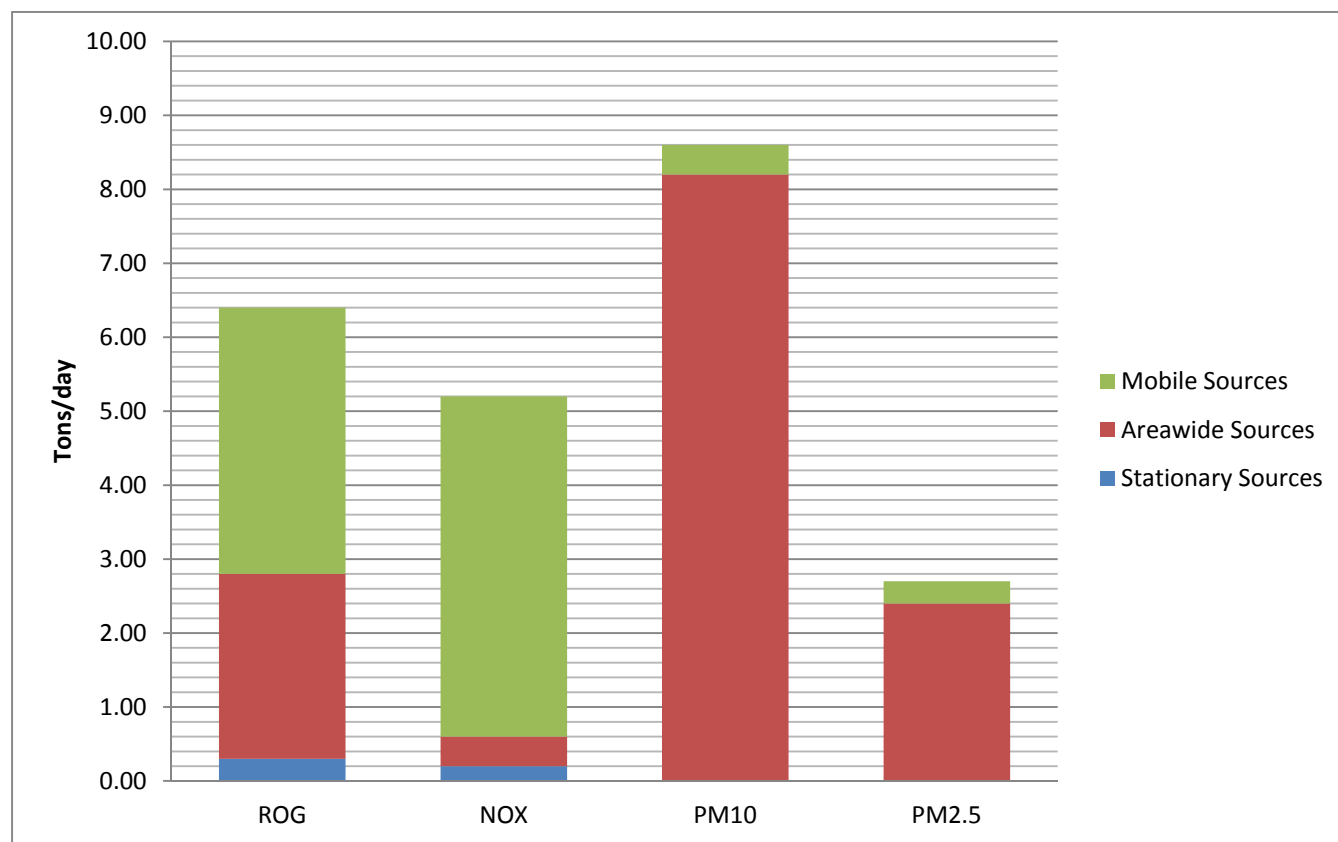
A39-7 The comment notes a typographical error on page 3.4-17 and 3.4-19 of the RTP/SCS Draft EIR/EIS regarding the emissions inventory. Please see the Response to Comment A38-14.

***Pages 3.4-17 and 3.4-19 of the RTP/SCS Draft EIR/EIS are revised to read as follows:***

## **EMISSIONS INVENTORY**

Exhibit 3.4-1 summarizes emissions of criteria air pollutants and precursors within the for various source categories for the California portion. According to the California portion of LTAB emissions inventory, mobile sources are the largest contributor to the estimated annual average for air pollutant levels of ROG and NO<sub>x</sub> accounting for approximately 37 percent and 88 percent respectively, of the total emissions. Areawide sources account for approximately 95 percent and 89 percent of ~~the Basin's~~ PM<sub>10</sub> and PM<sub>2.5</sub> emissions, respectively (ARB 2008).





Source: ARB 2008.

**Exhibit 3.4-1. California Portion of the Lake Tahoe Air Basin 2008 Emissions Inventory**

A39-8 The comment recommends that CEQA thresholds of significance established by each local jurisdiction be summarized in the RTP/SCS Draft EIR/EIS. Please see the Response to Comment A38-15.

***Page 3.4-10 of the Draft EIR/EIS is revised to include the following:***

“PCAPCD and EDCAQMD attain and maintain air quality conditions in Placer and El Dorado Counties through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean-air strategy of PCAPCD and EDCAQMD includes preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, and issuing permits for stationary sources of air pollution. PCAPCD and EDCAQMD also inspect stationary sources of air pollution and responds to citizen complaints, monitor ambient air quality and meteorological conditions, and implement programs and regulations required by the CAA, CAAA, and CCAA.

PCAPCD and EDCAQMD have established project-level thresholds of significance for criteria air pollutants and precursors that they recommend agencies consider during environmental review. PCAPCD and EDCAQMD both recommend 82 lb/day for ROG and NOX as the level above which a project would be considered to have a significant air quality impact for ozone. In addition,

PCAPCD also recommends 82 lb/day as the level above which a project would result in a significant impact for PM<sub>10</sub>.

All projects in the respective counties are subject to adopted PCAPCD and EDCAQMD rules and regulations in effect at the time of construction. Specific rules applicable to the construction of the proposed project may include but are not limited to the following...”

It is important to note that the air districts’ project-level thresholds may not necessarily be appropriate thresholds to determine significant impacts from a long-range regional plan such as the Regional Plan Update. It may be appropriate for individual projects located in the applicable jurisdictions to be evaluated using the project-level thresholds. The entire plan would comprise multiple projects constructed and operating over the next 20 years. Impact 3.4-3 of the RTP/SCS Draft EIR/EIS provides a regional analysis of the emissions profile of the entire Region under each alternative compared with existing conditions.

- A39-9 The comment recommends that the Construction Best Practices Policy proposed for TRPA adoption under Mitigation Measure 3.4-2 of the RTP/SCS Draft EIR/EIS be adopted as an ordinance or rule to increase the likelihood of successful implementation. Please see the Response to Comment A38-16.
- A39-10 The comment notes that the EMFAC 2011 model includes mobile-source regulations applicable to California, and the Draft EIR/EIS should provide more detail about why the EMFAC model can be applied to the entire Region (which includes Nevada). Please see Response to Comment A38-17.
- A39-11 The comment raises concerns regarding the methodology used to determine significance of mobile-source emissions associated with the RTP alternatives. Please see the Response to Comment A38-6 regarding proper baseline. In addition, the comment requests that the analysis compare Alternative 1 with the other alternatives. Table 3-25 below summarizes the comparison of mobile-source emissions associated with each alternative in 2035.

Table 3-25. Total Region-wide Mobile-Source Emissions in 2035						
	TPY					MT/yr
	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	CO <sub>2e</sub>
Alternative 1	108.15	179.32	911.88	35.33	15.44	334,320
Alternative 2	106.84	177.17	901.51	34.93	15.33	330,533
Alternative 3	109.21	180.97	920.31	35.62	15.66	337,487
Alternative 4	113.92	188.49	958.34	37.16	16.43	351,375
Alternative 5	117.20	194.18	987.33	38.29	16.90	361,980
Notes: CO = carbon monoxide; CO <sub>2e</sub> = carbon dioxide equivalent; MT/yr = metric tons per year; NO <sub>x</sub> = nitrogen oxides; PM <sub>10</sub> = respirable particulate matter; PM <sub>2.5</sub> = fine particulate matter; TPY = tons per year.						

- A39-12 The comment notes a conflict within Impact 3.4-5 of the Draft EIR/EIS regarding siting of sensitive receptors along transportation corridors, which are sometimes considered sources of TACs. Please see the Response to Comment A38-19.

- A39-13 The comment recommends that Mitigation Measure 3.4-5 of the Draft EIR/EIS be adopted in the form of an ordinance or rule to increase the likelihood of successful implementation. Please see the Response to Comment A38-20.
- A39-14 The comment recommends additional discussion of the types of strategies that would be included in the Alternative Planning Strategy that would result in Alternatives 1, 4, and 5 attaining the SB 375 targets. Please see the Response to Comment A38-26.
- A39-15 The comment requests the source of the transportation data relied upon in Table 3.5-3 of the Draft EIR/EIS regarding 2005 VMT data. Please see the Response to Comment to A39-3, where TRPA travel demand model output has been provided.

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**Response  
A40** **Steve Buelna**  
**Placer County Community Development Resource Agency**  
**4/26/2012**

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- A40-1 The comment thanks staff and the Governing Board for working with Placer County on the Regional Plan Update process and further states that Placer County will bring issues forward to the Governing Board after reviewing the documents. This comment does not raise environmental issues or concerns.

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**Response  
A41** **Jennifer Merchant**  
**Placer County Executive Office**  
**6/27/2012**

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- A41-1 The comment provides introductory remarks and thanks TRPA staff for their efforts to date. The comment does not raise issues related to the adequacy of the environmental analysis.
- A41-2 The comment expresses concern with Draft EIS Mitigation Measure 3.3-3, Implement Additional VMT Reduction, stating that it is not appropriate mitigation, and that it may work against goals to increase bikability and walkability, and that bicycle and pedestrian facilities should be allowed to operate at a higher level of service than facilities for automobiles in some cases. Please see the Responses to Comments A32-16 and A38-9; Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria; Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT; and Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation; which address this comment. The comment also states that vehicle LOS and VMT are not linked, and should not be linked in Mitigation Measure 3.3-3. Although TRPA agrees that LOS and VMT are not necessarily linked to each other, they are closely related and are both affected by the allocation and location of development.
- A41-3 This comment expresses concern with the transfer of development rights system that is proposed in the Regional Plan Update. This oral comment is a summary of a portion of the written comment provided in Comment A32-19. Please refer to the Response to Comment A32-19.
- A41-4 This comment expresses concerns related to the allocation system. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental document.

	Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A41-5	The comment notes concerns about the residential and TAU system and will provide those details in a separate letter. Please see the Responses to Comment Letter A32.
A41-6	This comment addresses perceived duplicative review in various regulatory areas, including noise, BMPs, water quality, and the TMDL. Please refer to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements, and Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A41-7	This comment pertains to Area Plan conformance, specifically how conformance is defined and how it will be tested and approved. Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, describes the delegation and project appeal processes associated with development of Area Plans.
A41-8	This comment expresses concern that the Sustainability Plan is interpreted as a regulatory document and the Sustainability Collaborative is treated as a regulatory authority. This oral comment is a summary of the written comment provided in Comment A32-12. Please refer to the Response to Comment A32-12. The comment also urges completion of “to do” list items (incorporated into Attachment 5 of the Final Draft Goals and Policies), which is addressed in Response to Comment A32-1.
A41-9	This comment pertains to IPES scoring as it relates to residential development in Placer County. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
A41-10	This comment expresses concerns that negotiations with state representatives may have occurred in advance of plan review and approval. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document, but is noted for consideration.
A41-11	This comment states that the analysis of the transfer of development rights program should look at different ratios and include an economic analysis that shows economic feasibility, based on the context and capacity of each specific community. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
<b>Response A42</b>	<b>Rebecca Lynn Palmer Nevada State Historic Preservation Office 6/19/2012</b>
A42-1	This comment expresses support for the Regional Plan Update EIS. The comment is noted for consideration.

<b>Response A43</b>	<b>Cindy Gustafson Tahoe City Public Utility District 6/27/2012</b>
A43-1	The comment describes Tahoe City PUD redevelopment efforts and expresses support for Regional Plan Update Alternative 3. The comment is noted for consideration.
<b>Response A44</b>	<b>Peter Kraatz Placer County Department of Public Works 6/27/2012</b>
A44-1	The comment states the commenter's affiliation as a local government representative of the Tahoe Interagency Executives Steering Committee.
A44-2	The comment suggests that roadway level of service (LOS) may be high in certain urban areas if pedestrian and transit oriented development (PTOD) is to be achieved, and that mitigation should not be tied to LOS. The first part of this comment refers to proposed provisions of the Regional Transportation Plan and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed. In response to the second part of this comment, please refer to Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria, and Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.
A44-3	The comment states that additional clarity is needed regarding the transportation strategy packages in the RTP with regard to expectations for capital and operational improvements for public transit systems that rely on mitigation from redevelopment or private projects. This comment refers to proposed provisions of the Regional Transportation Plan and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
A44-4	The comment states that the Regional Plan should have less specificity with regard to codes and standards for redevelopment and that specific details for redevelopment should be shifted to the Area Plans. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
A44-5	The comment states that the Water Quality TMDL requirements are captured by the state agencies in the Region, and that neither the standards nor any funding expectations for meeting TMDL requirements should be included in the Regional Plan beyond referencing the Lahontan RWQCB and Nevada Division of Environmental Protection requirements. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding

the plan review and adoption process and where comments on plan provisions are addressed, and Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

Response A45	Carl Hasty Tahoe Transportation District 4/26/2012
A45-1	The comment expresses support for the RTP and notes the potential of going into conformity lapse if the RTP/SCS and Regional Plan Update are kept on the same schedule together. See Master Response 2, Duration of Public Comment Period.

## O: ORGANIZATIONS

Response 01	Aaron E. Sims California Native Plant Society 6/15/2012
O1-1	<p>The comment states that threetip sagebrush (<i>Artemisia tripartita</i> ssp. <i>tripartita</i>), a plant species recently documented in California, is being evaluated for addition to California Rare Plant Rank (CRPR) 2 and should be added to Chapter 3.10, Biological Resources, of the EIS. The comment also states that one of three known populations of threetip sagebrush in California occurs within the Regional Plan Update area. After the comment was submitted, threetip sagebrush became formally designated by the California Native Plant Society as CRPR 2 on August 20, 2012. Therefore, this species has been added to page 3.10-24 and Table 3.10-4, "Special-Status Plant Species Known or With Potential to Occur in the Lake Tahoe Basin," of the Regional Plan Update Draft EIS, and to page 3.10-25 and Table 3.10-4 of the RTP/SCS Draft EIR/EIS, as shown below.</p> <p><b><i>Page 3.10-24 of the Regional Plan Update Draft EIS, is revised to add the following text:</i></b></p> <p><b>Special-Status Plants</b></p> <p>The initial data review preliminarily identified 41 special-status plant species known or with potential to occur in the Tahoe Basin. <u>After release of the Draft EIS, one additional plant species – threetip sagebrush (<i>Artemisia tripartita</i> ssp. <i>tripartita</i>) – was considered based on public comment by CNPS describing its recent discovery and rarity in California and known occurrence in the Region (one of three known occurrences in California), and that it was under review for designation as California Rare Plant Rank (CRPR) 2 by CNPS and CDFG. After the comment was submitted, threetip sagebrush became formally designated as CRPR 2 on August 20, 2012. Table 3.10-4 summarizes the status, habitat association, and occurrence information of each special-status plant species evaluated during this analysis.</u></p> <p><b><i>Page 3.10-25 of the RTP/SCS Draft EIR/EIS, is revised to add the following text:</i></b></p> <p><b>Special-Status Plants</b></p> <p>The initial data review preliminarily identified 41 special-status plant species known or with potential to occur in the Tahoe Basin. <u>After release of the Draft EIR/EIS, one additional plant species – threetip sagebrush (<i>Artemisia tripartita</i> ssp. <i>tripartita</i>) – was considered based on public comment by CNPS describing its recent discovery and rarity in California and known occurrence in the Region (one of three known occurrences in California), and that it was under review for designation as California Rare Plant Rank (CRPR) 2 by CNPS and CDFG. After the comment was submitted, threetip sagebrush became formally designated as CRPR 2 on August 20, 2012. Table 3.10-4 summarizes the status, habitat association, and occurrence information of each special-status plant species evaluated during this analysis.</u></p>

**Table 3.10-4 on page 3.10-25 of the Regional Plan Update Draft EIS and on page 3.10-28 of the RTP/SCS Draft EIR/EIS is revised to add the following row to the table:**

Table 3.10-4. Special-Status Plant Species Known or With Potential to Occur in the Lake Tahoe Basin				
Common Name and <i>Scientific Name</i>	Regulatory Status <sup>1</sup>			Habitat and Flowering Period
	TRPA/ Federal	State	Other	
<u>Threetip sagebrush</u> <u><i>Artemisia tripartita</i> ssp.</u> <u><i>tripartita</i></u>	=	<u>CRPR-2</u>	=	<u>Openings in upper montane coniferous forest, on rocky/volcanic soils; 7,200–8,530 ft. elev.</u> <u>Blooms August.</u>
<sup>1</sup> Regulatory Status Codes: <b>TRPA/Federal:</b> TRPA = TRPA sensitive/threshold species FC = Federal candidate for listing FT = Federal Threatened FSS = Forest Service Sensitive <b>Other:</b> NNPS-T = Nevada Native Plant Society Threatened NNPS-W = Nevada Native Plant Society Watchlist (Note: NNPS-T and -W species are only included here if they are also designated as NNHP-AR. The NNPS list is located at <a href="http://heritage.nv.gov/lists/nnpstat.pdf">http://heritage.nv.gov/lists/nnpstat.pdf</a> .) <b>State:</b> <b>CA (California Department of Fish and Game)</b> CE = California Endangered CRPR = California Rare Plant Rank 1A = Plants presumed extinct in California 1B = Plants considered rare or endangered in California and elsewhere 2 = Plants considered rare or endangered in California, but more common elsewhere. <b>NV</b> NCE = Nevada Critically Endangered (and Fully Protected under N.A.C 527.010) NNHP-AR = Nevada Natural Heritage Program At-Risk Species ( <a href="http://heritage.nv.gov/lists/track.pdf">http://heritage.nv.gov/lists/track.pdf</a> ) Sources: NNHP 2011; TRPA 2002; USFWS 2012				

**Response  
02**

**Pat Davison**  
**Contractors Association of Truckee Tahoe**  
**4/26/2012**

O2-1

The comment praises TRPA and the Regional Plan Update Committee for their work on the planning process. The comment of support is noted.

O2-2

The comment identifies the Contractors Association of Truckee Tahoe's (CATT's) preference for a 60-day review period. Please see Master Response 2, Duration of Public Comment Period.

**Response  
03**

**Pat Davison**  
**Contractors Association of Truckee Tahoe**  
**6/28/2012**

O3-1

The comment provides prefatory remarks to the more detailed comments contained in the letter.

O3-2

The comment refers to a Threshold standard and does not speak to the adequacy of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.



- O3-3 The commenter expresses support for the “environmental redevelopment” approach of Alternative 3. The comment of support is noted for consideration during the review of the merits of the alternatives.
- O3-4 The comment addresses Table 3.12-1 in Draft EIS Section 3.12, Population, Employment, and Housing. The comment states that the population totals should be based on a 20-year horizon (e.g., 2010–2030) to correlate to the residential allocation horizon. The last paragraph of page 3.3-27, in Draft EIS Section 3.3, Transportation, provides the reasoning behind the reported projection dates of 2020 and 2035:
- The Regional Plan Update has a planning horizon of approximately 20 years. Assuming adoption in late 2012, a 20-year look-ahead would correspond to 2032. The Regional Plan update incorporates analyses conducted for the RTP/SCS (TMPO 2012), which is mandated by SB 375, described above, to analyze conditions for 2020 and 2035 for greenhouse gas emissions compliance. Given that these documents are being prepared in parallel and have overlapping technical content, it was reasonable to assume that the 2035 analysis scenario from the RTP/SCS would correspond to the approximately 20-year planning horizon for the Regional Plan Update.
- The comment questions the population projections for the different alternatives, specifically why Alternative 3 would have a higher population than Alternative 5. Population estimates developed for each alternative for use in the Regional Plan Update EIS and RTP/SCS EIR/EIS are based on the number of residential units, as well as where those residential units are projected to be located, which may vary by unit type. The location of residential units is based on assumptions used in the transportation model (these are described in detail in Appendix E, Part 7). The percentage of units that are occupied and the number of people per household are projected based on census data. Alternative 3 includes more residential units in community centers than Alternative 5. These areas have higher occupancy rates and more people per household, as indicated by census data. As a result, the model assigns a higher population to Alternative 3 than Alternative 5, even though Alternative 3 would authorize fewer residential units overall.
- The comment also questions how Alternative 3 could represent an increase of 4,160 residential units when only 4,091 development rights remain. Alternative 3 would authorize 600 new bonus units to incentivize transfers of development from outlying areas into community centers. These bonus units are in addition to the remaining development rights from the 1987 Plan. A refined accounting is presented in Master Response 9, Consideration of Banked Commodities.
- O3-5 The comment suggests that the number of residential development rights should be shown in Table 3.2-2. The sentence preceding the table states, “Table 3.2-2 identifies the status of existing development in the Region.” It identifies development that existed in 1986, development that occurred under the 1987 Regional Plan, and the estimated total. Remaining development rights are identified in the Draft EIS (page 2-13) and refined accounting is presented in Master Response 9, Consideration of Banked Commodities.
- O3-6 The commenter does not support TRPA’s adoption of Construction Best Practices where they are stricter than existing requirements of the local jurisdiction. The commenter recommends that TRPA provide a cost-benefit analysis to determine whether a stricter regulation is necessary for the local jurisdiction. Due to the nonattainment status of the region for ozone and PM, it is

necessary to implement mitigation measures to address potentially significant impacts related to construction activity. Details of the program are yet to be defined, and as noted in Mitigation Measures 3.4-2 and 3.4-5, measures would be “feasible,” the determination of which would consider economic feasibility. The type of Construction Best Practices listed in Mitigation Measures 3.4-2 and 3.4-5 are offered as examples of those commonly applied in California as air quality mitigation for significant impacts during construction. Because TRPA also has jurisdiction outside California where different regulations apply, TRPA will consider a broad range of construction best practices in the implementation of Mitigation Measures 3.4-2 and 3.4-5, and may determine that a specific Construction Best Practice is not feasible for a given location, project or class of projects.

- O3-7 The comment requests that some “business-friendly” provisions of Alternative 4 be incorporated into Alternative 3. The identified provisions involve the extension of time for the air quality mitigation fee basis (Impact 3.4-9); water quality/land coverage exemption (pages 3.8-50 and 3.8-53); and land use/excess coverage reduction strategies (page 3.2-60), including the addition of “applicant choice” as an option. With regard to the suggestion to include these actions in Alternative 3, please refer to Chapter 2: Revisions to Alternative 3: Final Draft Plan. The air quality mitigation fee basis and ADA coverage exemption are now included in the Final Draft Plan. With regard to coverage transfers, however, the Final Draft Plan would continue the existing prohibition of coverage transfer across HRA boundaries. Mitigation of excess coverage through coverage removal would be allowed anywhere in the Region, but if the coverage removal is to occur outside the HRA, the Final Draft Plan would require that coverage removal occur on more sensitive land than that affected by the project requiring coverage mitigation.

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**Response  
04** Pat Davison  
Contractors Association of Truckee Tahoe  
4/26/2012

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- O4-1 The comment indicates that the Contractors Association of Truckee Tahoe (CATT) plans to submit comments to the Governing Board during the public review process. Please see Responses to Comment Letters O2 and O3.

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**Response  
05** Pat Davison  
Contractors Association of Truckee Tahoe  
6/15/2012

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- O5-1 The comment discusses the Contractors Association of Truckee Tahoe’s (CATT’s) extensive participation in the public review process, including the assistance of TRPA staff in responding to questions about the Regional Plan Update, and indicates that additional comments are forthcoming. Please see the Responses to Comment Letters O2 and O3.

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**Response  
06** Pat Davison  
Contractors Association of Truckee Tahoe  
6/28/2012

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- O6-1 The comment expresses general support for Alternative 3. The comment of support is noted.

The comment also identifies areas of concern that are addressed in the Contractors Association of Truckee Tahoe's (CATT's) written letter; please see the Responses to Comments O3-1 through O3-7.

**Response  
07**

**Brooke Rose  
Community Collaborative of Tahoe-Truckee  
5/23/2012**

O7-1

Comment O7-1 provides general comments on transportation related to routes between Truckee and Tahoe. This comment does not address the EIS or specifics of the Regional Plan Update or RTP/SCS. No response is necessary.

**Response  
08**

**Friends of Tahoe Vista  
6/28/2012**

O8-1

Comment O8-1 provides an introduction to Comment Letter O8. This comment suggests that the public review period was limited. Please refer to Master Response 2, Duration of Public Comment Period, which addresses the time period given for public review.

The comment suggests that the Draft EIS did not analyze the Goals and Policies for environmental impacts. The Draft EIS analyzes the environmental effects of five Regional Plan Update alternatives. These alternatives include a variety of amendments to the Regional Plan, which includes the Goals and Policies, the Code of Ordinances, adopted maps, and associated appendices, as described in Chapter 2, Regional Plan Update Alternatives. Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resource areas, the cumulative effects of which are discussed in Chapter 4, Cumulative Impacts. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate.

O8-2

The comment expresses concern that impacts related to unchanging elements and subelements of the goals and policies have not been analyzed in the EIS, and that the EIS does not allow for a determination of whether the environmental thresholds would be achieved and maintained upon implementation of an alternative.

The comment suggests that the Recreation Element would be affected by land use changes discussed in Impact 3.2-2, Land Use Classification Change. In fact, no substantive changes to the Recreation Element are proposed, as stated in Draft EIS Chapter 2, Regional Plan Update Alternatives; however, changes to other elements that could affect recreation are analyzed in the Draft EIS. Impact 3.2-2 analyzes redesignation of areas assigned to the Conservation land use designation to the Recreation designation; these changes do not affect the Recreation Element of the Goals and Policies. Impacts to recreation as a resource are assessed in Section 3.10 of the Draft EIS. Again, these do not result from changes to the Recreation Element of the Regional Plan.

The comment also addresses noise impacts, suggesting that the verb tense "would be" is incorrect because the CNEL threshold is currently exceeded in many communities. The impact analysis addresses impacts that would occur if one of the alternatives were selected for adoption; the fact that the CNEL threshold is currently exceeded is incorporated into the analysis of future conditions under each alternative, but the significance of the impact is based

on anticipated future conditions if an alternative were selected. The comment agrees with the significance conclusion identified in the Draft EIS.

The comment continues to state that the entire Implementation Element should be analyzed, “as it sets the foundation for the code of ordinance that in turn sets those standards for achieving and maintaining the thresholds.” As described in Section 1.4 of the Draft EIS, “The purpose of this EIS is to identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives.” None of the Regional Plan Update Alternatives propose changes to the Implementation Element; therefore, no environmental effects would result from changes to the Implementation Element.

The comment states that the EIS must analyze:

Whether the Code of Ordinances actually effectuates the Goals and Policies [sic] original intent; and 2) the environmental effects of implementing the Goals and Policies as a stand-alone document in the very real instance that Goals and Policies language is relied upon for Code interpretation.

The purpose of the EIS is to analyze the environmental effects that would result from implementing a Regional Plan Update alternative. Each alternative includes both revisions to Goals and Policies and changes to the Code of Ordinance. Revisions to the Code are proposed to specifically implement changes to the Goals and Policies. In addition to this environmental review, both the Goals and Policies and the Code are subject to public and technical review to ensure their consistency, and both must be approved by the same Governing Board. While the comment expresses concern that the Goals and Policies would affect how the Code is interpreted, no examples are provided to suggest that the two documents are inconsistent. A Draft Plan, including Draft Goals and Policies and a Draft Code, were released for public review along with the Draft EIS. As discussed in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Final Draft Goals and Policies and Final Draft Code are included as Appendix A and B, respectively, of this Final EIS. The Final Draft Plan in Appendix A incorporates plan revisions in response to comments submitted on the Draft EIS.

The comment states that the Goals and Policies need to be revisited as they relate to the EIS, due to Regional Plan Update Committee meetings held November 2011 through March 2012 that dealt with contentious issues related to the Goals and Policies. On April 25, 2012, TRPA distributed a Notice of Availability that requested comments from interested parties in regards to the changes to the Goals and Policies and the environmental analysis associated with those changes. As described in Section 1.11 of the Draft EIS, Opportunity for Public Comment, comments on the Draft EIS were accepted from April 25, 2012, through June 28, 2012. In addition, oral comments were recorded on eight separate occasions throughout the 60-day public comment period. Please also see Master Response 2, Duration of Public Comment Period.

The comment states that the EIS does not analyze the Goals and Policies for environmental impacts and does not meet the requirements of Article VII(a)(2), and that the Regional Plan language is “watered-down.” Article VII(a)(2) of the Compact states that an EIS must detail the significant environmental impacts of a project. Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4,

Cumulative Impacts. The comment offers no specific information or evidence of inadequate analysis or “watered-down” language.

- O8-3      Comment O8-3 provides comments on the Goals and Policies. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment also requests that time schedules be provided for completion of required mitigation actions. TRPA has provided time schedules for mitigation actions in Attachment 4 of the Final Draft Goals and Policies, included in Appendix A of the Final EIS. Attachment 5 of the Final Draft Goals and Policies, also in Appendix A, lists other priority projects that will be assigned by the TRPA Governing Board on an annual basis for completion.

The comment also states that “the EIS fails to provide certainty that the incentive will produce an outcome.” In the context of transferable development rights incentives, Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program, provides additional analysis that supports the feasibility of the program in producing the outcome described in the Draft EIS. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate.

- O8-4      Comment O8-4 provides comments on the introduction section of the Goals and Policies. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment correctly implies that the Prosperity Plan does not hold regulatory authority. The Prosperity Plan is one of many sources of information used to inform the analysis in Draft EIS Section 3.12, Population, Employment, and Housing. It is not considered to be part of the Regional Plan.

- O8-5      Comment O8-5 includes editorial comments on the Land Use Element of the Draft Goals and Policies and correctly notes that the TRPA Compact calls for a Land Use Plan

for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

The comment suggests that the Land Use Element of the Regional Plan must include population limits. It is not feasible for TRPA to directly regulate population densities, as the comment suggests. However, the Land Use Element of each alternative includes a growth management system and land use regulations that would indirectly limit maximum population densities. The effects of each alternative’s land use policies on population are described in Draft EIS Section 3.12 (Impact 3.12-1).

The comment also notes that the terms community center, town center, regional center, and high density tourist district are confusing. The term “community center” is used throughout the Draft EIS to generically refer to the sites designated for concentrated uses, which include Community Plans in Alternatives 1 and 5; DTZs in Alternative 2; Town Centers, a Regional Center, and a High Density Tourist District in Alternative 3; and PTODs in Alternative 4. The Final Draft Code implements a version of the land use system in Alternative 3 and uses the term “Centers” to generically refer to designated Town Centers, the Regional Center, and the High Density Tourist District.

O8-6

The comment addresses Impact 3.2-1, Development Pattern and Land Use Compatibility, and states that areas “designated residential, tourist, and commercial would change when allowing greater densities and increased building height in Alternatives 3 and 4 with intensification of uses in the urban areas.” This statement is consistent with the impact analysis. The third paragraph on page 3.2-58 of the Draft EIS, regarding Alternative 3, states:

The intensified development pattern would result in more compact, walkable, mixed-use communities, supported by greater density and increased height, which would facilitate maintenance of the existing community centers’ character, improve access to services, and reduce automobile dependency.

The second paragraph on Draft EIS page 3.2-65, regarding Alternative 4, states: “incentives for the transfer of CFA and TAUs from outside PTOD areas to within PTOD areas would result in a more compact land use pattern with more concentrated commercial and tourist accommodation uses.” These impact discussions are prepared with consideration of the first significance criterion identified for Land Use (page 3.2-11): “Implementation of the Regional Plan Update would have a significant adverse effect on land use if it would ... result in a development pattern (type and intensity of land use) that would be incompatible with established land uses.” Secondary impacts, such as effects to water quality, air quality, noise, scenic resources, biological resources, and others, are discussed in detail in the respective sections of the Draft EIS.

The comment states that significance conclusions for VMT reductions or air quality improvements cannot be known for the development of Town Centers, Regional Centers, and the High Density Tourist District until the transportation systems are built. Furthermore, the comment expresses that “the issue at hand is adapting to seasonal changes” and that “[o]ff-season economic downturns cannot be avoided and will not change with increased development in Town Centers, etc.”

Section 3.3.4, Environmental Consequences and Recommended Mitigation Measures, in Draft EIS Section 3.3, Transportation, provides an overview of the methods and assumptions used to determine population projections and to run the TRPA Travel Demand Model. Draft EIS Appendix E. Traffic and Transportation Model Outputs, provides a detailed description of the transportation data and calculations, consisting of:

- ▲ Part 1 – Existing Conditions
  - Intersection Level of Service (LOS) Calculations
  - Hourly Traffic Volume Profile Data
- ▲ Part 2 – Analysis Methods
  - HCM 2010 Calculations for Peak Hour Volume LOS Standards

- // Trip Reduction Impact Analysis (TRIA) Spreadsheets
- ▲ Part 3 – TRPA Travel Demand Model Evaluation Memos
- ▲ Part 4 – VMT Calculations
- ▲ Part 5 – 2035 Intersection LOS Calculations for all Alternatives
- ▲ Part 6 – Lake Tahoe Resident and Visitor Model Description and Final Results
- ▲ Part 7 – Methodology for Estimating VMT and GHG Emissions in the Draft Regional Plan Update, Draft Regional Plan Update EIS, Draft RTP, and Draft RTP EIR/EIS
- ▲ Part 8 – Tahoe Region Modal Split and TRIA Review Memorandum

While the comment is correct that the transportation systems are not yet built, the Regional Plan Update and Regional Transportation Plan provide a proposal for the next 20 years in the Region. As discussed in Draft EIS Section 1.4, Purpose of the EIS,

[t]he purpose of this EIS is to identify and assess the anticipated environment effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts. Its role is to provide sufficient environmental information to allow meaningful comment and participation by public agencies, interest groups, and the public; to allow the TRPA Advisory Planning Commission to recommend a preferred alternative to the TRPA Governing Board; and, ultimately, for the Governing Board to render a fully informed decision with regard to its approval of an updated Regional Plan.

... the EIS focuses on the potential effects of policies, which – because they are to be implemented through as-yet-undefined projects over the duration of the Plan – are inherently less precise ... The EIS, consistent with its policy-level purpose, includes a thorough analysis of the environmental implications of the policy directions offered by the alternatives, and the information necessary to select the alternative that would best achieve TRPA’s regional objectives.

A discussion of the considerations that went into the TRPA Travel Demand Model is provided on page 3.3-33. As stated, the model “predicts travel based on the daily activities of persons, households, or traveler groups. Several distinct groups are modeled in the TRPA model including year-round residents, seasonal residents, external workers, day-use visitor, and overnight visitor.” As discussed in the last paragraph on page 3.3-34, “the TRPA travel model conforms to all requirements specified in the 2010 RTP Guidelines. It also meets many of the recommended (but not required) practices that are also outline in the 2010 RTP Guidelines.” Thus, the travel demand model and VMT analysis associated with the travel demand model output data provide a good-faith effort to predict significant and potentially significant impacts that would result from implementation of each of the Regional Plan Update/RTP alternatives.

Please see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, for a detailed discussion related to justification of travel and VMT modeling.

O8-7

The comment addresses Land Use Goals and Policies. The comment asserts that the EIS, Regional Plan, Code, and other documents must provide quantifiable criteria and a definition of quality as it related to the quality of development and the quality of the natural environment.

Quality is defined by the environmental thresholds and implemented through the policies proposed under the goals referenced in the comment, as well as throughout the remaining Regional Plan Update elements (i.e., requirements, allowances, and promoted concepts throughout the Plan). As defined in Article II (i) of the TRPA Compact, an environmental threshold is “an environmental standard necessary to maintain a significant scenic, recreational, education, scientific or natural value of the region or to maintain public health and safety within the region.” Environmental thresholds provide quality criteria for a variety of topic areas, including air quality, water quality, soil conservation, vegetation preservation, and noise. As required in Code Section 4.5, the effects of the proposed Regional Plan Update on environmental thresholds will be addressed before approval of a Plan alternative.

The comment reprints text from Draft EIS Impact 3.2-1, Development Pattern and Land Use Compatibility, as evidence for growth-inducing factors, stating that without proper safeguards to control growth, threshold achievement would be virtually impossible. These examples include proposed development allocations, transfer ratios, HRA transfer restrictions, coverage allowances, and revised density and height policies. The comment is correct that the Regional Plan Update would result in growth-inducing impacts, as stated in the last paragraph of Draft EIS Section 5.5, Growth-Inducing Impacts:

[I]mplementation of the Regional Plan Update would result in the allowance of growth in residential, commercial and tourist uses over the next 20 years, with the specific amount dependent upon the selected alternative. Such growth would generate additional traffic, noise, air pollutant emissions, and need for additional public services and utilities. Accordingly, the Regional Plan Update would be growth inducing. The effects of this growth, coupled with environmental and other policies proposed under each Regional Plan alternative, are assessed in various sections of this EIS. Implementation of the goals and policies and regional growth strategies described under each alternative would assure that this growth is consistent with the overall intent of the Tahoe Regional Planning Compact.

The comment also addresses proposed uses in Recreation Areas and states that the effects of Mitigation Measure 3.2-2, Revise Requirements for Development in the Recreation District, would induce growth. The related components of this project element have been revised, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan. See the discussion there for details related to the proposed Recreation Resort Districts, and see Master Response 10, Development on Recreation-Designated Lands, for more information.

The comment notes discrepancies among reported development rights remaining in the Region. Updated information about remaining development rights is provided in Master Response 9, Consideration of Banked Commodities.

O8-8      Comment O8-8 addresses Land Use Policy 2.5 regarding nonconforming uses. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.



- O8-9           The comment states that the removal of restrictions on the transfer of coverage across hydrologic zones (Land Use Goals and Policies 2.13 and 2.14) must be analyzed to determine the significance of potential impacts. The potential impacts of transferring coverage across Hydrologically Related Areas (HRAs) are analyzed under Impacts 3.7-1 and 3.8-4. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS, the Draft Plan has been revised and no longer includes provisions that would allow transfers of coverage across HRA boundaries.
- The comment continues to state that development on higher capability lands must not be allowed to transfer to lower capability lands. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-10           Comment O8-10 asserts that the pervious coverage has not been adequately analyzed. Because the comment refers to pervious coverage as an incentive, it is assumed that this comment is referencing the proposed partial coverage exemption for pervious pavement. An analysis of the pervious pavement exemption is provided on page 3.8-44 in Impact 3.8-4, Stormwater Runoff and Pollutant Loads, under the sub-heading Analysis of Proposed Pervious Coverage Exemptions.
- Mitigation Measure 3.8-4, Coverage Exemption Requirements, would reduce potentially significant impacts to a less-than-significant level because eligible coverage exemptions would be linked to BMP requirements and design guidelines. This exemption would be granted under certain circumstances, as described in the mitigation: “e.g., locations that don’t receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces.”
- The comment believes that this impact would require quantification. However, because this potentially significant impact could be mitigated to a less-than-significant level, and the level of impact and need for mitigation would be different under each specific exemption, any attempt at quantification would be site specific and too speculative for meaningful consideration. See also the Response to Comment A15-13 regarding the analysis of pervious pavement in the Draft EIS.
- O8-11           Comment O8-11 addresses Land Use Goal 3 regarding distribution of land uses. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-12           Comment O8-12 addresses Land Use Policies 3.3 and 3.4 regarding development patterns in Town Centers, Regional Centers, and the High Density Tourist District. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

- O8-13      Comment O8-13 addresses Land Use Policies 3.6 and 3.7 regarding development allocations. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-14      Comment O8-14 addresses the transfer development incentive program and asserts that the Region has a fixed infrastructure and no room to expand. The comment also suggests that increased density and massing would be incompatible with many communities. However as described under Impact 3.2-1, Development Pattern and Land Use Compatibility, transfers of development would result in a concentration of development into a smaller area, not an expansion of development into additional areas as the comment suggests. The availability of public services and utilities are analyzed in section 3.12, Public Services and Utilities, which found that infrastructure capacity was sufficient to support levels of development allowed under the alternatives. The compatibility of Regional Plan alternatives with existing land use patterns was evaluated under Impact 3.2-1. The potential for alternatives to impact the visual character of communities in a manner that was not in accordance with the desires of the local community was analyzed under impact 3.9-2, Visual Character, Development Pattern and Land Use Compatibility. All of these analyses found that the alternatives would result in less than significant or beneficial effects. The comment provides no specific evidence that the analysis presented in the EIS is inadequate, inaccurate, or inappropriate.
- O8-15      Comment O8-15 addresses Land Use Policy 4.1, stating that “sustainable development” must be defined. On page 2-33 of the Draft EIS, the discussion of the land use planning system for Alternative 3 describes a “more sustainable and less automobile-dependent development pattern.” On page 2-47, the land use discussion for Alternative 4 states: “PTOD zoning is a sustainable community planning strategy that concentrates development in denser, relatively urban settings to create walkable areas.”
- The comment states that the EIS does not analyze “re-zoned properties noted on the map.” Impact 3.2-1, Development Pattern and Land Use Compatibility provides an analysis of the expected land use patterns under each alternative, and Impact 3.2-2, Land Use Classification Change, provides an analysis of proposed modifications to the Land Use Map. Additional analysis on the proposed land use changes is provided throughout Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives. Please also refer to Master Response 10, Development on Recreation-Designated Lands, for more information on this topic. No specific information related to the environmental analysis was described, therefore, no further response can be provided.
- O8-16      Comment O8-16 addresses Land Use Goal 4.5 regarding establishment of Area Plans. Responsibility for regulating these areas would remain with TRPA until and unless an Area Plan is adopted. See Chapter 2, Revisions to Alternative 3: Final Draft Plan, for important revisions to Alternative 3 with regard to Area Plans.
- O8-17      The comment states that the Area Plan process must be fully vetted before approval of the EIS, and that the Governing Board must be provided with criteria or a checklist to accurately assess applicability to the EIS documentation. Clarifications related to the Area Plan process are provided in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of this Final EIS. As discussed

in Impact 3.2-1, Development Pattern and Land Use Compatibility, in the second paragraph on page 3.2-47, Area Plans “would be required to be consistent with the Regional Plan, undergo environmental review, and be subject to an initial conformance evaluation by TRPA and subsequent targeted evaluations to ensure they are consistent with any future Regional Plan amendments.” As discussed further (page 3.2-47, paragraphs 3 and 4):

Once a conformity determination has been made and environmental review requirements of TRPA (and the California Environmental Quality Act [CEQA] for plans in California) have been completed, the local jurisdiction would assume responsibility for review and approval of certain activities. Local approval would not include regionally significant projects, such as any substantial development within the High Density Tourist District, the Shorezone of Lake Tahoe, or Conservation Districts. TRPA would also retain review authority over projects in which the new development would meet or exceed certain size limits, and may retain authority for smaller projects under a given Area Plan depending upon the findings and conclusions of the environmental review of that Area Plan.

In addition, the Final Draft Plan and Code has been revised to include an appeal process under which permitting decisions delegated to other lead agencies could be appealed to the TRPA Governing Board. The appeal is limited to whether the decision by the lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact (see Appendix A of this Response to Comments document, Final Draft Goals and Policies, Land Use Element, Policy LU-4.12, subparagraph 4, and Draft Code of Ordinances, Section 13.9.9 on page 13.17).

TRPA would conduct an annual review of activities within conforming Area Plans, code, and zoning to ensure that permits issued by local governments are being approved in accordance with the conforming plan. If the review were to find that a local jurisdiction approved activities that were not in conformance with the Area Plan and Regional Plan or that a local jurisdiction was not meeting monitoring and reporting requirements, then TRPA may initiate corrective actions, which may include revocation of certain jurisdictional review and approval authority under the Area Plan.

As discussed in Impact 3.2-3, Consistency with Applicable Plans, Policies, and Regulations, Area Plans must be found to be consistent with established policies. Thus, this change in process would not constitute a significant environmental impact.

- O8-18      Comment O8-18 requests that the Code define various terms and provide quantifiable criteria related to Land Use Goal 4.8 regarding Area Plan conformance with the Regional Plan. Please see the Response to Comment O8-17.
- O8-19      Comment O8-19 addresses Land Use Goal 4.9 and states that a timeline for Area Plan completion must be established. Please see the Response to Comment O8-17.
- O8-20      Comment O8-20 addresses various issues associated with the Alternative 3 land use designation change from conservation to recreation, and the associated discussion in Impact 3.2-2, Land Use Classification Change. As described in Impact 3.2-2 on pages 3.2-68 and 3.2-69, the Draft Plan re-designates certain conservation lands to recreation lands and allows for development of tourist, commercial, and residential uses in land designated as recreation. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to limit

the development of tourist, commercial, and residential uses in recreation areas to only two areas and designated them as Resort Recreation Districts. They are the Heavenly California Base facility, which is currently designated as Recreation, and the Edgewood Company parcel adjacent to the High Density Tourist District. In addition, the Final Draft Plan includes more limitations on new allowable uses in Recreation Districts, including limiting subdivision to “air condos,” requiring transfers of development from outside the designated Resort Recreation District, and requiring that those transfers result in retirement of development. These changes would reduce or eliminate the potential effects described under Impact 3.2-2. See also Master Response 10, Development on Recreation-Designated Lands.

The discussion in Impact 3.2-2 begins with a reiteration of Land Use Goal 4.10, proposed under Alternative 3. It is assumed that because Alternative 3 Goals and Policies are used as the basis for the comment, the following related points are in reference to land use changes associated with Alternative 3.

The comment asserts that the term “substantially enhance the appearance” (regarding existing buildings in the High Density Tourist District) requires quantifiable criteria. Scenic quality standards are described in Chapter 66 of the TRPA Code of Ordinances to ensure that no decrease in the numerical ratings assigned to identify scenic resource or the ratings assigned to the scenic or shoreline scenic corridors occurs. Please see Master Response 7, Effects of Increased Allowable Height on Scenic Resources, for additional information related to scenic quality requirements in the Tahoe Region. As part of this point, the comment states that “requirements must be included in the RPU to show threshold gain and improvement has been achieved.” Threshold gain and improvement are evaluated every 5 years through a threshold evaluation, which determines if the elements of the Regional Plan are providing for threshold gain and improvement, and this evaluation process is not proposed for change.

In addition, the comment states that Area Plans must be subject to criteria and checklists. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and the Response to Comment O8-17.

Comment O8-20 states that changes in land use designation from conservation to recreation constitutes “significant impacts because baseline analysis of the existing recreation zoned parcels has not been evaluated or analyzed in this EIS, because re-designation, code amendment, boundary revisions that add other uses” change the baseline. The comment refers to the California Environmental Quality Act (CEQA), Sections 15125 and 15126.6 for the legal requirements.

Although, the Regional Plan Update EIS is not subject to CEQA requirements. Nevertheless, baseline conditions for land use impacts are discussed in Draft EIS Section 3.2, Land Use. Impact 3.2-2, Land Use Classification Changes, concludes that implementation of Alternative 3 would result in a potentially significant impact, and the Draft EIS requires implementation of Mitigation Measure 3.2-2, Revise Requirements for Development in the Recreation District, to reduce the impact to a less-than-significant level (see pages 3.2-68 through 3.2-71). However, the Final Draft Plan includes substantial additional limitations on the new allowable uses in Recreation Districts. These additional limitations, as described in Chapter 2, Revisions to Alternative 3: Final

Draft Plan, are similar to but more stringent than the elements of Mitigation Measure 3.2-2 and result in a less-than-significant impact.

The comment raises issues with the potential for increased population, VMT, and recreation uses associated with the land use classification change, stating that a classification change from conservation to recreation would be “up-zoning.” As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been modified to substantially limit the land use classification changes proposed under Alternative 3. Please see Master Response 10, Development on Recreation-Designated Lands.

The comment asserts that “up-zoning” of certain areas should not be made without TDR (i.e., transferrable development rights) implementation. The TDR program is already in place in the Region, as discussed in Draft EIS Section 2.3.6, Essential Concepts: Marketable Rights Transfer Programs. As discussed above and in Chapter 2, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been modified to include substantial limitations on new uses within Recreation Districts, as described above.

Comment O8-20 concludes with a statement that “[q]uantifiable criteria for Conformance Reviews must be acknowledged and adopted in the EIS to determine if the allowance that are being proposed can be approved by an Area Plan and then be in conformance with the Regional Plan. The current language clearly pre-envisions the outcome.” See the Response to Comment O8-17. Development under an Area Plan must be found to be in conformance with the Regional Plan, not the reverse. Annual compliance reviews by TRPA, incorporated into the Final Draft Plan as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, under Level of Delegation and Project Appeal Process, would provide a mechanism for review and enforcement of Regional Plan conformance.

O8-21      Comment O8-21 addresses Land Use Goal 4.12 and notes that the proposed Area Plan review process would identify some non-conforming projects only after they have been constructed. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to include an appeals process that addresses the concern.

The comment also expresses concern related to funding of BMP compliance for large projects. BMPs are required throughout the Region, as described in the BMP Handbook. Implementation of BMPs is a site-specific issue and the Regional Plan Update is a policy-level document. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

The comment states that the California Development Agency no longer exists. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

O8-22      Comment O8-22 quotes a portion of the scenic quality rating threshold description on page 3.9-3 of the Draft EIS and states that “Code language Chapters 11, 12, and 13 pre-bias conformances allowing lowering of the bar for attainment to be achieved by Area Plan language.” The comment asserts that the Draft EIS does not address visual impacts and identify feasible measures to preserve the integrity of the existing views. Chapter 11, 12, and 13 of the Code address Plan Area Statements and Plan Area Maps, Community Plans, and Area Plans, respectively. Draft EIS Section 3.9, Scenic Resources, describes the scenic impacts that would occur under each alternative and identifies mitigation measures to reduce potentially significant

impacts to a less-than-significant level where feasible. The comment provides no evidence that the analysis in the Draft EIS is inadequate..

O8-23 Comment O8-23 addresses Goal LU-5 regarding coordination of land use regulations in the Region with surrounding uses, and suggests that the goal include specific prescriptive language detailing how it will be implemented. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

O8-24 Comment O8-24 addresses Impact 3.12-1, Location and Distribution of Employment, Population, and Housing in the Region. The comment argues that the Draft EIS conclusion of a beneficial impact under Alternative 3 is not standard environmental language. This is incorrect. “Beneficial impact” is defined under the first bullet on Draft EIS page 1-11 as “An impact that would result in improved environmental conditions.”

The comment also states that the EIS must consider temporary housing for seasonal workers. As described in the last paragraph on page 3.12-15,

Each planning agency within the Tahoe Region (Washoe County, Douglas County, El Dorado County, City of South Lake Tahoe, and Placer County) is responsible for implementing TRPA policies to provide an adequate supply of very-low, low-, moderate-, and above-moderate income housing within their jurisdiction (1987 Regional Plan, Housing Subelement, Goal 1, Policies 1-4).

Housing affordability is based on income for both permanent and seasonal residents. TRPA does not differentiate affordable housing needs based upon permanent or seasonal worker criteria. Impacts associated with affordable housing are described in Impact 3.12-2, Affordable and Moderate-Income Housing in the Regional Plan Update Draft EIS. This impact is beneficial under Alternative 3 and less than significant under Alternative 4. Potentially significant impacts to affordable housing under Alternatives 1, 2, and 5 would be less than significant with implementation of Mitigation Measure 3.12-2, Prepare a Regional Housing Needs Program and Implement Recommendations.

The comment concludes that the EIS must provide data on current construction costs to support the statement that “Alternative 3 and 4 would implement a Region-wide housing needs program and increase residential density in community centers, which could allow for more cost-effective construction that could support housing affordability.” The word “could” is intended to denote the possibility, which can be reasonably anticipated, that in some cases, higher density housing could be less expensive than lower density housing (i.e., use fewer resources and fewer construction-worker hours per housing unit). Construction costs are not considered an environmental impact, and the impact conclusion is not based on construction costs; therefore, it is not necessary to determine the degree to which a particular housing type may be more cost-effective than another.

O8-25 Comment O8-25 states that prescriptive language is missing from Housing Subelement Goal 1.2. TRPA does not have the authority to require actions from local governments regarding provision of low and very low income housing. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the

environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

- O8-26      Comment O8-26 addresses Housing Subelement Goals 2 and 3, which discuss affordable housing, moderate income housing, and general housing needs in the Region. The comment states that the EIS must provide quantifiable criteria and requirements to determine suitable locations for affordable and moderate income housing. The requested information is project- and site-specific, whereas the Regional Plan is a policy-level document. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.
- O8-27      Comment O8-27 provides editorial comments on Community Design Goal 1. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-28      The comment states that the EIS must provide quantifiable criteria or measurements showing environmental threshold improvement or maintenance, in regards to regional design requirement policies. Chapter 4 of the Code addresses findings that TRPA must make before taking certain actions. Section 4.4.1 of the Code provides that TRPA must find that a “project will not cause the environmental threshold carrying capacities to be exceeded.” These findings are made on a project-by-project basis using TRPAs scenic rating system and compliance with Regional design standards which are intended to ensure that development attains and maintains the scenic and community design thresholds. This EIS is intended to be a policy-level document and is therefore not required to provide detailed, site-specific information. As described in the fourth paragraph on Draft EIS page 1-8,
- the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues....The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan...Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

This comment does not raise environmental issues or concerns that are applicable to the scope of the EIS.

- O8-29      Comment O8-29 states that the EIS must provide a list of the areas in need of scenic restoration and a timeline established and program implemented for restoration programs. The Scenic Quality Improvement Program identifies areas in need of scenic restoration, including recommendations for improving scenic quality. This comment does not raise environmental issues or concerns that are applicable to the scope of the EIS.
- O8-30      Comment O8-30 states that a date for completing the Area Plans must be established or the burden will fall on TRPA. Please see the Response to Comment O8-3.
- The comment addresses the proposed establishment of Area Plans under Alternative 3, specifically related to requirements and criteria for scenic impacts. See the Response to Comment O8-17 for information related to conformance, appeals, and approval of Area Plans.
- The comment states that the EIS must provide specific requirements and quantifiable criteria to determine what is attractive and compatible. The purpose of the EIS is to assess if changes to the Regional Plan would result in environmental impacts. Draft EIS Section 3.9, Scenic Resources, provides an evaluation of the physical characteristics of the landscape and scenic features and resources existing in the Lake Tahoe Region, the regulations that relate to the management of those resources, and the potential scenic impacts that would result from implementation of the Regional Plan Update alternatives. As necessary and feasible, mitigation measures are recommended to address significant and potentially significant impacts.
- The comment states that no public comment was taken regarding the change from 24-42 feet to 32 feet to describe two stories. As described in Draft EIS Section 1.11, Opportunity for Public Comment, in the Regional Plan Update Draft EIS, eight public meetings and workshops were held from April 25 through June 28, where oral comments were solicited on the EIS. In addition, written comments on the EIS were accepted from April 25 to June 28, 2012. Comments on the Plan were solicited during each of these public meetings and workshops and written letters were accepted from April 25 through June 28, 2012.
- O8-31      Comment O8-31 states that the impact conclusion for Impact 3.9-1, Scenic Quality, is contradictory because it concludes a beneficial impact for redevelopment incentives and a potentially significant impact for taller buildings, increased mass, and magnitude. The comment is correct that two separate impact conclusions have been made for this impact under Alternative 3. The beneficial impact refers to an increase in redevelopment activity, which would improve the appearance of existing development; the potentially significant impact refers to a potential increase height and mass. Two impact conclusions were described intentionally.
- O8-32      Comment O8-32 states that the EIS does not mention scenic thresholds that are not in attainment. This is incorrect. Attainment status of the scenic thresholds is addressed on page 3.9-13 and depicted in Exhibits 3.9-1 and 3.9-2.
- O8-33      Comment O8-33 provides recommendations for Noise Goal 1.1. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-34      The comment notes that some areas of the Region are not in attainment of applicable Community Noise Equivalent Level (CNEL) standards, which are Threshold Standards. The



comment first suggests that “a timeline to achieve the noise thresholds must be established and enforcement measure[s] put into place.” Then the comment notes that the noise-related mitigation measures, including Mitigation Measures 3.6-1, 3.6-2, and 3.6-4, require TRPA to coordinate implementation of a noise reduction plans and policies within 12 months of adoption of an updated Regional Plan. The comment asserts that prolonging the non-attainment of this threshold is a significant impact and suggests that interim measures be implemented and a timeline for attainment be established. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

Table 3.6-6 shows the traffic noise levels at full build-out of each alternative. Taking into consideration that the noise level increases shown in Table 3.6-6 would occur upon full build-out of a 20-year planning horizon of each Regional Plan Update alternative, it is reasonable for Mitigation Measure 3.6-4 to establish a Region-wide traffic noise mitigation program within the first 12 months of adoption of the Regional Plan because it is not anticipated that a substantial amount of new development would occur during the first 12 months that immediately follow adoption of the Regional Plan. As stated in Mitigation Measure 3.6-1, until a Region-wide noise reduction program can be developed, TRPA will continue its existing practice of requiring measures to be developed on a project-by-project basis.

- O8-35 The comment addresses the proposed changes to Goal N-2.2 regarding noise levels associated with the airport. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, for a discussion on how comments on the Plan are addressed.

The comment also questions the meaning of “acceptable level” and suggests that this language is subjective. However, the last sentence of Goal N-2.2 states that the Airport Master Plan should include implementation provisions for attaining TRPA’s noise thresholds. It can be reasonably interpreted that an “acceptable level” is one that does not exceed the applicable noise standard.

- O8-36 The comment suggests that the Goals and Policies document use stronger language to make actions mandatory, but does not provide specific examples of requested changes. The comment also suggests that air quality mitigation fees should be restructured so that the project site associated with the fees collected is benefitted by the fees. The air quality mitigation fee structure results in appropriate nexus because funds are spent on air quality mitigation projects that reduce regional air pollutants for which the region is in nonattainment (e.g., ozone precursors and particulate matter). Air quality mitigation fees can be pooled and distributed in a more cost-effective manner if TRPA has the flexibility to prioritize the most effective emission reduction projects for the Region rather than being required to strictly allocate funds for site-specific improvements that may have a lesser regional air quality benefit.

- O8-37 This comment addresses Water Quality Goals. The Draft Plan includes numerous policies that would facilitate or incentivize actions that support implementation of the Total Maximum Daily Load (TMDL), the most comprehensive of the water quality management programs, and, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to create consistency with TMDL requirements where the existing requirements are functionally the same. Please see Sections 2.2.16 and 2.2.17 of the Final EIS and Master

Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

O8-38 The comment notes numerous instances where prescriptive language is not used in the Transportation Goals. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment states that the EIS must provide analyses that show expansion of public transit operations are financially feasible and worth the local jurisdiction investment. As stated in the first sentence of Draft EIS Section 1.4, Purpose of the EIS, "The purpose of this EIS is to identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts." Financial feasibility is not an environmental effect. Financial feasibility of individual public transit projects would be determined during the development of those individual projects.

The comment describes population fluctuations over the years in reference to Transportation Policy T-6.1. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment states that Area Plans should be required to implement parking management plans and local jurisdictions must enforce an established timeline to complete those goals. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

O8-39 Comment O8-39 addresses the language in Fisheries Goal 1.6. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

O8-40 Comment O8-40 addresses the Shorezone Element, and states that the EIS must provide the areas targeted for restoration. The Shorezone Element is not proposed for revision as part of the Regional Plan Update or this EIS. No further response is necessary.

O8-41 The comment provides editorial comments on several scenic policies. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment also states that the Draft EIS and the Code must provide quantifiable criteria for evaluating potential view loss rather than leave the evaluation methodology to be determined by TRPA. This comment relates to existing Code language that requires TRPA to ensure no net loss of views as a result of granting additional height. The Code states that the methodology for evaluating potential view loss shall be specified by TRPA. The Regional Plan Update alternatives do not propose any amendments to Section 37.3.9, and therefore the comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment states that the Draft EIS must identify the travel units intended for scenic improvement and provide an analysis that greater redevelopment activity is beneficial to the scenic travel units. All scenic units that are designated as non-attainment are targeted for scenic improvements and are depicted on Exhibits 3.9-1 and 3.9-2 in Section 3.9, Scenic Resources, of the Draft EIS. The impact of redevelopment activity on scenic quality is analyzed in Impact 3.9-1, Scenic Quality. The Draft EIS concludes that areas targeted for redevelopment generally correspond to travel units that need additional scenic improvements. It further stated that greater redevelopment incentives are likely to result in a greater pace and degree of redevelopment activity, resulting in beneficial scenic impacts. For additional discussion related to the scenic benefits of redevelopment, please see the Responses to Comments O16-221 through O16-231. The comment asks what scenic analysis has been performed on the proposed skyline changes in the Town Centers, Regional Centers, and the High Density Tourist District, and expresses concern related to “pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language,” particularly in relationship to surrounding residential neighborhoods. The effects of increased visible mass, height, and scale in the Town Centers and Regional Centers from surrounding areas is discussed in the third paragraph on page 3.9-26; effects to the High Density Tourist District are discussed on pages 3.9-26 through 3.9-28. As correctly stated in Comment O8-41, impacts to scenic quality under Alternative 3 would be potentially significant, because “[d]espite existing scenic quality ordinances, building and site design standards, and new approval requirements for increased building height that require more stringent height limitation and/or other supplemental design standards...” (page 3.9-26). However, this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure 9-1a, Comply with Specific Findings and Performance Standards for Additional Building Height; Mitigation Measure 3.9-1b, Permit Redevelopment of the High Density Tourist District/South Stateline Casino Core Tourist District of Existing Buildings within Existing Visual Prominence; and Mitigation Measure 3.9-1c, Reduce Ground Floor Height for Stepped Buildings on Slopes. For a discussion related to the scenic benefits of redevelopment, please see the Responses to Comments O16-221 through O16-231.

Each individual project would be subject to the appropriate environmental review. Requirements associated with Area Plans are listed on page 3.9-25.

The comment expresses concern with the cumulative effect of taller, denser buildings. Cumulative Effects to Scenic Quality are discussed on pages 4-22 through 4-23 in the Regional Plan Update Draft EIS. Master Response 7, Effects of Increased Allowable Height on Scenic Resources, also addresses this issue.

O8-42                      Comment O8-42 expresses disagreement with proposed language changes to SEZ Goal 1.1. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the

adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment states that the EIS must compare the percent of SEZ restoration accomplished against the goal of 90 percent. An evaluation of the effectiveness of the Regional Plan is primarily addressed through evaluation of the thresholds in the Threshold Evaluation Report and the final plan adoption findings. The purpose of the EIS is to consider how new and modified policies would affect the environment. Effects to SEZ associated with the Plan alternatives are described in Impact 3.10-1, Sensitive Habitats.

The comment addresses SEZ Goal 1.5 and states that quantifiable criteria must be provided for existing SEZ mitigation ratios and that objective criteria must be made available to determine if restoration is infeasible or not reasonable. Effects to SEZ associated with the Plan alternatives are described in Impact 3.10-1, Sensitive Habitats. Specific details related to restoration feasibility will be analyzed on a project-by-project basis. The Regional Plan Update alternatives do not propose any amendment to existing SEZ mitigation ratios, and therefore the comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- O8-43      Comment O8-43 addresses the Goals and Policies included in the Cultural Subelement, and states that a timeline must be established to complete the list of historical, cultural, architectural, and archaeological sites. There are no requirements that timelines be established to document cultural resources. This listing is included as a priority project in Attachment 5 of the Final Draft Goals and Policies. TRPA, federal, state, and local regulations associated with cultural resources are described in Section 3.15.2, Regulatory Background. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-44      Comment O8-44 states that the EIS must analyze the effects to energy sources and scenic resources associated with solar panel installation. This EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. As described in the fourth paragraph on page 1-8, such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.” This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.
- O8-45      Comment O8-45 asserts that the EIS must identify impacts associated with new allowed uses proposed for Recreation Districts in Alternative 3. The proposed new allowable uses are addressed under Impact 3.2-2, Land Use Classification Change. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to substantially limit development of new allowed uses in Recreation Areas. Please refer to Master Response 10, Development on Recreation-Designated Lands, for additional information.

The comment states that the EIS must define urban areas and urban boundary. “Urban area” and “urban boundary” are synonymous terms and are defined in the Final Draft Code, Chapter 90 as “Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.”

The comment refers to a request for maps from Friends of the West Shore. See the Response to Comment O10-1.

The comment addresses issues associated with Recreation Policies 1.1 and 1.4. These comments refer to proposed provisions of the Regional Plan Update and do not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

O8-46 Comment O8-46 addresses inter-agency partnership goals. The role of TRPA is to coordinate planning and development review with other affected agencies. The language of the referenced goal is appropriate. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

O8-47 Comment O8-47 states that development and implementation priority goals and policies have lost strength due to removal of time schedule requirements. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

The comment states that no analysis has been performed on the impacts allowing coverage transfer across HRAs. Impact 3-2.1, Development Pattern and Land Use Compatibility, analyzes the land use impacts of the combination of provisions included in each alternative, which includes modifications to coverage transfer provisions across HRA boundaries in Alternatives 3 and 4. Impact 3.7-1, Land Coverage, analyzes the effects of revisions to land coverage policies and specifically addresses proposed changes to coverage transfers across HRA boundaries under Alternative 3 on pages 3.7-33 to 3.7-36. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to no longer allow transfers of coverage across HRA boundaries.

O8-48 Comment O8-48 addresses Monitoring and Evaluation Goals 1.3 and 2.1. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.

O8-49 Comment O8-49 states that there are issues with the Plan and EIS that were not addressed within Comment Letter O8 due to the comment period length. This comment does not raise specific issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 2, Duration of Public Comment Period.

- O8-50      Comment O8-50 suggests editorial revisions to the Goals and Policies. This comment does not raise specific issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-51      Comment O8-51 suggests editorial revisions to the Code. This comment does not raise specific issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-52      Comment O8-52 suggests editorial revisions to the Code. This comment does not raise specific issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-53      The comment questions how amendments to the Regional Plan would be incorporated into Area Plans. This process is described in Final Draft Code Section 13.6.7. This comment does not raise specific issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
- O8-54      The comment asserts that the EIS must provide quantifiable criteria for the amount of development permitting authority permitted under an Area Plan. Area Plans are described on page 2-34 of the Regional Plan Update EIS. Modifications to limits on delegation authority and appeals process associated with Area Plans are discussed in Chapter 2, Revisions to Alternative 3: Final Draft Plan.
- O8-55      Comment O8-55 recites Section 13.4.2 of the Code. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document.
- O8-56      Comment O8-56 addresses MOUs associated with the implementation of an Area Plan and states that the MOU must define what actions will be required of the local jurisdiction to demonstrate conformance and therefore be included in the Regional Plan. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-57      Comment O8-57 asks how conflicts in implementation of design standards between an Area Plan and the Regional Plan will be addressed. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-58      Comment O8-58 asks if the TRPA Advisory Planning Commission and Governing Board would be required to approve subsets of Area Plans (e.g., comprehensive coverage management systems as an alternative to parcel-level coverage requirements). Subsets of Area Plans are considered to be part of the Area Plan proposal and would be subject to discretionary actions by the Governing Board. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document.

- Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-59 The comment suggests that the locations potentially affected by new allowable uses in Recreation Districts are unclear or unknown. New allowable uses in Recreation districts are addressed in Impact 3.2-2, Land Use Classification Change. As described Chapter 2, Revisions to Alternative 3: Final Draft Plan, this provision of Alternative 3 has been substantially modified in the Final Draft Plan. Please also refer to Master Response 10, Development on Recreation-Designated Lands.
- O8-60 The comment states that the EIS must define unique conditions in which an Area Plan may propose to establish alternative transfer ratios for development rights. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, this provision of Alternative 3 has been revised in the Final Draft Plan to limit the establishment of alternative development transfer ratios to the two Stream Restoration Plan Areas (i.e., the areas surrounding the US 50 crossings of the Upper Truckee River and Trout Creek in the City of South Lake Tahoe) (see Final Draft Code Section 13.5.3.B.4). This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-61 The comment addresses issues related to Area Plan conformance with the Regional Plan, stating that criteria for equal to or greater environmental gain with substitute standards must be required. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-62 Comment O8-62 states that the EIS and Code must provide quantifiable criteria when stating “where feasible” in reference to Area Plan requirements for transitional building height. The determination of “where feasible,” in this context, is project specific and subject to the discretion of the Governing Board. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-63 Comment O8-63 suggests editorial revisions for Section 13.5.3 of the Draft Code. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-64 Comment O8-64 suggests changes to the Draft Code. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments

- Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-65      Comment O8-65 states that public comments on Area Plan approval must be heard before the TRPA Governing Board and Advisory Planning Commission. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-66      Comment O8-66 suggests that proposed Area Plan conformance procedures must include criteria, a checklist, and a roadmap for sufficient review. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-67      Comment O8-67 addresses Impact 3.2-1, stating that increased height and density will increase infrastructure needs, such as water and sewer service. Draft EIS Chapter 3.13, Public Services and Utilities, contains Impact 3.13-1, Demand for Water Supply; Impact 3.13-2, Demand for Wastewater Conveyance and Treatment Facilities; Impact 3.13-3, Generation of Solid Waste; and Impact 3.13-4, Demand for Electrical and Natural Gas Services and Facilities. Each analysis is based on the residential, tourist, and commercial development potential proposed under each alternative. As described in these impact discussions, impacts related to water, wastewater conveyance and treatment, solid waste disposal, and electrical and natural gas demand would be less than significant for all alternatives.
- O8-68      The comment requests that the Area Plan conformance review process provide criteria and a detailed checklist to ensure compliance with the Regional Plan. Furthermore, the comment requests that the conformance review process is vetted fully before certification of the EIS. This comment refers to the proposed standards and conformity review findings of the Goals and Policies and the Code of Ordinances for Area Plans. The applicable standards for Area Plans and the criteria for determining conformance with the Regional Plan are outlined in the Final Draft Plan, Policies LU-4.8 through LU-4.13 on pages II-14 through II-17, and in the Final Draft Code, Sections 13.5 and 13.6. See the Response to Comment O8-17 regarding Area Plan conformance review. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-69      Comment O8-69 expresses concern with expansion of the urban boundary. As discussed in the summary of Impact 3.2-1, Development Pattern and Land Use Compatibility, “[a]ll alternatives would result in continuation of generally the same land use pattern, but with varying levels of development and degrees of concentration and location.” Impacts associated with the varying levels of development and degrees of concentration and locations are discussed throughout the Draft EIS in 14 resources sections, which all consist of the existing conditions (i.e., baseline), criteria for environmental impacts, and the degree to which potential impacts would occur (e.g., significant, less than significant). See also Master Response 6, Effects of Revised Height and Density Allowances on Development Potential, and Master Response 10, Development on



- Recreation-Designated Lands. The comment does not include specific information or evidence that the analysis presented in the Draft EIS is inadequate.
- O8-70 The comment restates concerns regarding Area Plans and infrastructure availability. See the Response to Comment O8-68 above.
- O8-71 The comment states that adding new uses to the Recreation designation urbanizes the Recreation District. This comment relates to the proposed reclassification of areas designated Conservation as Recreation. Impacts of the proposed reclassification are evaluated in Impact 3.2-2 and identified as potentially significant, and mitigation is identified. However, as explained in Chapter 2, Revisions to Alternative 3: Final Draft Plan, this aspect of the Draft Plan has been substantially revised to limit the development to a new overlay district that would apply only to two Resort Recreation Districts. Please refer to Master Response 10, Development on Recreation-Designated Lands.
- O8-72 Comment O8-72 pertains to land use classification changes proposed under Alternative 3 and questions if there is a difference between the urban area and urban boundary. "Urban areas" is defined in the Final Draft Code, Chapter 90, as, "those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements." The urban boundary is the perimeter of the urban area. Section 3.2.3, Land Use, provides the existing conditions (i.e., baseline) for land use designations in the Region. See the Response to Comment O8-71 regarding the relevance of this comment to the EIS.
- O8-73 As described above, in response to Comment O8-72, the term "urban areas" is defined in the Final Draft Code, Chapter 90, as "those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements." The urban boundary is the perimeter of the urban area. Draft EIS Section 3.2, Land Use, describes the existing conditions (i.e., baseline) for land use designations in the Region.
- O8-74 The comment raises concerns about the Area Plan approval criteria and safeguards to prevent abuse at the local jurisdictional level. The comment also asserts that environmental review must be required as part of the conformance review of Area Plans. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-75 The comment requests a definition for "slightly increased" as used to refer to the height allowance in the South Stateline DTZ under Alternative 2. As described on page S-15 of the draft EIS, Alternative 2 building height standards for the South Stateline DTZs would vary from 2.5 to 4 stories, except within 1,500 feet of the lake where a maximum of 3 stories would be allowed.
- O8-76 Comment O8-76 addresses special height districts in the South Stateline, Tahoe City, and Kings Beach DTZs, stating that the EIS must provide baseline scenic analysis using quantifiable criteria. Impact 3.9-1, Scenic Quality, and Impact 3.9-2, Visual Character, provide an analysis of scenic impacts compared to the baseline. For further information, please see Master Response 7, Effects of Increased Allowable Height on Scenic Resources.
- O8-77 Comment O8-77 asserts that an increase in multi-family density, as proposed under Alternative 3, would provide additional opportunities for population growth. Please see Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.

- O8-78 The comment suggests that the phrase “promote desired community character,” as it refers to revised height standards in Alternative 4, is subjective. The elements of community character promoted by the height revisions are explained in the sentences following the quoted phrase on page 3.2-60 of the Draft EIS. The section explains that Alternative 4 includes a variety of different height limits reflecting the intended intensity of development in a number of transect districts and “limiting height to two stories adjacent to the street and up to four stories elsewhere.”
- O8-79 Comment O8-79 states that by requiring a minimum density, the EIS is eliminating choices for the public participating in the current Area Planning process. However, the text referenced in this comment pertains to Alternative 4, which does not propose Area Plans. Five alternatives were proposed for implementation of the Tahoe Regional Plan Update. Alternative 4 proposes a minimum density requirement as an alternative to density regulations proposed under the other alternatives. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
- O8-80 Comment O8-80 addresses the use of “would” versus “will.” The word “would” is used throughout the Draft EIS as a conditional form of “will.” This is a typical distinction in the context of land use planning and environmental analysis, where proposed projects and policies have not been approved and the actual final action is not yet certain. In the case of this comment, the Draft EIS is stating that taller buildings would be allowed (but not mandated) if the revised height policies are approved.
- O8-81 The comment notes that a word is missing from the phrase, “providing an appropriate to ensure compatibility.” The comment is correct and the accompanying sentence has been revised. This change is presented in Chapter 2, Revisions to Alternative 3: Final Draft Plan. The correction does not alter the conclusions with respect to the significance of the environmental impact analysis.
- Paragraph 3 on page 3.2-60 is revised to read as follows:***
- The revised height policies would likely result in taller buildings in the urban centers. The greatest height would be allowed in the Tourist Center District, with height increases also permitted in the Town Center Districts, ~~providing an appropriate to ensure compatibility between these areas.~~ This increased height and density would be compatible with the intent of Alternative 4 to incentivize concentration of development in the community centers through corresponding removal of development elsewhere.
- O8-82 The comment requests the definition of community center, when used in reference to Alternative 4. The impact summary for Impact 3.2-1, Development Pattern and Land Use Compatibility, provides this definition: “Alternatives 2, 3, and 4 include new policies and programs that would encourage new development and redevelopment within community centers (e.g., Town Centers, Development Transfer Zones [DTZs], Pedestrian- and Transit-Oriented Development [PTODs])....”
- O8-83 The comment indicates that the statement on Draft EIS page 3.2-60 regarding “the intent of Alternative 4 to incentivize concentration of development in the community centers through corresponding removal of development elsewhere” is subjective because the program for removal is unproven. The comment is incorrect that the program is “unproven.” TRPA has

administered a successful transfer of development program and has enforced strict limits on the amount of development for decades. The proposed transferable development incentive program would offer additional incentives to accelerate the rate of removal and transfer of development realized under the existing program. In addition, because of the strict cap on development commodities, described in Draft EIS Section 3.2, Land Use, concentration of development could not occur in community centers without removal of development elsewhere.

- O8-84      Comment O8-84 states that it is subjective to assume that concentrated land use patterns would reduce automobile reliance, reduce emissions, and increase feasibility of transit and that no analysis has been provided in the EIS that a concentrated land use pattern would have the anticipated results. The requested analysis is provided in the Alternative 4 portion of Impacts 3.2-1, 3.3-3, 3.3-4, 3.3-5, 3.5-1, and 3.5-2. Please also refer to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.
- O8-85      Comment O8-85 states that the EIS must provide analysis showing no additional height requirements are needed to meet the maximum size limits for TAUs under Alternative 5. Alternative 5 would retain the existing height and density regulations; thus, no additional height and density would be allowed. The available TAUs are not required to be developed to the maximum allowable size, and so there is no mandatory relationship between height and density regulations and the size of TAUs.
- O8-86      Comment O8-86 states that the EIS must provide analysis that increasing the size of a TAU would not substantially change the baseline. The Draft EIS contains analyses of 14 resource topics that address the various policy changes proposed under each of the alternatives. The comment does not offer any specific information or evidence that the analysis presented in the Draft EIS is inadequate.
- O8-87      Comment requests analytical proof that compact communities improve water quality. Please see Master Response 5, Effects of Concentrated Development on Water Quality.
- O8-88      Comment O8-88 addresses the use of the term “modest” in reference to new development under Alternative 3. “Modest” is used in this instance as follows: “Alternative 3 would result in a modest amount of new development (greater than under Alternatives 1 and 2 but less than under Alternative 4 and 5) and would result in a change in the existing development pattern” [emphasis added]. “Modest,” for the purposes of this discussion, is used as a comparable adjective and is more clearly defined in the parenthetical statement that follows. Thus, “modest” does not require further definition in the context of comparing the Regional Plan Update alternatives.
- O8-89      Comment O8-89 requests a definition for “existing obstacles,” in its use to describe development patterns under Alternative 3. These existing obstacles are defined, within the text that immediately follows the term, by comparing proposed policies:

Compared to the other alternatives, Alternative 3 would be expected to result in the greatest level of redevelopment activity, with somewhat higher densities in community centers, by promoting the highest levels of coverage removal, removal of existing development, and transfer of development rights from sensitive land and lands distant from the community centers. It would establish new development transfer ratios as incentives to promote these transfers; allocate additional development right in

exchange for excess coverage removal; allow coverage mitigation across HRA boundaries; accommodate additional height to promote denser development and smaller building footprint; and accommodate nonconforming height in target redevelopment areas.

Thus, the use of “existing obstacles” is intended to compare policies proposed under Alternative 3 to existing policies related to redevelopment.

- O8-90 This comment challenges the statement in the EIS that it would be “reasonable to expect” periods of elevated economic activity during the life of the Plan and requests quantifiable criteria for elevated economic activity. Such criteria are not necessary in a discussion of long-term economic fluctuations in the context of a programmatic, long-range planning document, and the EIS analysis does not rely on specific assumptions regarding the level or timeframe in which periods of elevated economic activity would occur. The Tahoe Region, along with much of the United States, is currently in a well-documented period of reduced economic activity. Every period of reduced economic activity in the history of the United States has been followed by a period of elevated economic activity at some point. Therefore, it is reasonable to expect that the current period of reduced economic activity will be followed by a period of elevated economic activity at some point.
- O8-91 The comment asserts that the EIS needs to show quantifiable criteria or supporting studies that the TDR incentives will be viable. Please refer to Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program. In addition an independent economic review of the program found it to be feasible and reasonable (BAE 2012). In addition, Draft EIS Appendix E, Part 7, provides additional supporting documentation regarding the success of the sensitive lot retirement program. Draft EIS Section 3.12, Population, Employment, and Housing, discusses transfer of development rights on page 3.12-10. Finally, Attachment 5 of the Final Draft Goals and Policies establishes routine review of efficacy of the TDR incentives as a priority project for TRPA.
- O8-92 Comment O8-92 states that implementation of Alternative 3 would not maintain the existing community character, but would change and upgrade the existing community character. The degree to which an area’s community character is maintained or upgraded is subjective, would vary from site to site, and would depend on the site-specific limits developed through the area planning process. The comment is noted for consideration, but it does not affect the significance determination of the impact referenced.
- O8-93 The comment states that the EIS must provide analysis that proves greater densities reduce dependency on automobiles. Please refer to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, which in part discusses the effects of the built environment (including density) on travel behavior. The Response to Comment A15-19 provides information to demonstrate that the nine town centers in the Tahoe Region have reductions in VMT per capita when density is increased. Also please refer to the Response to Comment O26-10, which shows VMT for each alternative normalized using residents and visitors.
- O8-94 The comment states that the EIS must provide studies showing that the TDR program in Lake Tahoe has been successful in the past and applicable during times of economic downturn. See

Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program, as well as the Responses to Comments O8-83 and O8-91.

- O8-95      Comment O8-95 asserts that “beneficial” and “impact” are contrary terms. The phrase “beneficial impact” is a standard impact conclusion as identified in Section 1.9, Standard Terminology Used in the EIS: “Beneficial Impact: An impact that would result in improved environmental conditions” (Draft EIS page 1-11).
- O8-96      Comment O8-96 states that the EIS must define environmentally beneficial in reference to Impact 3.2-1, Development Pattern and Land Use Compatibility. The criteria used to determine significance for land use impacts are listed on page 3.2-11 under the subheading “Significance Criteria.” The criterion applicable to this impact is the first bullet: “result in a development pattern (type and intensity of land use) that would be incompatible with established land uses.” As explained in the Response to Comment O8-95, a beneficial impact is defined as “[a]n impact that would result in improved environmental conditions.” Thus, a beneficial impact in Impact 3.2-1 means that the analyzed policies would result in a development pattern that would improve compatibility with established land uses compared to existing environmental conditions.
- O8-97      Comment O8-97 states that “neighborhood center” should be defined in the EIS. As stated on page 2-47 under the subheading “Land Use Planning System”: “Alternative 4 proposes establishment of the five transect districts described below, some of which would be further defined by more specific districts (see Appendix D for an illustration of the transect districts, land uses, and summary of specific requirements as to form, function, and performance).” Appendix D defines neighborhood centers as:
- areas comprised primarily of commercial uses supported by neighborhood residential development in a walkable and transit oriented development form. These areas are to serve local needs and reduce dependency to drive long distances. New opportunities for vertical and horizontal residential mixed use infill.
- O8-98      Comment O8-98 states that the EIS must provide analytical proof that PTOD is a sustainable planning strategy adaptable to Lake Tahoe’s unique environment and fixed infrastructure. As described on page 2-47, “PTOD zoning is a sustainable community planning strategy that concentrates development in denser, relatively urban settings to create walkable areas.” These zoning districts are depicted in Exhibits 2-16 through 2-24 of the Draft EIS.
- Page 3.2-65 provides a summary of the anticipated development pattern that would result from implementation of Alternative 4, which includes PTOD. As described, the development pattern would be expected to “result in a more compact, walkable land use pattern, as compared to existing conditions” (page 3.2-65, last paragraph), which is generally considered to be a sustainable community planning strategy. Further analysis of general or theoretical PTOD sustainability is not necessary under the scope of the EIS.
- O8-99      Comment O8-99 states that Alternative 4 should not define a minimum density within PTOD areas; however, a defined minimum density for redevelopment projects is part of the project description for the Regional Plan Update (page 2-47, under the subheading “Land Use Planning System”). Thus, this comment is expressing opposition to the minimum density proposed under Alternative 4, and does not raise environmental issues or concerns regarding the adequacy,

accuracy, or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- O8-100      Comment O8-100 states that the EIS must analyze the increased density of 8 units per acre proposed under Alternative 4. Impact 3.2-1, Development Pattern and Land Use Compatibility, states that, “height and density changes would serve as an incentive for redevelopment within PTOD areas and could lead to more compact, concentrated development within these areas” (page 3.2-60). In addition, Impact 3.9-1, Scenic Quality, describes the environmental effects of the transect district approach in Alternative 4 and concludes that the impact of Alternative 4 would be potentially significant.
- The comment states that the EIS must provide information that states the increase from 4 units per acre to 8 units per acre is included in the 4,000 residential allocations proposed under Alternative 4. Section 2.6.4, Alternative 4: Reduced Development, Incentivized Redevelopment, states that “[r]edevlopment projects within PTODs would be required to contain a minimum residential density of 8 dwelling units/acre” (page 2-47) and that “Alternative 4 would authorize 4,000 new residential allocations” (page 2-48).
- O8-101      Comment O8-101 states that PTOD criteria (i.e., densities) should not be defined in the EIS. As states in Section 2.3.1, Goals and Policies,
- The Goals and Policies are the heart of the Regional Plan. They are statements of policy to guide decision making as it affects the Region’s resources and attainment of environmental threshold standards, and are intended to provide opportunities for orderly growth and development consistent with adopted standards.
- Associating land use districts with specific minimum and/or maximum densities is one of many standards used to provide opportunities for orderly growth and development. These standards have been developed for each alternative and are analyzed in the EIS. Under Alternative 3, the standards represent the maximum allowable, but site-specific standards, which may be less than the maximum allowable, are expected to be developed through the Area Planning process, consistent with the approach advocated for in the comment.
- O8-102      Comment O8-102 states that considering consistency with the Regional Plan’s designated land uses, policies, and regulations does not provide an impact analysis. This is correct. As described in the fourth paragraph on page 3.2-72,
- [i]t should be noted that, while consistency between the Regional Plan and other plans, policies, and regulations is essential to achieve attainment of environmental thresholds, inconsistency between plans does not necessarily lead to a physical adverse impact. Inconsistencies between public plans would create significant impacts only when an adverse physical environmental effect would result from the inconsistency.
- The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
- O8-103      Comment O8-103 states that height maximums must be established in the Regional Plan to enable local jurisdictions to establish height maximum within the Area Plans to be in

conformance with the Regional Plan. Maximum height standards are identified in the text quoted in the comment, on page II-22 of the Community Design Subelement of the Draft Goals and Policies: outside town centers, up to two stories (24-42 feet); within town centers, up to four stories (56 feet) with conditions; within regional centers, up to six stories (95 feet) with conditions; and within the High Density Tourist District, up to 197 feet with conditions. Additional detail on height limits can be found in the Final Draft Code in Chapter 37, Height, and Chapter 13, Area Plans.

- O8-104 The comment requests that item (5) in Policy CD-2.1 be revised to say “shall” rather than “should.” This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-105 Comment O8-105 notes that Policy CD-2.1 labels some situations as “unique” that are not truly one of a kind. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-106 The comment states that “community plan team members will define the characteristics they want and don’t want” during the updating process. The comment is correct; Community Plans are the appropriate level of planning for establishment of community preferences. However, as described on page 1-8 of the Draft EIS, “the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based.”
- O8-107 The comment questions the inclusion of a height standard in the Goals and Policies that is not reflected in the Code. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-108 The comment indicates that descriptive information regarding height, bulk, and scale have been removed from Policy CD-2.1.B and requests that it be replaced, along with other information, to ensure that Area Plans remain consistent with the Code. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-109 Comment O8-109 requests that the Draft EIS provide quantifiable criteria for the addition of affordable housing and tourist accommodation units as “other similar projects” eligible for additional height. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Please also see the discussion under the heading “Fewer Areas Affected by Increased Height and Density” in Chapter 2, Revisions to Alternative 3: Final Draft Plan.
- O8-110 Comment O8-110 pertains to existing Code language that is not proposed for change under any of the Regional Plan Update alternatives. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- O8-111 The comment expresses concern related to project components under Alternative 3 that would change Conservation to Recreation. Please refer to Master Response 10, Development on Recreation-Designated Lands.
- O8-112 The comment expresses concern related to project components under Alternative 3 that would change an area classified as Conservation to Recreation. Please see Master Response 10, Development on Recreation-Designated Lands.
- O8-113 The comment states that the residential bonus units and commercial floor area assigned to the BBLLC CEP project (as indicated in Draft EIS Tables 3.2-3 and 3.2-4) should be returned to TRPA for future distribution because the CEP project loans are in default. A total of 10 residential bonus units and 46,475 square feet of commercial floor area was assigned to the BBLLC CEP project.
- TRPA officially withdrew the BBLLC CEP project application on August 30, 2012. By way of this response, Tables 3.2-3 and 3.2-4 and any other pertinent table in the Draft EIS are hereby considered to be updated to reflect the return of the reserved allocations to the TRPA pool. This action also does not affect the overall number of commodities that are reported in the Draft EIS and does not result in a change in the environmental conditions or analysis. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
- O8-114 Comment O8-114 asserts that the EIS must provide quantifiable criteria for the use of “would result in a beneficial impact.” Please see the response to Comment O8-96.
- O8-115 The comment quotes a section of the EIS that provides information related to the goals of the Scenic Resources Thresholds, and states that the phrase “will achieve” has been omitted and replaced with “maintain or improve,” diminishing the intent of the Compact and Resolution 82-11. The language used in the EIS is taken directly from Resolution 82-11 and is provided as part of the regulatory background description for Section 3.9, Scenic Resources.
- The comment asserts that the EIS must ensure maintenance and preservation of scenic quality. The EIS is an informational document intended to disclose environmental impacts associated with a project. An EIS must be adopted before a project may be implemented, as outlined in Chapter 4 of the Code. TRPA will prepare the required findings before approval of the Regional Plan Update, including the finding that the project will not cause the environmental threshold carrying capacities to be exceeded and that the Regional Plan, as amended, achieves and maintains the thresholds.
- O8-116 Comment O8-116 states that the EIS must provide quantifiable criteria for the description of scenic threshold statuses provided on page 3.9-1. Scenic threshold evaluation information is taken directly from the 2011 Threshold Evaluation, is provided in the EIS as part of the regulatory background description, and is not part of the environmental impact discussion. Section 3.9.4, Environmental Consequences and Recommended Mitigation Measures, contains the environmental impact statements associated with implementation of the Regional Plan Update alternatives. Criteria used to determine if an alternative would result in a significant adverse effect on scenic resources are located on page 3.9-16, under sub-heading Significance Criteria.



- O8-117      Comment O8-117 states that the EIS must provide analysis that determines the viewshed effect of skyline changes in the Town Center, Regional Centers, and High Density Tourist Districts, in particular with regard to shadow effects. Page 3.9-26 in Draft EIS Section 3.9, Scenic Resources, provides the requested analysis and determines that the impact of allowances for increased height in community centers would be potentially significant.
- Mitigation Measure 3.9-1a, Comply with Specific Findings and Performance Standards for Additional Building Height; Mitigation Measure 3.9-1b, Permit Redevelopment of the High Density Tourist District/South Stateline Casino Core Tourist District of Existing Buildings within Existing Visual Prominence; and Mitigation Measure 3.9-1c, Reduce Ground Floor Height for Stepped Buildings on Slopes, would reduce this potentially significant impacts to a less-than-significant level.
- Analysis of shadow effect is a site-specific evaluation that would be undertaken during a project-level environmental analysis of a specific project. However, this EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.
- O8-118      Comment O8-118 states that the EIS must provide analysis that determines the viewshed effect of skyline changes in the Town Center, Regional Centers, and High Density Tourist Districts, in particular with regard to cumulative impacts of increased height. As described in the Response to Comment O8-117, effects on viewshed are evaluated on page 3.9-26 in Draft EIS Section 3.9, Scenic Resources, and mitigation measures are identified to reduce the potentially significant impact to a less-than-significant level. Cumulative effects associated with implementation of the Regional Plan Update alternatives are discussed on pages 4-22 through 4-23 in Draft EIS Chapter 4, Cumulative Impacts.
- O8-119      Comment O8-119 states that the EIS must provide analysis that determines the viewshed affected by skyline changes would not degrade the scenic rating. Please see the Response to Comment O8-117.
- The comment also claims that “Code language Chapters 11, 12, and 13 pre-bias conformances allowing lowering of the bar for attainment to be achieved by Area Plan language.” The comment asserts that the Draft EIS does not address visual impacts and identify feasible measures to preserve the integrity of the existing views. Chapter 11, 12, and 13 of the Code address Plan Area Statements and Plan Area Maps, Community Plans, and Area Plans, respectively. Draft EIS Section 3.9, Scenic Resources, describes the scenic impacts that would occur under each alternative and identifies mitigation measures to reduce potentially significant impacts to a less-than-significant level where feasible. The comment provides no evidence that the analysis in the Draft EIS is inadequate.
- O8-120      Comment O8-120 quotes CEQA Guidelines Section 15064(b), which discusses the definition of “significant effect.” The Regional Plan Update EIS is not subject to CEQA. This comment does not raise any specific environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

- O8-121      Comment O8-121 states that Impact 3.2-1 does not analyze scenic changes associated with additional height. Impact 3.2-1 analyzes the impacts of Regional Plan Update alternatives on development pattern and land use compatibility. Impacts on scenic resources are analyzed in Section 3.9, Scenic Resources. Please refer to the Response to Comment O8-117. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate.
- O8-122      The comment cites concerns regarding Code language in Chapters 11, 12, and 13 with regard to the Threshold Standard for scenic resources. See the Response to Comment O8-119. This comment refers to proposed provisions of the Code and Threshold Evaluation and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-123      Comment O8-123 states that the EIS must analyze visual impacts. Please refer to the Response to Comment O8-117.
- O8-124      Comment O8-124 states that the EIS must provide requirements that achieve scenic quality thresholds, and that the word “shall” should be used. This comment refers to proposed provisions of the Code and Threshold Evaluation and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-125      Comment O8-125 states that the scenic quality policies should use the word “shall.” This comment refers to proposed provisions of the Code and Threshold Evaluation and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O8-126      Comment O8-126 quotes a section of the EIS and concurs with the conclusion of a potentially significant impact for Impact 3.2-2, Land Use Classification Change. No response is necessary.
- O8-127      Comment O8-127 states that the EIS must analyze visual impacts. Please see the Response to Comment O8-117.
- O8-128      Comment O8-128 states that the EIS must analyze proposed changes to add commercial, residential, and tourist accommodation units to the recreation areas and states that the Draft EIS must address visual impacts and identify feasible mitigation. Chapter 3.9, Scenic Resources, contains impact analyses and proposed mitigation measures associated with each of the Plan alternatives. As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to create a new Resort Recreation designation that limits locations where new allowable uses could be proposed. Please see Master Response 10, Development on Recreation-Designated Lands.
- O8-129      Comment O8-129 references the 2011 Threshold Evaluation Report and asserts that Code Chapters 11, 12, and 13 will pre-bias scenic conformance, allowing lowering of the bar for attainment to be achieved by Area Plan language, and that the EIS must list substitute standards as they too, must be analyzed. The comment references a portion of the 2011 Threshold Evaluation that describes existing conditions. The purpose of the EIS is to provide information to the public and decision-makers, related to the environmental impacts of the Regional Plan

revisions proposed in the various alternatives. Existing substitute standards are not proposed for change under the Regional Plan Update Alternatives and are beyond the scope of this EIS.

O8-130 Comment O8-130 references the 2011 Threshold Evaluation Report and asserts that the EIS must provide a quantifiable criterion that establishes target values as a measurement that can be analyzed, in reference to the 2011 Thresholds Evaluation. The purpose of the EIS is to provide information to the public and decision-makers, related to the environmental impacts of the projects. For the purpose of the environmental analysis (i.e., impacts and mitigation measures analyzed in the EIS), scenic resources significance criteria are listed on page 3.9-16, under the subheading “Significance Criteria.” Standards for TRPA’s environmental thresholds are provided in Resolution 82-11.

While an EIS does contain mitigation measures to reduce potentially significant impacts, it is not a regulatory document and is not required to set standards to supplement Code regulations. Furthermore, the purpose of the EIS is to compare the Regional Plan Update alternatives to the existing Regional Plan. While the comment opines on the benefits and drawbacks to several projects in the Region, it is not within the scope of the EIS to analyze the scenic values associated with specific existing developments throughout the Region.

O8-131 The comment notes that the status of some threshold indicators in the 2011 Threshold Evaluation is indicated as “trending,” “implemented,” or “not applicable” and questions the basis for this finding. This comment refers to the 2011 Threshold Evaluation Report and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O8-132 Comment O8-132 notes disapproval of revisions to Goal CD-1 by the Regional Plan Update Committee. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O8-133 Comment O8-133 states that Impacts 3-2.1 and 3.2-2 do not adequately analyze the potential scenic violations with increased height, bulk, and scale promoted in Town Centers, Regional Centers and the High Density Tourist District in the Land Use section of the EIS. Impact 3.2-1 analyzes the impacts of Regional Plan Update alternatives on development pattern and land use compatibility and Impact 3.2-2 evaluates the impacts of land use classification changes. Impacts on scenic resources are analyzed in section 3.9, Scenic Resources. The comment does not provide any evidence regarding the adequacy, accuracy, or completeness of the environmental document. See also the Response to Comment O8-117 and Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation regarding changes in policy language.

O8-134 Comment O8-134 states that Impacts 3-2.1 and 3.2-2 do not adequately analyze the potential scenic violations with increased height, bulk, and scale promoted in Town Centers, Regional Centers and High Density Tourist Districts in the Land Use section of the EIS. The comment also states that “minimize” and “mitigated” are subjective terms. However, the comment does not provide any evidence regarding the adequacy, accuracy, or completeness of the environmental document. See also the Responses to Comments O8-133 and O8-117 and Master Response 1,

Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation for changes in policy language.

- O8-135 Comment O8-135 states that Impact 3.2-2 does not adequately analyze the scenic impacts for proposed tourist accommodations, commercial, and residential uses, which can apply for additional height. The EIS is a policy-level document and is not intended to analyze impacts of specific projects. Scenic impacts associated with new allocations are discussed in Section 3.9, Scenic Resources. See also the Responses to Comments O8-133 and O8-117 and Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation for changes in policy language.
- O8-136 Comment O8-136 states that quantifiable criteria for evaluation methods must be identified for landscape view to ensure no further degradation of the scenic values occurs. Please see the Response to Comment O8-117 and Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation for changes in policy language.
- O8-137 Comment O8-137 states that the EIS must provide visual simulations for the proposed height increases in Town Centers, Regional Centers, the High Density Tourist District, and the Conservation and Residential lands proposed to be reclassified to Recreation. The Regional Plan Update EIS is a policy-level document. It does not propose or analyze specific projects; thus, it is not possible to create simulations for the proposed maximum height increases proposed programmatically under the Plan alternatives. Such simulations may be required for individual projects seeking approval for additional height.
- O8-138 Comment O8-138 quotes scenic requirements in the Code. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
- O8-139 The comment identifies changes to the Code structure, specifically Chapters 36 and 66. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
- O8-140 Comment O8-140 addresses Draft EIS Section 5.3, Irreversible and Irretrievable Commitment of Resources, and implies that the discussion is missing changes in community center character and does not provide a description of, or a comparative analysis to, the baseline. As discussed in the first sentence on page 5-3,

A commitment of resources is irreversible and irretrievable when the use or consumption of such resources is neither renewable nor recoverable for use in the future. The commitment of resources refers to the use of nonrenewable resources such as fossil fuels, water, and electricity. Development, redevelopment, and restoration activities that could occur under the proposed Regional Plan Update alternatives would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation of specific projects.

Changes in community center character are not considered an irreversible and irretrievable commitment of resources under this definition. Rather, this discussion is related to nonrenewable resources. Scenic resources are dynamic and can be altered and restored, given adequate planning and time.

Please also see the Response to Comment O8-68 for more information on Area Plan conformance criteria.

O8-141

Comment O8-141 disagrees with the conclusion in the Draft EIS that reclassifying lands from Conservation to Recreation would reduce the intensity of allowable land uses to conform to existing conditions.

The specific phrase noted by the comment appears incorrectly on page 5-6 in Draft EIS Chapter 5, TRPA-Mandated Sections. The first paragraph on page 5-6 is revised in Chapter 2, Revisions to Alternative 3: Final Draft Plan, to read as follows:

Alternatives 2 through 5 would all implement map revisions resulting from minor land use changes that have occurred since adoption of the 1987 Regional Plan, including acquisition of parcels by CTC, USFS, and NDSL. These alternatives would reclassify Van Sickle Bi-State Park from conservation to recreation. Both of these revisions would reduce the intensity of allowable land uses ~~to~~ or conform to existing conditions. ...

The comment states that the discussion does not accurately describe the existing baseline and how it will be changed. The analysis of baseline requested by the comment, specifically addressing increases in recreation use, is provided in Impact 3.2-2 in Draft EIS Section 3.2, Land Use. However, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, the Draft Plan has been revised to create a new Resort Recreation designation that limits locations where new allowable uses could be proposed. Please refer to Master Response 10, Development on Recreation-Designated Lands, for more information.

Although the Regional Plan Update is not subject to CEQA compliance, the CEQA Guidelines are useful in interpreting some concepts include in the TRPA regulations. Growth inducing impacts are discussed in Section 15126(d) of the CEQA Guidelines:

Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed in Draft EIS Section 5.5, Growth-Inducing Impacts, “each of the Regional Plan Update alternatives would allow some level of new development and redevelopment of specific types through authorization of residential allocations, commercial floor area, tourist accommodation units, and residential bonus units.” Section 2.3.6, Essential Concepts: Marketable Rights Transfer Programs, provides a detailed description of this system. Because Alternative 1 would authorize no new allocations, it serves as the baseline for the growth-inducing impacts discussion (see Section 2.6.1, Alternative 1: No Project).

O8-142	<p>The comment states that the EIS must incorporate the Goals and Policies, the Code, and the Threshold Evaluation and that these documents must not be stand alone. As described on page 2-1 of Draft EIS Chapter 2, Regional Plan Update Alternatives, "The Goals and Policies document identifies regional goals and provides policy direction to achieve those goals. ...The Code of Ordinances is the collection of regulations and measures developed to implement the Goals and Policies." These documents are part of the Regional Plan Update, the project that is being evaluated by the EIS. The Threshold Evaluation is a five-year review of the threshold standards and the amount of progress being made toward their attainment. This document contributes to the environmental analysis by providing documentation of existing conditions and trends in progress toward achieving or maintaining attainment. None of these documents is considered a stand-alone document in the EIS.</p>
O8-143	<p>Comment O8-143 asserts that proposed increased densities would be growth inducing. Please refer to Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.</p>
O8-144	<p>Comment O8-144 asserts that proposed increased densities would be growth inducing. Please see Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.</p>
O8-145	<p>Comment O8-145 disagrees that reclassifying lands from conservation to recreation would reduce the intensity of allowable land uses to conform to existing conditions. Please see the Response to Comment O8-140.</p>
O8-146	<p>Comment O8-146 quotes the concluding paragraph of Section 5.5, Growth-Inducing Impacts, which states that the Regional Plan Update would be growth-inducing, and that "[i]mplementation of the goals and policies and regional growth strategies described under each alternative would assure that this growth is consistent with the overall intent of the Tahoe Regional Planning Compact." The comment then asserts that the EIS does not provide sufficient analysis to ensure that the environmental thresholds would be achieved and maintained.</p> <p>The purpose of the EIS is to provide information to Governing Board and other interested parties related to the environmental impacts that would occur under each of the Regional Plan Update alternatives. As discussed in Draft EIS Section 2.5, Key Differences between the Alternatives, "the TRPA Governing Board may choose to implement any land use planning framework alternatives with a combination of development potential and environmental regulations from other alternatives" (page 2-18). In other words, the Regional Plan Update has not yet been finalized. The final Regional Plan Update will be subject to findings requirements set forth in Chapter 4 of the Code, including the finding that the project will not cause the environmental threshold carrying capacities to be exceeded (Code Section 4.4.1.A), and that the Regional Plan, as amended, achieves and maintains the thresholds (Code Section 4.5).</p>
<b>Response 09</b>	<p><b>Ellie Waller</b>  <b>Friends of the Tahoe Vista</b>  <b>6/28/2012</b></p>
O9-1	<p>The comment expresses concerns with the land use map iterations that were presented to the Regional Plan Update Committee. In particular, the comment expresses opposition to the proposed Plan amendment to reclassify some areas from Conservation to Recreation and</p>

modifying allowable uses in the Recreation designation. This provision of Alternative 3 has been revised since release of the Draft EIS to include additional protections and limitations on development in recreation districts. Please see Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS, and Master Response 10, Development on Recreation-Designated Lands.

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**Response  
010**

**Alexander Leff  
Friends of the West Shore  
6/7/2012**

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O10-1 The comment requests publication of “insert” or “close-up” maps that are believed to be missing from the Draft EIS and requests extension of the public comment period for an additional 60 days. The comment indicates that land use plan maps of the community centers in Alternatives 1 and 5 are missing, and states that an adequate determination of compliance with the Compact cannot be made without these documents.

As indicated in the comment, TRPA has explained that no “close-up” maps of Community Centers are included in the Draft EIS for Alternative 1 because no changes to the existing land use plan are proposed. Table S-1 in the Draft EIS Summary Chapter provides a side-by-side comparison of important aspects of the alternatives and explains that the only changes to the land use map for Alternative 5 are minor boundary changes to reflect land use changes as the result of public acquisitions since the last Regional Plan and an expanded recreation designation to match the USFS permit boundary for the Heavenly Ski resort. These are the differences between Alternative 1 and Alternative 5 noted in the comment. Exhibit 2-25 of the Draft EIS (page 2-59) is revised to correct land use classification boundaries in the vicinity of U.S. 50 and S.R. 28 in Douglas County, in the vicinity of S.R. 89 and S.R. 28 south of Tahoe City near Homewood, and in the vicinity of S.R. 28 near Sand Harbor in Washoe County. No new or additional information would be provided by creating “close-up” maps as requested in the comment.

The comment requests that, when “close-up” maps are provided for Alternatives 1 and 5, an additional 60-day public comment period should be provided. Please see Master Response 2, Duration of Public Comment Period.

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**Response  
011**

**Alexander Leff  
Friends of the West Shore  
5/13/2012**

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O11-1 The comment requests an extension of the public comment period by an additional 90 days. Please see Master Response 2, Duration of Public Comment Period.

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**Response  
012**

**Michael Lozeau  
Lozeau Drury LLP, Representing Friends of the West Shore  
6/7/2012**

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O12-1 The comment requests an extension of the public comment period by an additional 30 days. Please see Master Response 2, Duration of Public Comment Period.

<b>Response 013</b>	<b>Alexander Leff Friends of the West Shore 6/28/2012</b>
O13-1	The comment requests an extension of the public comment period. Please see Master Response 2, Duration of Public Comment Period.
<b>Response 014</b>	<b>Jennifer Quashnick Friends of the West Shore 6/28/2012</b>
O14-1	The comment provides introductory information and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is necessary.
O14-2	The comment expresses disagreement with the methodology used in the Threshold Evaluation. This comment refers to preparation of the 2011 Threshold Evaluation and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
O14-3	The comment claims that the Regional Plan Update and RTP documents do not adequately analyze environmental impacts and that the alternatives do not analyze other options that have been considered during the planning process. The five Regional Plan Update alternatives were crafted based on extensive input from the community over a multi-year process. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.
O14-4	The comment addresses the differing regulations between California and Nevada. This comment pertains to regulations within the Region. See Master Response 1, Comments pertaining to the Draft Plans, Code of Ordinances, and Threshold Evaluation.
O14-5	The comment expresses the opinion that increased urbanization will degrade the environment and the community. The comment is noted but offers no specific information or evidence upon which to respond. To the degree that “increased urbanization” refers to proposed development patterns and allocations for Alternative 3, the Draft EIS analyzes development patterns and land use compatibility in Impact 3.9-1 (page 3.2-11) and concludes that Alternative 3 provisions to concentrate development into community centers would result in greater opportunity for alternative transportation, reduced VMT, reduced air pollutant emissions, increased preservation and restoration of open space, and other benefits, and therefore, this impact would be beneficial.



Response 015	Kindred Murillo Lake Tahoe Community College District 6/27/2012
O15-1	The comment supports approval of Alternative 3 as “the best approach that integrates environmental restoration with community revitalization.” This comment of support is noted for consideration during the review of the merits of the alternatives.
Response 016	League to Save Lake Tahoe, Friends of the West Shore, Tahoe Area Sierra Club Multiple 6/28/2012
O16-1	<p>This comment represents an “Executive Summary” of the comment letter, which provides an overview of more detailed comments contained in the letter. In summary, the comment advocates for appropriate development in the Tahoe Region that supports the Compact’s goal of achieving and maintaining environmental thresholds, expresses opposition to Alternative 3 in its current form because of the amount of development authorized and the level of authority delegated to local jurisdictions, and suggests that the EIS is insufficient to inform the Governing Board of the impacts of each alternative. Finally, it expresses disagreement with a 60-day review period, and suggests that additional time is needed.</p> <p>As stated in Section 2.1, Introduction, of Draft EIS Chapter 2, Regional Plan Update Alternatives, the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the Goals, Policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards. All five proposed alternatives, as analyzed in the Draft EIS, are designed to meet the intended purpose of the Regional Plan Update, and the Draft EIS provides a comprehensive programmatic analysis of the environmental effects of each alternative.</p> <p>With regard to concerns about the level of authority delegated to local jurisdictions, important changes have been made to Alternative 3 since release of the Draft EIS for public review, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan.</p> <p>With regard to the request for additional time for review, please see Master Response 2, Duration of Public Comment Period.</p>
O16-2	<p>The commenter expresses concern about the land use analysis, specifically about the amount of accessory floor space that may result from land use policies, and about the potential for development in Recreation-designated lands.</p> <p>With regard to accessory uses, it is beyond the scope of the programmatic analysis appropriate for the Regional Plan Update EIS to attempt to identify the accessory uses that may be proposed with specific development projects. Pursuant to TRPA Code of Ordinances, accessory space is regulated by the provisions applicable to the primary use. Examples of accessory space include garages or green houses for residential uses; parking lots for tourist accommodation; or utility closets, stairwells, and air shafts for commercial-type uses. In all cases, regardless of the primary use, the accessory space is required to be consistent with all existing and proposed provisions of the Code, including coverage and height.</p>

Please see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, and Master Response 10, Development on Recreation-Designated Lands, for important modifications to Alternative 3 pertaining to development allowances in Recreation areas that incorporate additional requirements and limitations. With regard to the 208 Plan narrative about directing development to already urbanized areas of consistent land use, the revised proposal would limit additional development in Recreation lands to two specific areas designated as "Resort Recreation Districts." These districts are limited in size and locations and are considered potentially appropriate for additional uses by virtue of their existing level of development and/or close proximity to major tourist and commercial activity centers and areas of similar land uses.

O16-3

The comment asserts that Alternative 3 would result in significant impacts to coverage due to the evaluation of coverage on a region-wide basis rather than parcel by parcel. Please refer to Master Response 3, Programmatic Coverage Assessment.

The comment also states that the Plan would reduce soft coverage at the expense of increasing hard coverage, and suggests that this would result in a significant impact. The comment implies that soft coverage has less of an environmental impact than hard coverage and should, therefore, be addressed separately from hard coverage in the Draft EIS.

There are two types of physically existing coverage based on the definition of land coverage provided in Chapter 90 of the Draft Code of Ordinances:

- ▲ Hard coverage is defined as a structure (e.g., roofs, decks, sidewalks, parking lots) that prevents normal precipitation from directly reaching the surface of the underlying land.
- ▲ Soft coverage is defined as compacted soil areas without structures that prevent substantial infiltration (e.g., gravel parking lots, dirt roads, trails).

A structure, improvement, or covering is not considered coverage if it permits at least 75 percent of normal precipitation to directly reach the ground and permits growth of vegetation on the approved species list. Coverage allowed as base coverage for a specific parcel but which does not physically exist is considered potential coverage.

Legally existing coverage refers to coverage that either was created as part of a permit condition, or has been verified by TRPA as having existed prior to 1972 (i.e., grandfathered). Illegal coverage (i.e., not created as part of a permit or grandfathered) is required to be removed. Illegal coverage cannot be transferred or restored for credits.

The Draft EIS described potential water quality impacts from soft coverage as follows (page 3.8-42): "Because by definition soft coverage substantially restricts infiltration and is typically a highly compacted soil surface, soft coverage can have hydrologic and water quality impacts similar to or greater than hard coverage. For example, soft coverage can generate similar stormwater runoff volumes relative to hard coverage. However, because soft coverage is an erodible surface, the stormwater runoff generated can cause erosion and transport elevated levels of sediment similar to an unpaved road." The comment implies that the impacts associated with soft coverage are less than the impacts associated with hard coverage, and that the Draft EIS did not provide scientific evidence to substantiate the assertion that soft coverage can be as impactful as hard coverage on water quality.

The scientific evidence supporting the water quality impacts associated with soft coverage are documented in the 208 Plan (TRPA 1989), which provided a general indication of the quality of surface runoff from various land uses, while noting that the estimates were based on a limited number of samples collected in the 1970s. The 208 Plan identified the following differences in suspended sediment concentrations for different types of hard and soft coverage (TRPA 1989: Table 14):

#### **Soft Coverage**

Unpaved Parking Lots – 17,000 mg/L of suspended sediment

Unpaved Roads and Driveways – 7,800 mg/L of suspended sediment

#### **Hard Coverage**

Paved Parking Lots – 320 mg/L of suspended sediment

Paved Streets – 680 mg/L of suspended sediment

Based on scientific information, such as that provided in the 208 Plan, TRPA regulations and programs have targeted reductions in soft coverage in the Region since adoption of the Regional Plan to address water quality impacts associated with soft coverage. As discussed in the Environmental Improvement Program (EIP) Update, paving dirt roads and driveways are important BMPs used to retrofit public and private facilities. Projects associated with the EIP have contributed to the restoration or removal of 55 miles of dirt road in forests (TRPA 2010: page 12). The following sections of the Code speak to the importance of elimination or treatment of soft coverage.

##### **60.1.4.B. Requirements for Dirt Roads**

Snow removal from dirt roads is subject to regulation pursuant to Section 5.12 Remedial Action Plans. When TRPA approves snow removal from a dirt road, pursuant to project approval or in accord with provisions of Section 5.12, the agency shall specify required winterization practices, BMPs, the specific means of snow removal, and a schedule for either paving the dirt road or ceasing snow removal.

##### **60.4.4.B Parcels and Unpaved Roadways without Appropriate BMPs**

Parcels and unpaved roadways without appropriate BMPs in place pursuant to the dates described above are subject to enforcement under Article IX Compliance Procedures, Section 9.2, of the Rules of Procedure for violation of 60.4.

##### **60.4.5.A. Priority for Installation of Retrofitting Measures**

Schedules for BMP compliance shall include the measures proposed for each year and the estimated cost for those measures. The estimated cost shall be based on unit costs established by TRPA. Unless otherwise approved by TRPA, a schedule that phases BMP compliance shall implement the BMP measures in the following order:

- 1) Pave legally established roads, driveways, and parking areas;

#### 60.4.6.E Roads, Driveways, and Parking Areas

All roads, driveways, and parking areas proposed for year-round use shall be paved in accordance with Chapter 34: Driveway and Parking Standards.

More recent scientific studies further substantiate the water quality data reported in the 208 Plan, highlighting the potential water quality impacts of soft coverage in the Region. For example, the Lake Tahoe TMDL Technical Report estimated the average runoff concentration of total suspended sediment generated from unpaved roads (1,015 mg/L) to be similar to the average total suspended sediment concentration from Primary Roads (951 mg/L), which are among the highest concentrations of suspended sediment for any land use in the Region (LRWQCB and NDEP 2010: Table 4-23). Additionally, a study led by the USDA Rocky Mountain Research Station (Foltz, et. al. 2009) conducted controlled rainfall simulations on four unpaved roads in the Region to determine saturated hydraulic conductivity and interrill erosion. The results of the study reported:

- ▲ An average saturated hydraulic conductivity rate of 16 mm/hour at a constant precipitation rate of 86 mm/hour: Meaning the average runoff rate was 70 mm/hour. Stated another way, roughly 80 percent of simulated precipitation from the study plots was transformed to surface runoff. This finding supports the Draft EIS statement that “soft coverage can generate similar stormwater runoff volumes relative to hard coverage (Draft EIS, page 3.8-42).”
- ▲ A steady state runoff concentration of suspended sediment of 15,000 mg/L: Given the simulated precipitation rate (86 mm/hour or 3.4 inches/hour), which has an intensity notably higher than precipitation events in the Region, the runoff concentration from the simulated study is not representative of expected runoff concentrations from typical storm events in the Region. Nonetheless, the finding supports the statement in the Draft EIS that runoff from soft coverage can transport elevated levels of sediment (Draft EIS, page 3.8-42).

Furthermore, the Lake Tahoe TMDL implementation plan emphasizes ongoing implementation of known technologies while encouraging more advanced and innovative operations, maintenance, and capital improvement efforts to address soft coverage impacts. The following list describes implementation actions proposed to meet goals associated with the Lake Tahoe TMDL (Lahontan and NDEP 2010):

- ▲ Install and maintain (annually) full unpaved roadway BMPs (e.g. waterbars, armored swales, drainage stabilization, and stormwater treatment infrastructure)
- ▲ Revegetate and stabilize ski runs
- ▲ Implement forest treatments with low pressure and other innovative ground based equipment and standard BMPs
- ▲ Capture and retain sediment from unpaved roadways
- ▲ Install and maintain advanced BMP measures to increase infiltration and reduce runoff from landings, ski runs, trails and paved and unpaved roads in forested areas
- ▲ Decommission and re-contour unauthorized or historic roads and trails by tilling, adding organic soil amendments, mulching, and revegetation
- ▲ Fully restore legacy roads and trails to return to native forest conditions with natural hydrologic function

As evident through the existing regulations, TRPA seeks to reduce environmental impacts (e.g., pollutant loads in stormwater) associated with soft and hard coverage through a variety of programs and regulations including restrictions on the creation of new soft coverage. Thus, all alternatives would result in some degree of reductions in soft coverage and increases in hard coverage. Because both soft and hard coverage contribute in a very similar manner to the same environmental effects, which are reduced through various programs, it is unnecessary to consider coverage types separately on a Regional scale. Attempts to discern impacts associated with different coverage types on a regional scale would be unnecessary and likely infeasible.

As described in the Draft EIS and described above, soft coverage can have hydrologic and water quality impacts similar to or greater than hard coverage. Thus a reduction in the proportion of soft coverage and an increase in the proportion of hard coverage could, in itself, result in a beneficial effect on water quality, and would not constitute a significant water quality impact as stated in the comment. Therefore, the analysis of soft and hard coverage contained in the Draft EIS is appropriate and no revisions to the analysis are necessary.

The comment also states that no mitigation is provided for significant impacts on coverage in the Region. Impacts of the Regional Plan Update alternatives discussed in Section 3.7, Geology, Soils, Land Capability, and Coverage, were determined to be less than significant and therefore do not require implementation of mitigation measures. Furthermore, as discussed in Draft EIS Section 3.8, Hydrology and Water Quality, the Regional Plan Update alternatives would result in less-than-significant water quality impacts after implementation of Mitigation Measure 3.8-3, Facilitate Improved Roadway Operations and Maintenance Practices that Protect Water Quality (for Alternatives 1 and 5), and Mitigation Measure 3.8-4, Coverage Exemption Requirements (for Alternatives 2, 3 and 4). Furthermore, as explained on page 3.1-1 of the Draft EIS, as a separate process and prior to approving any project subject to environmental review requirements, TRPA would, in accordance with Chapter 4, "Required Findings," of the Code (Sections 4.4.1, 4.5, and 4.6), make written findings supported by substantial evidence in the record that the project is consistent with, and would not adversely affect, implementation of the Regional Plan, Goals and Policies, plan maps, Code, and other plans and programs; that it would not cause threshold standards to be exceeded; that it would meet or exceed applicable federal, state, or local standards; and that the Regional Plan, as amended, achieves and maintains the thresholds.

Finally, the comment generally states that the EIS does not adequately analyze the Regional Plan Update Alternatives in respect to soils, land capability, coverage, and certain aspects of hydrology and water quality. Draft EIS Section 3.7, Geology, Soils, Land Capability, and Coverage, and Draft EIS Section 3.8, Hydrology and Water Quality, contain comprehensive environmental analyses of these resource areas, the cumulative impacts of which are discussed in Draft EIS Chapter 4, Cumulative Impacts. The comment does not offer specific evidence that the analysis presented in the Draft EIS is inadequate. Therefore, no further response can be provided.

O16-4

The comment objects to the manner in which the Regional Planning process has occurred and asserts that environmental threshold standards should have been evaluated prior to developing Regional Plan Update alternatives. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as Master Response 2, Duration of Public Comment Period. These two master responses address comments about the planning process, public involvement, and public input on the proposed Regional Plan Update alternatives.

The comment states that the proposed changes to coverage policy have created a situation in which numerous exceptions are being made to the established impervious coverage threshold, creating an environment in which the existing standard could never be attained.

As stated in Resolution No. 82-11 (Attachment 1 to the TRPA Goals and Policies), the Soil Conservation, Impervious Cover Management Standard is, "Impervious cover shall comply with the Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide For Planning, Bailey, 1974." This threshold is identified in Chapter 3.7 of the Draft EIS on page 3.7-1. Further, every 5 years, TRPA evaluates the attainment status of the threshold standards, and Table 3.7-1 of the Draft EIS shows the most recent (2011) status of the soil conservation threshold standards, including the status of coverage by land capability district. As analyzed in detail in Impact 3.7-1, Land Coverage, coverage was estimated for each of the proposed Regional Plan Update alternatives, based on the base allowable land coverage set forth in *Land Capability Classifications of the Lake Tahoe Basin* (Bailey 1974) and proposed land coverage policies. As stated on page 3.7-19 of the Draft EIS, after accounting for coverage transfers required for development in community centers, all alternatives would result in an increase in total coverage within the Region; however, all coverage increases would be within the total base allowable coverage (10,941 acres according to the Bailey land capability map, as shown in Table 3.7-5). All alternatives would reduce coverage within LCD 1b (SEZ) and would increase coverage in higher capability lands (LCD 4–7) due to the coverage coefficients, transfer ratios, and mitigation of coverage, which would intensify development within community centers and incentivize removal of coverage from sensitive lands, particularly SEZ. Therefore, at a regional scale all proposed Regional Plan Update alternatives would support attainment and maintenance of the land coverage (impervious coverage) threshold standard.

Please refer to Master Response 3, Programmatic Coverage Assessment, which further addresses the appropriate scale for evaluation of proposed coverage policies in this EIS.

O16-5 The comment asserts that coverage within the EIS and 2011 Threshold Report should be evaluated at a parcel-by-parcel scale, rather than on the region-wide basis. The comment further asserts that the coverage analysis should not only be evaluated on a parcel-by-parcel basis, but also by Plan Area Statement (PAS), subwatershed, and HRA. Please see Master Response 3, Programmatic Coverage Assessment, which addresses these issues. The comment also stated that the 2011 Threshold Evolution Report did not have an Environment Assessment. Please see Response to Comment O16-6 regarding preparation of an EA for the 2006 Threshold Evaluation Report but not for the 2011 Threshold Evaluation Report.

O16-6 The comment questions why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation.

An EA (dated April 2007) was completed for TRPA's 2006 Threshold Evaluation because, in addition to an analysis of the attainment status of the threshold standards, TRPA was proposing a discretionary action to adopt changes to the thresholds and release additional development commodities. An environmental review document (the EA) was required to inform decision-making on adoption of the proposed changes and release of commodities.

The 2011 Threshold Evaluation is purely an evaluation of threshold attainment status. TRPA did not take any discretionary action related to any changes to the thresholds and therefore, no environmental review was required.

As part of the Regional Plan Update, with the exception of Alternative 1 (No Project), all alternatives propose amendments to the threshold standards. The proposed new or amended threshold standards in Alternatives 2, 3, 4, and 5 include three water quality standards (deep water transparency, nearshore algae, and aquatic invasive species), two air quality standards (carbon monoxide and fine particulates), and one for wildlife (goshawk disturbance zones). The proposed amendments are based in part on public input during the Pathway process of the Regional Plan Update and were recommended for inclusion in the Regional Plan Update on September 28, 2011 by the Regional Plan Update Committee of the TRPA Governing Board. The proposed amendments are summarized in Section 2.4.4 of the Draft EIS, and Appendix B of the Draft EIS includes the adopted text of all existing threshold standards with the proposed changes indicated.

The proposed amendments to the threshold standards for Regional Plan Update Alternatives 1-5 are analyzed in the Draft EIS as follows:

- ▲ Impact 3.4-8: Implementation of Proposed Air Quality Environmental Threshold Carrying Capacity Amendments (less than significant)
- ▲ Impact 3.8-2: Nutrient Loading - Nearshore Attached Algae Threshold (beneficial)
- ▲ Impact 3.8-4: Stormwater Runoff and Pollutant Load - New water quality threshold standard to replace existing winter average Secchi depth standard with California's annual average Secchi depth transparency standard (less than significant)
- ▲ Impact 3.10-4: Special-Status and Common Plant and Wildlife Species – Amendment to the Threshold Standards for Northern Goshawk (beneficial)
- ▲ Impact 3.10-5: Invasive Weeds and Aquatic Invasive Species – New Aquatic Invasive Species Threshold (beneficial)

O16-7      The comment asserts that the Regional Plan Update Draft EIS does not adequately differentiate between impacts from hard coverage and soft coverage, and that the impacts of different types of soft coverage should be evaluated separately. Please refer to Response to Comment O16-3, which addresses this comment.

O16-8      The comment asserts that the Regional Plan Update Draft EIS does not provide an adequate inventory of existing hard coverage versus soft coverage, the amount of soft coverage that would be retired, or the amount of soft coverage that would be converted to hard coverage. The comment further states that the Draft EIS must differentiate between the impacts of soft coverage and hard coverage. This comment is addressed in the Response to Comment O16-3 and in Master Response 3, Programmatic Coverage Assessment.

The comment also suggests that the total coverage analysis does not include all coverage that would result from proposed exemptions and other future projects not affected by the Regional Plan revisions. This comment is addressed in Responses to Comments A25-9 and O16-73.

O16-9      The comment asserts that the Draft EIS incorrectly identifies LCD 4 as High Capability Land. The term "High Capability Land" is relative and is used in the Draft EIS to distinguish between sensitive lands (LCD 1, 2, and 3) and other land capability districts. TRPA Code Chapter 90 defines sensitive lands as, "Lands identified as Land Capability Districts 1, 2, or 3, stream environment zones, or lands within the backshore." None of the Regional Plan Update alternatives propose to change the definition of sensitive land. Therefore, this does not require evaluation in the EIS.

As noted in the comment, the Bailey report discusses LCDs 3 and 4 together; identifying these LCDs as “areas that are permissive to certain types of development but not others.” The Bailey report further states that LCD 4 lands are “suitable for forestry and low-density housing.” Also noted by the comment, the Bailey Report sets the coverage coefficients commensurate with each land capability district. LCDs 1 and 2 are allowed 1 percent and LCD 3 is allowed 5 percent. LCD 4 however, is allowed 20 percent coverage - a significant increase in allowable coverage - indicating that these land areas can withstand greater development and have a relatively higher capability. As documented in the Bailey Report, LCD 4 has a combination of soil characteristics and slope that make them more able to infiltrate water and resist erosion than LCD 3.

The estimated change in coverage from development authorized under each Regional Plan Update alternative by land capability district is documented in Tables 3.7-8 and 3.7-9 of the Draft EIS. These tables provide estimates for the changes in coverage within LCD 4 both within community centers and outside of community centers, based on the methods described on pages 3.7-16 and 3.7-17 and in Appendix H of the Draft EIS. As shown in these tables, an increase in coverage in LCD 4 is anticipated with implementation of Alternatives 2, 3, 4, and 5. However, the policies that would allow for up to 50 percent or 70 percent coverage within Community Centers on LCDs 4-7 would generate a limited amount of additional coverage in LCD 4 – estimated at no more than 3 acres (under Alternatives 3 and 5) (Draft EIS Table 3.7-8). Increases in coverage in LCD 4 would primarily occur outside of Community Centers (up to 23 acres under Alternatives 4 or 5) (Draft EIS Table 3.7-8), where the base allowable coverage in LCD 4 remains 20 percent, primarily due to residential development. Please also refer to Response to Comment A25-9 for an additional summary of coverage estimates by Land Capability District.

The Draft EIS uses reasonable assumptions to estimate potential new coverage by LCD and by alternative, including potential coverage in Class 4 lands.

O16-10

The comment states that the EIS must evaluate the amount of coverage that could result from the combination of coverage exemptions and new allowable uses in Recreation Districts in Alternative 3.

Section 3.7 of the Draft EIS describes the potential increases in coverage due to each of the proposed Regional Plan Update alternatives (see Tables 3.7-8 and 3.7-9 of the Draft EIS, on page 3.7-21) and from proposed coverage exemptions (Draft EIS, pages 3.7-37 through 3.7-40; 3.7-44 through 3.7-46; and Draft EIS, pages 3.8-43 through 3.8-50). See also Response to Comment A25-9, which summarizes the total new coverage that would result from proposed exemptions.

The comment expresses concern, in particular, about new coverage on Recreation lands, and implies that coverage from allowable development in such lands would be exempt. This is not correct, as no alternative proposes coverage exemptions that would specifically apply to recreation facilities or coverage in recreation designated areas. Please see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, and Master Response 10, Development on Recreation-Designated Lands, for a discussion of important modifications to Alternative 3 pertaining to development allowances in Recreation areas, which substantially reduces development potential. With regard to impacts of any new development, including coverage, such impacts would need to be assessed in project-specific environmental review, and the project would be required to comply with TRPA coverage requirements (Chapter 30 of the Final Draft Code). Moreover, any development in these areas would be required to transfer and retire



existing development; projects would not be entitled to any new allocations. The re-designation of the two Resort Recreation Districts would not increase the total amount of coverage or the amount of exempted coverage analyzed in the Draft EIS. Therefore, the EIS adequately analyzes the effects of new development and coverage exemptions on Recreation-designated lands.

O16-11

The comment states that the Draft EIS misinterprets EPA water quality trading policy related to transfers of coverage across Hydrologically Related Areas (HRAs). As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to no longer allow coverage transfers across HRA boundaries. However, the Final Draft Plan would allow mitigation of excess coverage through coverage removal anywhere in the Region, but if the coverage removal is to occur outside the HRA, the Final Draft Plan would require that coverage removal occur on more sensitive land than that affected by the project requiring mitigation (Draft Code Section 30.6.1.B.2). Because the excess coverage mitigation requirements would be more stringent than originally proposed, the Final Draft Plan would result in reduced potential for adverse coverage impacts and increased potential for beneficial effects than Alternative 3. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

The Draft EIS explains that current EPA policy encourages water quality trading programs at the watershed scale or for an area where a TMDL has been adopted because they increase the effectiveness and efficiency of achieving water quality goals, and that restricting coverage transfers to HRA boundaries is not consistent with this policy. The U.S. EPA Water Quality Trading Policy (USEPA 2003, pages 1-2) advises that “Establishing defined trading areas that coincide with a watershed or TMDL boundary results in trades that affect the same water body or stream segment and helps ensure that water quality standards are maintained or achieved throughout the trading area and contiguous waters.”

The comment suggests that the EPA policy only applies to pollutants and that coverage is a management technique, not a pollutant. As explained on page 2-8 of the Draft EIS research has established the connection between impervious and compacted surfaces and water quality. TRPA adopted land coverage primarily as a surrogate for non-point source water pollutants several decades ago because of the link between coverage and water pollutants and because it was “considered the most accurately measurable and constant expression of development impact” (Bailey 1974, page 25). The EPA policy recommends that agencies “adopt methods to account for the greater uncertainty in estimates of nonpoint source loads and reductions” and affirms that “EPA supports a number of approaches to compensate for nonpoint source uncertainty.” As such, the use of coverage as a surrogate for non-point source pollution in a water quality trading program is consistent with EPA policy and the EPA policy is accurately characterized in the Draft EIS.

O16-12

The comment suggests that the Draft EIS does not fully analyze the effects of allowing coverage transfers across HRA boundaries and that allowing further concentration of coverage would have impacts on stream and nearshore conditions.

As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to no longer allow coverage transfers across HRA boundaries. Please refer to the Responses to Comments O16-11 and O16-27, as well as Master Response 5, Effects of Concentrated Development on Water Quality.

- O16-13      The comment implies that the Regional Plan should continue to allow a maximum of 50 percent coverage in community centers. This analysis is included in the Draft EIS as Alternative 2. The range of alternatives analyzed in the Draft EIS is summarized in Table S-1 (Draft EIS pages S-13 to S-23). As stated in Draft EIS Section S.2, the five alternatives provide different land use strategies, but all aim to accelerate water quality restoration by targeting environmental redevelopment opportunities. Page S-17 summarizes the range of maximum allowable coverage limits within community centers. The increase in allowable coverage (up to 70 percent in some cases) that could be transferred into Town Centers, the Regional Center, and the High Density Tourist District in Alternative 3, or into PTOD or Community Plan areas in Alternative 4, would incentivize transfers of coverage from outside the community centers (i.e., from more sensitive lands) to within community centers on higher capability lands. The Draft EIS analyzes the impacts of changes in maximum allowable coverage and related changes for each Regional Plan Update alternative in Impact 3.7-1, Land Coverage (Draft EIS pages 3.7-18 to 3.7-47) and in Impact 3.8-4, Stormwater Runoff and Pollutant Loads (Draft EIS pages 3.8-32 to 3.8-52).
- O16-14      The comment states that the EIS fails to address impacts of concentrating potential coverage under a comprehensive coverage management system. The Draft EIS explains (on page 3.7-37) that, because a comprehensive coverage management system must be proven to be more effective at reducing overall coverage and more effective at reducing coverage in LCDs 1 and 2, the impacts of allowing such a system in an Area Plan would be beneficial. Furthermore, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include additional limits on the applicability of the comprehensive coverage management system. The revision would not allow increases in the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of State Routes 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone). Because the Final Draft Plan would retain limitations included in Alternative 3 and incorporate additional limitations on increases in maximum allowable coverage under comprehensive coverage management plans, it would result in less environmental impacts than Alternative 3. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts nor would they increase the severity of any adverse impacts associated with Alternative 3.
- The comment discusses site-specific impacts that could arise if a comprehensive coverage management system allows potential coverage to be transferred from lands with limited uses to lands with intensified uses. The comment asserts that the potential impact has not been adequately analyzed or appropriate mitigation measure applied. The comment incorrectly assumed that potential coverage can only be transferred with adoption of a comprehensive coverage management system. Existing Code provisions currently permit unused allowable base land coverage (i.e., potential coverage) to be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities (Code, Section 30.4.3.B.3). This existing Code provision is not proposed for change and the adoption of a coverage management system would have no effect on the transfer of potential coverage. Moreover, this EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. As described in the fourth paragraph on page 1-8 of the Draft EIS, the broad geography and long timeframe to which the Regional Plan applies, and the policy-oriented nature of its guidance, is such that the EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined

projects over the duration of the Plan—are inherently less precise. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan.

The potential impacts addressed in the comment are inherently site-specific and would not occur as a direct result of approval of a Regional Plan Update. Comprehensive coverage management systems can only be developed as part of conforming Area Plan, which would be subject to a separate environmental review and discretionary action. The impacts described in the comment are based on specific allowable uses at specific sites within possible comprehensive coverage management systems, the existence, location, and parameters of which are yet to be determined and that are subject to future environmental review and approval. Any site-specific impacts of a specific comprehensive coverage management system would be addressed through the required environmental review and conformance review of the Area Plan and through environmental review of specific projects that would relocate or place coverage. See Draft EIS pages 3.2-46 through 3.2-47 for additional information regarding Area Plans and their environmental review requirements. Furthermore, Alternative 3 has been revised to include additional limits on comprehensive coverage management as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan.

O16-15

The comment states that the Draft EIS must evaluate the effects of transferring coverage from more rural uses to more urban uses and suggests that incentives for coverage transfers will increase the impacts of coverage.

The impacts of the Regional Plan Update Alternatives' proposed land use policies are analyzed throughout Chapters 3 and 4 of the Draft EIS, including coverage transfer incentives, which encourage new development and redevelopment within community centers (urban areas) and removal of development outside of these areas. In particular, Draft EIS Section 3.2 analyzes the land use plans and development pattern impacts (Impact 3.2-1), Draft EIS Section 3.7 analyzes the coverage impacts (Impact 3.7-1), and Draft EIS Section 3.8 analyzes the impacts to hydrology and water quality in the Region. As stated in Impact 3.2-1, although all alternatives would result in some increases in coverage, primarily through additional residential allocations, build-out of any of the Regional Plan Update alternatives would result in less than the total allowable coverage for the Region as determined by the Bailey System, and coverage of sensitive lands would be reduced. All alternatives would result in less-than-significant effects with regard to total coverage.

Furthermore, the amount of commercial and tourist uses under the proposed alternatives is limited by defined CFA and TAU allocations (see Draft EIS Table S-1), so coverage transfer incentives to concentrate coverage and development in urban areas would not increase the total amount of these uses. The localized effects of concentrating coverage in urban areas are addressed in Master Response 5, Effects of Concentrated Development on Water Quality, and Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.

As shown in Table 2 of Draft EIS Appendix H (page H-3), Alternative 3 is expected to result in more coverage within community centers relative to other alternatives as a result of additional coverage associated with multi-family residential uses, not as a result of additional commercial

or tourist accommodation uses. As addressed in the Lake Tahoe TMDL, transferring residential coverage from single-family residential units in rural areas to multi-family residential units in urban areas could result in coverage that has a slightly higher sediment loading per square foot (Final Lake Tahoe Total Maximum Daily Load Report, November 2010). However, each multi-family unit would have on average 340 percent less coverage than a single-family unit (2,270 square feet per single-family residence versus 655.7 square feet per multi-family unit, as shown in Table 1 in Appendix H of the Draft EIS) resulting in a net reduction in sediment loading. Furthermore, all transferred coverage will be required to have BMPs, compared to only 35 percent of existing development.

As described in Attachment 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of the transfer incentives and the resulting restoration and/or retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would require a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements.

Please also see the Response to Comment A15-9 for additional discussion on the impacts of transferring coverage into community centers.

- O16-16 The comment asserts that the EIS must analyze the impacts of concentrating coverage on nearshore conditions. This comment is addressed in Master Response 5, Effects of Concentrated Development on Water Quality. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include fewer areas affected by changes to maximum allowable coverage, and additional limits on comprehensive coverage management. Both of these changes reduce allowable coverage within 300 feet of Lake Tahoe, which also addresses concerns raised in this comment.
- O16-17 The comment suggests that the Draft EIS inaccurately characterizes the effect of coverage transfers on BMP compliance because receiving sites are required to install BMPs even without coverage transfers. The Draft EIS (page 3.7-36) explains that water quality BMPs would be required to be installed on any transferred coverage. As of 2011, only 35 percent of existing developed parcels had water quality BMP certifications. Thus, at least 65 percent of transfers of existing coverage would be likely to result in the removal of coverage without BMPs (at the sending site) and all transfers would result in the placement of coverage with BMPs (at the receiving site). As such, an increase in the rate and volume of coverage transferred would likely result in an increase in the rate of water quality BMP implementation and an increase in the total amount and proportion of coverage with BMPs. Thus, the Draft EIS accurately characterizes the effect of coverage transfers on BMP compliance.
- O16-18 The comment asserts that that the Draft EIS ignores impacts, inappropriately identifies impacts as less than significant, and does not provide mitigation measures. Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Draft EIS Chapter 4, Cumulative Impacts. Draft EIS Chapter 3 contains feasible mitigation measures for each impact identified as significant or potentially significant. The comment offers no specific information or evidence that the analysis or mitigation measures presented in the Draft EIS are inadequate, aside from the comments responded to above; therefore, no further response can be provided.

- O16-19      The comment references the 2011 Threshold Evaluation and states that total land coverage must be analyzed on a parcel by parcel basis rather than on a region-wide basis. This comment is addressed in Master Response 3, Programmatic Coverage Assessment. In addition, see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- The comment asserts that the Draft EIS fails to discuss over-covered lands. Pages 3.7-10 through 3.7-12 of the Draft EIS discusses, and Tables 3.7-5 and 3.7-6 document over-covered land capability districts based on two different regional land capability maps. Please also refer to Master Response 3, Programmatic Coverage Assessment, for more information on the status of coverage by land capability district. In addition, Appendix H of the Draft EIS provides a discussion of HRAs and their potential to send or receive coverage, based on land values, existing market price of coverage, and the inventory of coverage available for transfer.
- O16-20      The comment asserts that the Regional Plan Update EIS must clarify the definition of soft coverage and differentiate between the impacts of soft coverage and hard coverage. This comment is addressed in Response to Comment O16-3.
- O16-21      The comment asserts that the Regional Plan Update EIS must clarify the definition of soft coverage. This comment is addressed in Response to Comment O16-3.
- O16-22      The comment asserts that the Regional Plan Update EIS must clarify the definition of soft coverage and differentiate between the impacts of soft coverage and hard coverage. This comment is addressed in Response to Comment O16-3.
- The comment also states that the EIS must evaluate coverage on a parcel by parcel basis rather than on a Region-wide basis. The comment is addressed in Master Response 3, Programmatic Coverage Assessment.
- O16-23      The comment references Exhibit 3.7-1 (Draft EIS page 3.7-11) and requests clarification on whether soft coverage is included and whether legally existing soft coverage is differentiated from other compacted soil. This comment is addressed in Master Response 3, Programmatic Coverage Assessment and Response to Comment O16-3.
- O16-24      The comment states that the methodology for estimating new coverage is flawed because it does not consider a preference for larger unit sizes in new development. The methodology for estimating new coverage is summarized on pages 3.7-16 to 3.7-17 of the Draft EIS, as being based on an average coverage per unit derived from a sample of existing developed units. A more detailed description of the methodology is provided in Appendix H, Coverage Information, of the Draft EIS.
- Background on the coverage management system is provided on pages 2-8 and 2-9 of the Draft EIS, which explains that “TRPA allows landowners to cover, in general, between 1 and 30 percent of a parcel with impervious surfaces, depending on its environmental sensitivity” (Draft EIS page 2-9). As such, the coverage associated with each unit of development is often limited by the maximum allowable coverage on the specific parcel rather than a preference for larger or smaller unit sizes. In addition, several of the alternatives include provisions for increased height and density within specific areas. Increased height and density can reduce the average coverage or “footprint” associated with each unit, even if unit sizes increase. Therefore, the coverage methodology provides an appropriate estimate of future coverage based on relevant regulations

and the best available information. Furthermore, any project that would generate new coverage would be required to comply with all provisions of the Code of Ordinances, including requirements in Chapter 30 that require field verification of land capability and existing coverage, mitigation of excess coverage, and compliance with maximum allowable coverage standards.

O16-25 The comment states that total land coverage must be analyzed on a parcel-by-parcel basis rather than on a Region-wide basis. This comment is addressed in Master Response 3, Programmatic Coverage Assessment.

The comment also asserts that the analysis of coverage must differentiate between the impacts of soft and hard coverage. This comment is addressed in Response to Comment O16-3.

O16-26 The comment asserts that the total coverage analysis does not include all coverage that would result from proposed exemptions and other future projects. This comment is addressed in Response to Comment A25-9.

The comment also states that the Regional Plan Update EIS must differentiate between the impacts of soft coverage and hard coverage. This comment is addressed in Response to Comment O16-3.

The comment also raises concerns about coverage that may be used in relation to reclassification of recreation lands. Please refer to the response to comment O16-10 and Master Response 10, Development on Recreation-Designated Lands, which address this comment.

O16-27 The comment suggests that the Draft EIS incorrectly assumes that HRAs are intended to protect only Lake Tahoe, and not individual tributaries and other water bodies in the Region; and that the Draft EIS does not fully analyze the effects of allowing coverage transfers across HRA boundaries on vegetation, aquatic organisms and sensitive habitat. Alternative 3 has been revised to no longer allow coverage transfers across HRA boundaries, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in this Final EIS. Please also refer to the Responses to Comment O16-11.

The Draft EIS (page 3.7-24) describes the effects of HRA restrictions relative to Lake Tahoe and individual tributaries as follows:

The restriction to limit coverage transfers to within HRAs has the effect of maintaining roughly the existing proportion of coverage within each HRA (Exhibit 3.7-1). The HRA boundaries ensure that coverage sending and receiving sites are in closer proximity than could occur without the HRA restrictions. However, each HRA contains multiple watersheds and intervening zones (i.e., areas that drain directly into Lake Tahoe), as shown in Exhibit 3.7-2. As a result, coverage can be transferred from one watershed to another within an HRA and, in the most extreme case, coverage could be transferred between sending and receiving areas more than 15 miles apart within the same HRA.

A receiving water is the water body into which stormwater flows (EPA 2012). If coverage transfers were restricted to individual watersheds, then the receiving water affected by the transfer would be the stream or river draining the watershed. However, because each HRA contains multiple watersheds and intervening zones, the receiving water affected by coverage transfers within HRAs is ultimately Lake Tahoe.

The effects of coverage transfers and HRA boundaries are analyzed in detail on Draft EIS pages 3.7-24 to 3.7-25, 3.7-28 to 3.7-30, 3.7-33 to 3.7-36, and 3.7-40 to 3.7-43. The effects of coverage transfers and other land use policies on vegetation, aquatic organisms and sensitive habitat are addressed under impacts 3.10-1 (Sensitive Habitats), Impact 3.10-2 (Tree Removal), Impact 3.10-3 (Fish and Aquatic Habitat), and Impact 3.10-4 (Special-Status and Common Plant and Wildlife Species).

The comment also states that the EIS inaccurately characterizes the effect of coverage transfers on BMP compliance because receiving sites are required to install BMPs even without coverage transfers. This comment is addressed in the Response to Comment O16-17.

O16-28 The comment asserts that the analysis of coverage must differentiate between the impacts of soft and hard coverage. This comment is addressed in Response to Comment O16-3.

O16-29 The comment suggests that the Draft EIS misinterprets EPA water quality trading policy related to transfers of coverage across Hydrologically Related Boundaries (HRAs), and that the EPA policy was developed as part of the Lake Tahoe TMDL. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised and no longer includes provisions that would allow coverage transfers across HRA boundaries. The EPA policy referenced in the comment is the US EPA's final water quality trading policy (EPA 2003), which was developed by the US EPA Office of Water to provide policy direction to State and regional entities to more effectively implement the Clean Water Act. It was not developed specifically for the Lake Tahoe TMDL. This comment is further addressed in Response to Comment O16-11.

The comment asserts that impacts to nearshore and tributary water quality from proposed changes to coverage transfers across HRA boundaries are not addressed. This comment is addressed in Master Response 5, Effects of Concentrated Development on Water Quality.

The comment also requests additional site-specific information on individual parcels and projects affected by coverage transfers across HRA boundaries. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects. Therefore, the analysis of specific parcels or projects is not within the scope of this EIS.

O16-30 The comment questions the Draft EIS conclusion related to the effects of land coverage transfer restrictions in Alternative 2 on transfers of hard coverage. The Draft EIS analyzes the effects of changes to coverage transfer restrictions in Alternative 2 on pages 3.7-28 through 3.7-30. As described in the Draft EIS, Alternative 2 includes several provisions that would restrict, or serve as a disincentive to coverage transfers overall; and other provisions that would incentivize transfers of hard coverage over soft or potential coverage. The Draft EIS summarizes the effect of these provisions on transfers of hard coverage as, "Alternative 2 would likely increase the proportion of existing hard coverage transfers but would decrease the total amount of transfers, potentially resulting in a negligible change in the amount of existing hard coverage transferred" (Draft EIS page 3.7-30). Furthermore, as described in Attachment 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of the transfer incentives and the

resulting restoration and/or retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would take a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements.

The comment also asserts that the EIS must quantify the amount of coverage changes that would occur under each alternative; and compare that change to the Bailey land capability standard. The Draft EIS quantifies estimated changes in land coverage in Impact 3.7-1 and compares those changes to the Bailey land capability standard as the significance criteria (Draft EIS pages 3.7-18 to 3.7-47). Quantitative estimates of coverage changes for each alternative are summarized in Tables 3.7-8 and 3.7-9 (Draft EIS page 3.7-21), and a detailed description of the methodology to obtain coverage estimates is provided in Appendix H, Coverage Information. The Draft EIS (pages 3.7-16 to 3.7-17) explains that it would be too speculative to predict the exact amount and location of land coverage that would result from each of the alternatives because this would depend on the design and location of individual projects, which would be subject to existing and proposed regulations that ensure the maximum allowable coverage is not exceeded at the project scale. A good-faith effort was made to disclose the potential amount and distribution of coverage that could result from new development, changes to coverage transfer ratios, and the maximum allowable coverage in community centers in each Regional Plan Update alternative. As stated on page 3.7-19 of the Draft EIS, after accounting for coverage transfers required for development in community centers, all alternatives would result in an increase in total coverage within the Region; however, all coverage increases would be within the total base allowable coverage (10,941 acres according to the land capability map, as shown in Table 3.7-5). All alternatives would reduce coverage within LCD 1b (SEZ) and would increase coverage in higher capability lands (LCD 4–7) due to the coverage coefficients, transfer ratios, and mitigation of coverage policies, which would intensify development within community centers and incentivize removal of coverage from sensitive lands, particularly SEZ. See also Response to Comment A25-9.

O16-31

The comment suggests that Alternative 3 would reduce coverage transfer ratios, which would result in no net reduction of coverage and would provide no incentive to transfer coverage out of sensitive lands. As shown on Draft EIS page S-17 in Table S-1, under Alternative 3 coverage transfer ratios from non-sensitive lands into Town Centers, the Regional Center or High Density Tourist District (LCDs 4-7) would not change. The ratio would remain 1:1 up to 50 percent for transfers into LCD 4-7, then shift to a sliding scale ranging from 1.05:1 to 2:1 from 51 percent up to 70 percent (Code Chapter 30, Section 30.4.3). The proposed change in coverage transfer ratios, 1:1 from sensitive lands (LCD 1, 2, or 3) and 1:1 for multi-residential (>5 units), public service, and recreation facilities is proposed in Alternative 3 to encourage coverage transfers from sensitive lands to the Town Centers, Regional Center, and High Density Tourist District. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment expresses disagreement with an element of the Draft Code of Ordinances. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.



The comment also states that the Alternative 3 proposal to allow the restoration of coverage in exchange for development commodities needs to be examined. The effects of this proposal are analyzed throughout Chapter 3 of the Draft EIS, including under Impact 3.2-1 (Development Pattern and Land Use Compatibility), Impact 3.7-1 (Total Coverage), and Impact 3.8-4 (Stormwater Runoff and Pollutant Loads). The comment offers no specific evidence or information to imply that the analysis presented in the Draft EIS is inadequate.

The comment suggests that the EIS does not adequately analyze the effects of removing HRA restriction on tributary conditions. This comment is addressed in Responses to Comments O16-11 and O16-27, as well as Master Response 5, Effects of Concentrated Development on Water Quality.

The comment also suggests that the Draft EIS incorrectly interprets EPA water quality trading programs. This concern is addressed in Response to Comment O16-11.

The comment also states that the EIS must differentiate between the impacts of soft coverage and hard coverage; and that the EIS must evaluate coverage on a parcel by parcel basis rather than on a Region-wide basis. Please refer to Responses to Comment O16-3, regarding soft and hard coverage calculations, and Master Response 3, Programmatic Coverage Assessment, which address these comments.

O16-32

The comment questions the Draft EIS analysis of soft coverage. This topic is addressed in Response to Comment O16-3 as well as Master Response 3, Programmatic Coverage Assessment.

The comment also questions the analysis of coverage transfers areas in Alternative 3, and focuses on one factor used in the Draft EIS analysis to suggest that the analysis does not support the impact determination. The analysis of changes to land coverage transfer areas under Alternative 3 is based on a variety of factors as described on Draft EIS pages 3.7-33 to 3.7-36. In addition to the existing market conditions that the comment references, the analysis considers changes in coverage demand that would result from proposed redevelopment and concentration of development incentives; transfer requirements that would reduce coverage in sensitive lands and result in net reductions of coverage; regulations that would increase BMP compliance; and consistency with applicable federal guidelines.

The Draft EIS summarizes the effects of changes to transfer areas in Alternative 3 by stating, “Changes to transfer areas in Alternative 3 would change the distribution of coverage within the Region, increase the rate of BMP implementation, contribute to a net reduction of existing and potential coverage, and relocate coverage from more sensitive lands to less sensitive lands” (Draft EIS page 3.7-36). This analysis of changes to coverage transfer areas is one factor that contributes to a finding that Alternative 3 would have a less-than-significant impact on total coverage (Draft EIS page 3.7-40). The comment addresses only a small portion of the analysis and does not affect the significance determination (Draft EIS page 3.7-40).

The comment states that the EIS is incorrect in saying that “the removal of HRA restrictions could have a beneficial effect” because the removal of HRA restrictions could result in moving coverage from degraded areas to non-degraded areas. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised and no longer includes provisions which would allow coverage transfers across HRA boundaries. Please refer to the Responses to Comments O16-11 and O16-27.

- O16-33 The comment references Exhibit 3.7-4 (Draft EIS page 3.7-35) and requests clarification on whether soft coverage is included and whether legally existing soft coverage is differentiated from other compacted soil. This comment is addressed in Response to Comment O16-3 as well as Master Response 3, Programmatic Coverage Assessment.
- O16-34 The comment asserts that Alternative 3 would decrease the coverage transfer ratios to a 1:1 ratio for transfers of coverage that result in up to 50 percent coverage, and that this reduction in transfer ratios will eliminate the environmental benefits of coverage transfers. As described in the existing Code of Ordinances, all transfers of coverage that result in up to 50 percent coverage are subject to a 1:1 transfer ratio (Code Section 30.4.4.A). Alternative 3 does not include provisions that would change this transfer ratio. For further response related to this issue, please see Response to Comment O16-31.
- The comment also suggests that the EIS inaccurately describes the increase in BMP compliance that would result from increased coverage transfers. This comment is addressed in Response to Comment O16-17.
- The comment also suggests that transfers of potential coverage across HRA boundaries in Alternative 3 would have no environmental benefit. The Draft EIS acknowledges the different effects of transfers of potential and existing coverage as follows (Draft EIS page 3.7-36): “As with existing conditions, a portion of the coverage transferred for residential uses could be potential coverage rather than existing coverage. Transfers of potential coverage restrict the creation of future coverage on the sending parcel that would otherwise be allowed. This results in an environmental benefit, but to a lesser extent than transfers of existing coverage, because transfers of existing coverage result in an immediate reduction in coverage.” As noted in the Draft EIS, transfers of potential coverage restrict the creation of new coverage in the future, which results in an environmental benefit. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised and no longer includes provisions which would allow coverage transfers across HRA boundaries; therefore, this comment is no longer relevant to the Final Draft Plan.
- The comment also questions whether potential coverage could be transferred for use in mixed-use developments. TRPA does not allow potential coverage to be transferred for mixed-use development. This provision is not intended for change under any of the Regional Plan Update alternatives. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-35 The comment states that the Draft EIS does not address inadequacies of the excess coverage mitigation fees that exist today and fails to address how to increase these fees. Code Section 30.6.1(C)(2) establishes how the excess coverage mitigation fee shall be calculated: Mitigation Fee = Land Coverage Reduction Sq. Ft x Mitigation Fee Sq. Ft Land Coverage Cost (factor to be established by TRPA staff by January 1 of each year based on certified real estate appraiser’s estimate of the land bank’s cost to acquire and restore land coverage under this program). Regional Plan Update Alternatives 1, 3, 4 and 5 do not propose changes to how excess coverage mitigation fees are calculated. The EIS analyzes impacts from changes proposed in each alternative; the EIS is not required to analyze the environmental effects of existing policies or programs that are not proposed for change within an alternative. Furthermore, please see

Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O16-36

The comment asserts that the proposal in Alternative 3 to allow Area Plans to develop comprehensive coverage management systems cannot be permitted because coverage standards must be applied on a parcel by parcel basis. The comment also suggests that the EIS fails to address impacts of concentrating potential coverage under a comprehensive coverage management system. These comments are addressed in Response to Comment O16-14, as well as Master Response 3, Programmatic Coverage Assessment. In addition, Alternative 3 has been revised to include additional limits on comprehensive coverage management as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan.

The comment also inquires whether coverage provisions associated with the Alternative 3 and 4 provisions that would exempt coverage associated with public non-motorized trails is accounted for in Table 3.7-8 of the Draft EIS. Table 3.7-8 only identifies coverage associated with new development allocations. See Response to Comment A25-9, which summarizes the estimate of total new coverage that would result from proposed exemptions.

The comment also suggests that exempting non-motorized public trail coverage in all LCDs would not discourage the placement of trails in SEZs. Final Draft Code Section 30.4.6.C.3 defines siting and design requirements for non-motorized public trails, which strictly minimize the placement of trails within SEZs. In addition, as noted in the comment, Impact 3.10-1 of the Draft EIS analyzes the impacts of the Regional Plan Update alternatives on sensitive habitats, such as SEZ. Specifically, under Alternative 3, the discussion states that, based on initial calculations to facilitate comparison among alternatives, new disturbance or loss of SEZ (LCD 1b) as a result of public trails under Alternative 3 would be approximately 7 acres. Under Alternative 3, this disturbance or loss would be exempt from land coverage calculations, restrictions, and mitigation requirements established in Chapter 30 of the Code. However, SEZ is also protected by TRPA as a sensitive wildlife resource, as described in Chapter 62 of the Code (Wildlife Resources); and SEZ and riparian habitats are considered habitats of special significance, which is a TRPA threshold resource for which a non-degradation standard applies. Additionally, most of the SEZ and riparian habitats affected by implementation of Alternative 3 would likely be considered jurisdictional by USACE and, in California, by LRWQCB under CWA Section 404 and the Porter-Cologne Act. Existing federal and state regulations would continue to require compensation and/or mitigation for the loss of riparian, wetland, and other SEZ habitats. Therefore, although non-motorized public trail projects would be exempt from TRPA mitigation requirements specific to land coverage, mitigation would still be required for any significant impact to the biological functions and values of SEZs to achieve TRPA's non-degradation standard for habitats of special significance and comply with other applicable federal and state permitting requirements. Despite exemption of public trails from TRPA land coverage calculations and requirements under Alternative 3, the beneficial effects on SEZs and other sensitive habitats described above would still be realized.

O16-37

The comment raises concerns regarding coverage exemptions for temporary structures (such as dog houses or sheds), transfer of coverage across HRAs, pervious coverage, pervious decks and the need for the EIS to consider the combined impacts of coverage exemptions.

The Draft EIS analyzes the combined impacts of coverage exemptions in the subsection titled "Analysis of Aggregate Effect of Coverage Exemptions and Credits" (Draft EIS pages 3.8-44 to

3.8-45 and 3.8-50). The Draft EIS determined that the combined effects of the coverage exemptions could result in significant impacts to stormwater runoff and pollutant loading. The EIS requires implementation of Mitigation Measure 3.8-4, Coverage Exemption Requirements (Page 3.8-52) for Alternatives 3 and 4, which requires eligibility for coverage exemptions to be linked to BMP requirements, design guidelines, and the Bailey land capability system. This mitigation ensures that potential impacts related to the exemptions are reduced to a less-than-significant level by only allowing properties with installed and maintained BMPs to qualify for the coverage exemption, specifying design requirements for a deck to qualify as being pervious and limiting the total amount of high capability land that can be used for a pervious deck to five percent or 750 square feet, whichever is less. Furthermore, the limitation of this exemption to high capability (LCD 4-7) parcels ensures that increases in coverage only occur in areas that are most suitable for development (TRPA 2012a Threshold Evaluation page 5-8).

The Draft EIS also considers the combined effects of all coverage exemptions in combination with other policies that would affect land coverage under Impact 3.7-1, Total Coverage, and determines that all alternatives would result in coverage amounts that are well below the regional limits. Please see also the Response to Comment A25-9, which summarizes estimates of coverage that could potentially result from all exemptions.

The comment also expresses concern that pervious pavement is already a BMP to mitigate for allowed coverage and therefore shouldn't be exempted from coverage calculations. Although pervious pavement is identified as a BMP in the BMP Handbook, it is only allowed to infiltrate precipitation that falls directly on its surface, not runoff from other surfaces. Therefore, pervious pavement is not considered a BMP for allowed coverage.

The comment raises concern about lack of maintenance of pervious pavement rendering it impervious and therefore stating that a coverage exemption should not apply. Pervious coverage, including pervious pavement, pervious decks, and non-motorized public trails, must meet design and maintenance requirements for the exemption to apply (Draft Code Section 30.4.6.C). Furthermore, requirements in the 2011 Final Draft BMP Handbook identify proper siting, design and installation considerations, and inspection and maintenance, noting that maintaining the infiltration capacity of pervious pavements is the most crucial element to that BMP. Please also refer to Response to Comment A15-13, which addresses this topic in greater detail.

The comment is further concerned that decks are not pervious because water hits the deck first before the ground. "Pervious" is defined in TRPA Code as being "any surface that allows least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface." (Final Draft Code, Chapter 90, Definitions, page 90-30). The Code further clarifies that "A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook" (Final Draft Code Section 30.4.6.D.2.e). Therefore, decks that meet this definition are considered pervious and, after meeting the required design and maintenance requirements, may qualify for partial exemptions from coverage calculations.

The proposed coverage exemptions in Alternative 3, as analyzed throughout Chapters 3 and 4 of the Draft EIS, would not cause a significant impact to the environment after incorporation of mitigation identified in the Draft EIS.

O16-38

The comment expresses opposition to policies related to pervious deck exemptions and BMP enforcement. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. This comment does not raise issues related to the adequacy of the analysis presented in the Draft EIS.

The comment also cites Mitigation Measure 3.8-4, Coverage Exemption Requirements, and suggests that mitigation measures should have been required for other policies that affect coverage in Section 3.7, Geology, Soils, Land Capability, and Coverage. Mitigation measures are not imposed in Section 3.7 of the Draft EIS because geology and soils-related impacts are determined to be less than significant for all proposed alternatives. Specifically, Impact 3.7-1 discusses the coverage policies built into each Regional Plan Update alternative and analyzes the resultant change in coverage due to each alternative. The policies include excess coverage mitigation requirements. As discussed in greater detail in Impact 3.7-1, although all the alternatives would result in some increases in coverage, primarily through additional residential allocations, build-out of any of the Regional Plan Update alternatives would result in less than the total allowable coverage for the Region as determined by the Bailey System, and coverage in sensitive lands would be reduced. Furthermore, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to limit provisions affecting land coverage including no change to the existing prohibition on coverage transfers across HRAs, fewer areas affected by changes to maximum allowable coverage, and additional limits on comprehensive coverage management. These revisions address many of the concerns raised in the comment.

O16-39

The comment also asserts that LCD 4 should not be considered high capability lands. Please see Response to Comment O16-9, which addresses concerns that the Draft EIS incorrectly identifies LCD 4 as High Land Capability.

The comment also suggests that the Bailey coverage coefficients should be applied as significance criteria at the parcel scale rather than at the regional scale. Please refer to Master Response 3, Programmatic Coverage Assessment, which addresses this issue.

The comment also expresses concern over the range of maximum allowable coverage limits evaluated in the Draft EIS. The range of Regional Plan Update alternatives analyzed in the Draft EIS is summarized in Table S-1 (Draft EIS pages S-13 to S-23). Page S-17 summarizes the range of maximum allowable coverage limits within community centers. As analyzed in detail in Impact 3.7-1 of the Draft EIS, coverage was estimated for each of the proposed Regional Plan Update alternatives, based on the base allowable land coverage set forth in *Land Capability Classifications of the Lake Tahoe Basin* (Bailey 1974), proposed land coverage transfer ratios, and proposed excess coverage mitigation policies. As stated on page 3.7-19 of the Draft EIS, after accounting for coverage transfers required for development in community centers, all alternatives would result in an increase in total coverage within the Region; however, all coverage increases would be within the total base allowable coverage (10,941 acres according to the Bailey land capability map, as shown in Table 3.7-5). All alternatives would reduce coverage within LCD 1b (SEZ) and would increase coverage in higher capability lands (LCD 4–7) due to the coverage coefficients, transfer ratios, and mitigation of coverage policies, which would intensify development within community centers and incentivize removal of coverage from sensitive lands, particularly SEZ. Therefore, all proposed Regional Plan Update alternatives would support attainment and maintenance of the land coverage (impervious coverage) threshold standard. Evaluation of additional levels of maximum allowable coverage beyond

those included in the Regional Plan Update alternatives is beyond the scope of this EIS. Please also see the discussion of fewer areas affected by changes to maximum allowable coverage in Chapter 2, Revisions to Alternative 3: Final Draft Plan. The analysis in the EIS reflects the locations where increases in maximum coverage could occur.

The comment also suggests that the EIS must evaluate the impacts of soft and hard coverage separately and must specify how much existing and potential coverage would be reduced. Please refer to Response to Comment O16-3, which addresses soft and hard coverage. The Draft EIS acknowledges the different effects of transfers of potential and existing coverage on page 3.7-36 as follows:

As with existing conditions, a portion of the coverage transferred for residential uses could be potential coverage rather than existing coverage. Transfers of potential coverage restrict the creation of future coverage on the sending parcel that would otherwise be allowed. This results in an environmental benefit, but to a lesser extent than transfers of existing coverage, because transfers of existing coverage result in an immediate reduction in coverage.

The potential impacts addressed in the comment are inherently site-specific and would not affect the significance conclusions presented in the Draft EIS. The impacts are based on specific allowable uses at specific sites, the existence, location, and parameters of which are yet to be determined and that are subject to future environmental review and approval. As described in the fourth paragraph on Draft EIS page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

The comment states that the EIS fails to address impacts of concentrating potential coverage under a comprehensive coverage management system. Please refer to the response to comment O16-14, which addresses this comment.

The comment states that the EIS fails to provide an analysis of benefits and impacts of concentrating coverage within designated community centers. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, which addresses this comment.

The comment also states that no mitigation is provided for significant impacts on coverage in the Region. Impacts of the Regional Plan Update alternatives discussed in Draft EIS Section 3.7, Geology, Soils, Land Capability, and Coverage, are objectively determined to be less than significant and therefore do not require implementation of mitigation measures. Furthermore, as discussed in Draft EIS Section 3.8, Hydrology and Water Quality, the Regional Plan Update alternatives would result in less-than-significant water quality impacts after implementation of Mitigation Measure 3.8-3, Facilitate Improved Roadway Operations and Maintenance Practices that Protect Water Quality (for Alternatives 1 and 5), and Mitigation Measure 3.8-4, Coverage Exemption Requirements (for Alternatives 2, 3 and 4). Please also see Response to Comment

- O16-36, which discusses Impact 3.10-1, including coverage exemptions and impacts to sensitive habitats.
- O16-40      The comment expresses concerns with the Soil Conservation Chapter of the 2011 Threshold Evaluation Report. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- The comment states that total land coverage must be analyzed on a parcel by parcel basis rather than on a Region-wide basis. This comment is addressed in Master Response 3, Programmatic Coverage Assessment.
- The comment also asserts that the analysis of coverage must differentiate between the impacts of soft and hard coverage. This comment is addressed in Response to Comment O16-3.
- O16-41      The comment suggests that the process for development of the Regional Plan was flawed and that Threshold Standards should have been amended first. This comment refers to the process for the development of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Master Response 2, Duration of Public Comment Period.
- In addition, please see Response to Comment O16-6, which explains that an EA was completed for the 2006 Threshold Evaluation because, in addition to an analysis of the attainment status of the threshold standards, TRPA took discretionary action to adopt changes to the thresholds and release additional development allocations. An environmental review document (the EA) was required to inform decision-making on adoption of the proposed changes and allocation release.
- An EA was not prepared for the 2011 Threshold Evaluation because it was purely an evaluation of threshold attainment status. TRPA did not take any discretionary action related to any changes to the thresholds and therefore, no environmental review was required.
- As part of the Regional Plan Update, with the exception of Alternative 1 (No Project), all alternatives propose amendments to the threshold standards. Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of the proposed alternatives in 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.
- O16-42      The comment suggests that the EIS fails to differentiate between the effects of soft and hard coverage. Please see Response to Comment O16-3, which addresses this issue.
- The comment also states that concentrating coverage in community centers will have localized impacts on stream channels and nearshore conditions. Please see Master Response 5, Effects of Concentrated Development on Water Quality, which addresses this issue. See also response to comment A15-9, which provides a description of how various land uses within community centers are limited by development commodities.
- O16-43      The comment suggests that the EIS fails to differentiate between the effects of soft and hard coverage, and does not correctly define soft coverage. Please see Response to Comment O16-3.

- O16-44      The comment states that the EIS did not account for different impacts resulting from soft and hard coverage. Please see Response to Comment O16-3.
- The comment also states that the coverage analysis underestimates the likely amount of new coverage and suggests that new development will be much larger than existing development. This comment is addressed in Response to Comment O16-24 as well as Master Response 3, Programmatic Coverage Assessment.
- The comment also asserts that coverage associated with multi-family residences is more impactful than coverage associated with single-family residences, and questions the effects of increasing the proportion of coverage that is associated with multi-family residences and decreasing the proportion of coverage associated with single-family residences. The EIS analyzes the effects of policies that would lead to changes in the amount, location and type of coverage under Impact 3.8-4, Stormwater Runoff and Pollutant Loads (Draft EIS pages 3.8-32 through 3.8-53), and under Impact 3.7-1, Land Coverage (Draft EIS pages 3.7-18 through 3.7-47). As addressed in the Lake Tahoe TMDL, transferring residential coverage from single-family residential units in rural areas to multi-family residential units in urban centers areas could result in coverage that has a slightly higher sediment loading per square foot Final Lake Tahoe Total Maximum Daily Load Report, November 2010). However, each multi-family unit would have on average 340 percent less coverage than a single-family unit (2,270 square feet per single-family residence versus 655.7 square feet per multi-family residential unit as shown in Table 1 in Appendix H of the Draft EIS) resulting in a net reduction in sediment loading. Furthermore, additional coverage for multi-family residential units in community centers often requires transfers. All transferred coverage will be required to have BMPs, as compared to the only 35 percent of existing development which currently has BMPs.
- As described in Appendix 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of transfer incentives and the resulting restoration and/or retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would require a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements.
- O16-45      The comment suggests that the EIS does not differentiate between transferred soft and hard coverage, and states that Alternative 3 will increase hard coverage. Please see Response to Comment O16-3, which addresses this issue.
- O16-46      The comment suggests that the EIS fails to differentiate between the effects of soft and hard coverage. Please see Response to Comment O16-3, which addresses this issue.
- O16-47      The comment suggests that the EIS did not account for soft coverage in the estimates of coverage changes. This comment is addressed in Master Response 3, Programmatic Coverage Assessment.
- The comment also asserts that coverage costs provided in Appendix H, Coverage Information (Draft EIS page H-12) will change and likely increase over the planning horizon. The comment is correct that coverage costs will likely change over time. The costs presented in Appendix H reflect the most current and accurate information available. These costs are presented to illustrate the variation in coverage costs between HRAs, and are not intended to represent the exact cost of coverage in each HRA over the life of the Regional Plan.



- O16-48 The comment requests that the Draft EIS analyze and disclose the amount of coverage within 2 miles of the lake margin and the potential impacts of proposed coverage transfer policies, which may transfer more coverage closer to the lake margin in areas with relatively high amounts of existing coverage. The Draft EIS makes a good-faith effort to estimate and disclose increases in coverage, including increases in coverage in community centers, based on the total number of development commodities allowed under each Regional Plan alternative (see Section 3.7 of the Draft EIS, Impact 3.7-1, Land Coverage). Additionally, please refer to Master Response 5, Effects of Concentrated Development on Water Quality, which estimates existing coverage in community centers and potential increases in coverage from maximum allowable coverage policies among Regional Plan alternatives, and provides a supplemental pollutant loading analysis assessing potential impacts from coverage policies in community centers relative to existing conditions. Please also see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Section 2.2.14, Maximum Allowable Coverage, for information on additional limitations to coverage within 300 feet of the high-water mark of Lake Tahoe.
- O16-49 The comment questions the adequacy of the Draft EIS analysis regarding potential nearshore water quality impacts from proposed coverage transfer policies and proposed allowable coverage in community centers. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, for additional information and analysis related to potential impacts on the nearshore environment from coverage policies in community centers.
- O16-50 The comment suggests that changes to the Threshold Standards related to phytoplankton primary productivity would be more effective than eliminating the standard. See Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-51 The comment contends that the Draft EIS does not acknowledge that the tributary threshold is in non-attainment and the analysis in the Draft EIS fails to analyze impacts from coverage policies on the tributary thresholds. Two tributary standards are monitored to document the long-term status and trend of Tahoe Basin tributary waters: (1) attainment of applicable state water quality standards and (2) total annual loads of nutrients (nitrogen and phosphorus) and suspended sediment. State standards use measured concentrations of nutrients and suspended sediment to evaluate status and trends relative to established state numerical standards (i.e., targets). The Draft EIS reported the status of the Tributary Water Quality Indicator Category by summarizing the findings of the 2011 TRPA Threshold Evaluation Report. This summary (Draft EIS, page 3.8-11), reports that, based on available tributary monitoring data the status of suspended sediment, total nitrogen, and total phosphorus concentrations in tributaries as “somewhat worse than target.” In other words, the status of these tributary standards is non-attainment. The 2011 Threshold Evaluation Report found that monitoring data were insufficient to reasonably estimate total annual loads in tributaries, and therefore that status of these tributary standards was reported as “unknown”. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, for additional information.
- Draft EIS Section 3.8, Hydrology and Water Quality, evaluates potential water quality impacts associated with each of the Regional Plan Update alternatives using the following significance criteria (page 3.8-15):

- ▲ cause short-term accelerated soil erosion and/or release of pollutants to water bodies associated with construction activities;
- ▲ increase nutrient loading (primarily phosphorus and nitrogen) to surface water or groundwater;
- ▲ increase sediment loading (primarily fine sediment particles) to surface water; or
- ▲ increase the volume of stormwater runoff and associated pollutant loads discharged from developed lands.

These significance criteria relate directly to both Lake Tahoe TMDL load reduction goals and attainment of TRPA water quality threshold standards, including tributary thresholds. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, for more information on how the EIS analyzes water quality impacts that could affect tributary conditions.

O16-52

The comment states that the EIS must analyze which alternative would be more beneficial in terms of nutrient loading. No regulations exist that requires a comparative analysis of the benefits of alternatives.

The comment states that the EIS has failed to evaluate the impacts on nutrient loading caused by the numerous changes in coverage policies. Impact 3.8-2, Nutrient Loading to Surface Water and Groundwater considers the proposed policies that could directly affect nutrient loading under the Plan alternatives. Impact 3.8-4, Stormwater Runoff and Pollutant Loads addresses water quality effects associated with additional impervious coverage. In addition, the Final Draft Plan reflects Alternative 3, but with important modifications that reduce the scope of proposed changes to coverage policies. Please see Chapter 2, Revisions to Alternative 3: Final Draft Plan, for a description of these changes.

O16-53

The commenter notes that supplemental nearshore thresholds have yet to be developed while further suggesting the Draft EIS fails to analyze nearshore impacts. The Draft EIS reports on the status of the current nearshore turbidity standard, noting that TRPA is working to “revise the standard because of concerns that the aesthetic quality of the nearshore area is not adequately protected by or correlated with the current standard” (Draft EIS, page 3.8-9). Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, for additional information and analysis related to potential impacts on the nearshore environment from coverage policies in community centers.

O16-54

The comment states that mitigation measures should mitigate for a policy not create policy, which the comment indicates is exemplified in Mitigation Measure 3.8-3. Mitigation reduces the effects of an action through various measures including: avoidance, minimization, restoration, reduction, and compensation. Standard practice in environmental documents addressing the effects associated with regulations is to propose new or revised policies.

The comment states that the EIS does not analyze which policies would be the most effective in reaching attainment of the water quality thresholds. The purpose of the EIS is to assess environmental impacts associated with proposed policies under each of the Regional Plan Update alternatives (see Section 1.4, Purpose of the EIS). As described in Section 1.2 of this Final EIS, Certification and Plan Approval, the final Regional Plan Update will be subject to findings requirements set forth in Chapter 4 of the Code, including the finding that the project will not cause the environmental threshold carrying capacities to be exceeded (Code Section 4.4.1.A); and that, in accordance with Code Sections 4.2 and 4.3, the Regional Plan and all its elements, as

implemented through the Code Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds (Code Section 4.6. There is no requirement that the EIS provides an analysis of which policies would be the most effective in reaching attainment of a particular threshold.

O16-55 The comment questions the adequacy of the coverage analysis contained in Section 3.7 of the Draft EIS, Geology, Soils, Land Capability, and Coverage, based on a finding in Section 3.8 of the Draft EIS, Hydrology and Water Quality, under Analysis of Aggregate Effect of Coverage Exemptions and Credits. This section of the Draft EIS concluded that potentially significant impacts could occur from the proposed coverage exemptions and credits because they were not explicitly linked to the Bailey land capability system or the parcel size; and therefore, the implementation measures could result in coverage impacts that cannot be adequately mitigated by remaining pervious areas on a parcel (page 3.8-44). The proposed coverage exemptions and credits are parcel-scale adjustments to coverage policies, and therefore, it is appropriate to assess coverage changes related to parcel scale mitigation of runoff in Draft EIS Section 3.8. Please see Master Response 3, Programmatic Coverage Assessment, for a discussion regarding why proposed coverage policies assessed in Section 3.7 are more appropriately assessed Region-wide.

O16-56 The comment contends that Section 3.8 of the Draft EIS, Hydrology and Water Quality, misrepresents Class 4 land as high capability land. Please refer to the Response to Comment O16-9, which addresses this topic.

The comment requests scientific evidence to support the statement in the Draft EIS on page 3.8-33 that it is easier to mitigate coverage impacts on high capability land (non-sensitive lands) relative to low capability lands (sensitive lands). The supporting rationale is provided in the sentence above that statement on Draft EIS page 3.8-33: "...surface conditions of higher capability lands (e.g., relatively flat, high infiltration rates, low erosion rates) typically make it easier to mitigate the impacts of development through BMP implementation." The physical characteristics of LCDs for non-sensitive and sensitive lands, supporting this statement, are documented in Table 3.7-2 of the Draft EIS.

Finally, the commenter requests that the Draft EIS provide an analysis disclosing the amount of coverage that may be transferred from sending parcels with relatively low-impact urban land uses, such as single-family residential. The commenter's concern is that receiving areas will be primarily commercial land uses, which have been shown in Lake Tahoe TMDL research to generate higher pollutant loads relative to single-family residential uses. Please refer to Response to Comment A15-9, which addresses this issue.

O16-57 The comment expresses concern related to water quality effects associated with development in Recreation Districts. This component of Alternative 3 has been modified to incorporate additional requirements and significant limitations on development, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan. Please see Master Response 10, Development on Recreation-Designated Lands, which addresses this topic.

The comment states that the EIS is masking information in Table 3.8-6 by not including coverage "resulting from other public facilities, transportation projects, environmental improvement project, proposed coverage exemptions, or other infrastructure." Other public facilities, transportation projects, EIP projects, and other infrastructures are not within the scope of the

- Regional Plan Update and thus are not subject to environmental analysis. Response to Comment A25-9 provides an additional summary of coverage estimates for each alternative. .
- O16-58 The comment suggests that Table 3.8-6 of the Draft EIS should differentiate between hard coverage and soft coverage because these types of coverage have varying impacts. Draft EIS Table 3.8-6 summarizes the results of the more detailed coverage analysis presented in Draft EIS Table 3.7-8. In addition, please see Response to Comment O16-3, which discusses hard and soft coverage.
- O16-59 The comment states that LCD 4 is incorrectly listed as high-capability land. Please refer to Response to Comment O16-9, which addresses this topic.
- The comment also expresses concern that 70 percent coverage would not leave enough land area to support native vegetation growth and specifically questions if it would allow enough room to retain large trees. Various Code requirements provide protection and maintenance of all native vegetation types (see page Draft EIS 3.10-5 for an overview). In addition, as described on page 3.10-5 through 3.10-6 of the Draft EIS, provisions for tree protection and removal are provided in the following chapters and sections of the TRPA Code: Chapter 61, Vegetation and Forest Health, Section 61.1, Tree Removal, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, and Section 61.4, Revegetation; Chapter 36, Design Standards; and Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction.
- With limited exceptions, Code Section 61.1.4, Old Growth Enhancement and Protection, prohibits the removal of trees greater than 24 and 30 inches dbh in eastside and westside forest types, respectively. Code Section 61.1.4 allows private landowners to remove trees larger than these size classes provided the landowner follows one of the planning processes identified in that section of the Code. In addition, trees and vegetation not scheduled to be removed must be protected during construction in accordance with Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction. If a project would result in substantial tree removal (as defined by Code Section 61.1.8), a tree removal or harvest plan must be prepared by a qualified forester. The required elements of this plan, and TRPA's review process for tree removal plans, are described in Chapter 61, Section 61.1.5 of the Code. Code Chapter 62 also provides quantitative requirements for retention and protection of snags and coarse woody debris by forest type, in terms of size, density, and decay class.
- All vegetation protection requirements would continue to be applied in addition to coverage limits. The Draft EIS evaluates how the Regional Plan Update alternatives would affect native vegetation and the retention of large trees in Impacts 3.10-1 (Sensitive Habitats), 3.10-2 (Tree Removal), and 3.10-4 (Special-Status and Common Plant and Wildlife Species). The Draft EIS determined that all alternatives would have beneficial or less-than-significant impacts related to native vegetation and retention of large trees. The comment offers no specific evidence that the analysis presented in the Draft EIS is inadequate or inappropriate, so no further response can be provided.
- O16-60 The comment cites an excerpt from the analysis of coverage transfers and excess coverage mitigation under Draft EIS Impact 3.8-4, Stormwater Runoff and Pollutant Loads (page 3.8-37), and asserts that the intent of coverage transfers are to mitigate for the placement of the new coverage near the site receiving new coverage, not to achieve removal of coverage in sensitive

lands. The Draft EIS provides a comprehensive discussion of the intent, function, and environmental effects of current and proposed HRA restrictions on pages 3.7-12 to 3.7-13, 3.7-23 to 3.7-37, 3.7-40 to 3.7-45, 3.8-36 to 3.8-37, 3.8-39 to 3.8-40, 3.8-42 to 3.8-43, 3.8-49, and 3.8-51. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Final Draft Plan represents Alternative 3 with important revisions which would retain the existing prohibition on coverage transfers across HRA boundaries and place additional restrictions on direct off-site excess coverage mitigation. These changes would address concerns expressed in the comment.

The Draft EIS section cited in the comment describes the effect of HRA restrictions as follows:

“The Lake Tahoe TMDL uses a watershed-scale approach to comprehensively assess and prioritize pollutant sources throughout the Tahoe Region as a singular watershed. The watershed-scale approach used in the Lake Tahoe TMDL has been promoted by the USEPA since the early 1990s as a means to efficiently and effectively manage the quality of surface waters through a comprehensive analysis of sources, impairments, and management options (EPA 1991). Environmental benefits of watershed TMDLs include: (1) comprehensive assessment and prioritization of pollutant sources affecting an impaired water body; (2) increased cost savings and success rates through programmatic management and coordination of region-wide TMDL efforts among multiple stakeholders; and (3) increased flexibility in implementing management options (EPA 2008).

The existing HRA regulations may diminish water quality benefits by limiting the locations from which coverage may be transferred or retired to a set of sub-watersheds within the Tahoe Region (see also Section 3.7, Geology, Soils, Land Capability, and Coverage for a full discussion of HRA history, purpose, and limitations). High priority sites for coverage removal and restoration include low capability lands where by virtue of slope, soil type and other characteristics, coverage results in more adverse effects with respect to water quality, soils, and vegetation, and where it is more difficult to mitigate coverage impacts. Appropriate receiving sites are higher capability lands where by virtue of flatter slopes, lower erosivity, superior drainage, and other characteristics, coverage impacts are more easily mitigated. Existing HRA regulations may diminish the potential water quality benefit that may be achieved from excess coverage removal by reducing the flexibility of land banks to target the most economical and environmentally beneficial coverage removal opportunities in the Tahoe Region with the greatest potential for water quality improvement.”

The comment expresses an opinion about the intent of HRA restrictions, but provides no evidence that the analysis presented in the Draft EIS is inadequate. Please also refer to the Responses to Comments O16-11 and O16-27.

O16-61

The comment cites the current level of BMP implementation documented in the Draft EIS (34 percent of parcels in the Region) as a failure of TRPA to enforce its current regulations. Please refer to pages 3.8-37 and 3.8-38 describing TRPA’s current policy for increasing BMP implementation. Since 2007, TRPA has led the Accelerated BMP Implementation Program to direct compliance efforts and accelerate BMP implementation in areas with the greatest potential for water quality improvement. Please also see response to comment A15-16.

- O16-62 The comment states that the Draft EIS does not provide adequate scientific evidence to substantiate statements in the Draft EIS (page 3.8-42) that soft coverage can have hydrologic and water quality impacts similar to or greater than hard coverage. Please refer to Response to Comment O16-3, which addresses this comment. Furthermore, the commenter refers to soft coverage restoration that occurred at Homewood Mountain as unsuccessful, although no specific evidence was provided with the comment, so no detailed response can be provided. Additionally the comment asserts that the EIS does not analyze the impacts of transfers of potential coverage. Please refer to Response to Comment O16-34, which addresses this topic.
- O16-63 The comment excerpts text on page 3.8-44 of the Draft EIS pertaining to the analysis of proposed pervious coverage exemptions for Alternative 3 and agrees with the determination. As the analysis notes, “the pervious coverage could become ineffective at allowing runoff to pass through the surface and could increase stormwater runoff, creating a potentially significant impact.” However, as discussed on pages 3.8-52 and 3.8-53 under Mitigation Measure 3.8-4, for Alternatives 3 and 4, TRPA will (as applicable) implement coverage exemption requirements through Code amendments, TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments. Implementation of Mitigation Measure 3.8-4 would reduce impacts related to coverage exemptions under Alternatives 3 and 4 to a less-than-significant level because it would require eligibility for coverage exemptions to be linked to BMP requirements, design guidelines, and the Bailey land capability system.
- O16-64 The comment advocates for requiring coverage transfer for bike trails in sensitive lands based on arguments that coverage exemptions are not mitigating actions and the exemptions would not incentive design of bike trail routes that avoid sensitive lands. Please refer to Response to Comment O16-36, which addresses this topic.
- O16-65 The comment states that limits are not placed on the amount of coverage exempted for bike trails. However, Mitigation Measure 3.8-4, Coverage Exemption Requirements, limits the maximum amount of allowable exempted coverage under this policy for high capability lands to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010b) and other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan.
- The comment also asserts that the Draft EIS provides misleading conclusions on aggregate changes in coverage on sensitive lands because it fails to disclose additions in coverage created by proposed exemptions within Table 3.7-8. Draft EIS Table 3.7-8 shows likely changes in coverage that could result from development authorized under each alternative, estimates of other coverage are included throughout the analysis of Impact 3.7-1, Total Coverage. Please refer to Response to Comment A25-9 for a detailed summary of estimates of coverage exemptions in the Region.
- O16-66 The comment interprets the Draft EIS to be proposing a new policy termed natural environment as treatment (NEAT) and requests more information on how this policy would be implemented. The Draft EIS is not proposing a new policy. The NEAT concept is presented in the Draft EIS for context only. The NEAT concept was summarized in the Draft EIS as an example of how stormwater runoff from linear trails may sheet flow into surrounding pervious areas in many cases, with limited environmental impacts. Project specific designs would be required to incorporate appropriate stormwater management approaches and BMPs to meet regulatory

requirements. Individual trail segments would be subject to project-level environmental review and permitting.

O16-67 The comment states that the Draft EIS has not fully disclosed the impacts of proposed coverage exemptions for bike trails in SEZs, based on the opinion that there is a high degree of uncertainty that proposed policies will result in coverage transfers out of SEZs, whereas, there is a high degree of certainty that proposed exemptions will result in increased coverage in SEZs. The Draft EIS analysis of coverage (Impact 3.7-1) provides good faith estimates based on facts and reasonable inferences as to the potential coverage increases and decreases in different LCDs for each of the proposed alternatives. The acreage comparison of coverage potentially removed from SEZ under Alternative 3 redevelopment incentives and coverage transfer policies, as well as increases that may result from bike trail exemptions, is appropriate. The comment offers no rationale or evidence that increases in coverage from trail exemptions would be more likely to occur than coverage reductions from transfers. SEZ is the most sensitive LCD and the one that is most over-covered. The Draft EIS analysis shows the estimated total coverage and coverage by LCD. The Draft EIS acknowledges that coverage transferred from SEZ lands would be placed in eligible areas of high capability land.

The comment also correctly notes that the Draft EIS determined that the non-motorized public trail exemption (as proposed in Alternative 3) would result in a potentially significant impact. The Draft EIS therefore includes Mitigation Measure 3.8-4, Coverage Exemption Requirements, which would reduce this potential impact to a less-than-significant level.

O16-68 The comment suggests that an alternative should have examined area-wide stormwater treatment only when the approach could exceed, not just merely meet requirements. This comment addresses the Goals and Policies of the Plan alternatives and does not address issues associated with the environmental analysis. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment states that area-wide BMPs may conflict with Lahontan RWQCB regulations to require on-site treatment first. The proposed Regional Plan Update revisions would apply only to TRPA's jurisdiction and do not alter existing or future regulations enforced by other agencies. Provisions allowing area-wide treatment options were developed in coordination with water quality agencies, including Lahontan RWQCB. The proposed provisions would make TRPA and Lahontan RWQCB regulations more consistent. In addition, please see Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.

O16-69 The comment contends that no analysis was provided in the Draft EIS to support the mitigation measures proposed for coverage exemptions and credits. The analysis included in the Draft EIS concluded, in general, that proposed coverage exemptions and credits would not lead to water quality impacts. The Draft EIS identified subtle design and siting requirements lacking from the proposed implementation measures, which if not corrected, could in certain site-specific cases lead to potentially significant impacts. Specifically, the Draft EIS concluded the following for each coverage exemption or credit:

- ▲ Temporary coverage (Draft EIS page 3.8-43): Because temporary coverage would not be associated with motorized vehicles (i.e., driveways, parking lots, and roads), it would likely generate relatively high quality runoff with low levels of sediment that will readily infiltrate on high capability lands. For the proposed temporary coverage exemption, the maximum

allowance of 120 square feet of impervious surface would generate a relatively small runoff volume (10 cubic feet of runoff over the current TRPA design storm of 1-inch of precipitation per hour). Assuming runoff from the temporary coverage flowed to an adjacent pervious area of high-capability land, the runoff volume generated during the TRPA design storm could be retained and infiltrated in a standard sized infiltration trench (TRPA 2011a: page 4-19), or another type of pre-approved BMP described in the BMP Handbook. Because of the low runoff volume and the high quality of the runoff, and that BMPs meeting current TRPA standards would be required, water quality impacts from exemption of temporary coverage would be less than significant.

- ▲ Pervious Decks (Draft EIS page 3.8-43): Pervious decks would generate relatively high quality runoff with low levels of sediment that should readily infiltrate on high capability lands. Based on the quality of runoff, minimal maintenance requirements would be necessary to ensure continued infiltration of runoff from pervious decks that freely allow precipitation and runoff to pass through the surface of the deck to the underlying ground. For decks, existing TRPA design requirements specified in the BMP Handbook require deck armoring with 3 inches of drain rock or cobble under the entire area of a deck (TRPA 2011a: page 4-65). Drain rock has a void ratio of roughly 40 percent, therefore 3 inches of drain rock provides 1.2 inches of storage for runoff when installed on a level surface. Based on the amount of runoff storage created by existing design requirements, existing policy and requirements would provide adequate mitigation for potential runoff impacts for a pervious deck exemption on high capability land. However, without explicit design requirements, the pervious deck exemption could result in construction of new surfaces that do not allow adequate passage of water through the surface, do not adequately infiltrate runoff beneath the deck, and could lead to erosion and stormwater runoff. This would be a potentially significant impact.
- ▲ Pervious Coverage (Draft EIS page 3.8-44): Pervious pavements can be highly effective for reducing stormwater runoff volumes because the design provides a large surface area for infiltration and the capacity of the underlying storage layer will typically exceed current regulatory standards for storage of precipitation (e.g., 20-year 1-hour design storm). For example, design recommendations contained within the TRPA BMP Handbook call for a base course of 12 inches of uniformly graded crushed rock with an average void space of 30–40 percent beneath pervious pavement. Assuming pervious pavement is designed to only infiltrate precipitation that directly falls on its surface; current design TRPA design guidelines provide a storage capacity of roughly 4 inches of precipitation (TRPA 2011a: BMP 4.1.1.1). However, performance of pervious pavements can markedly decline if the voids in the surface layer clog over time, and continued effectiveness may require frequent maintenance to preserve the infiltration rate through the surface layer. Based on the potential need for frequent maintenance, pervious pavement should be sited to infiltrate high quality runoff with low sediment loads as specified in the BMP Handbook. The currently proposed implementation measure does not specify siting requirements for pervious coverage, and therefore the proposed exemption could allow for siting of pervious pavement in areas with poor quality stormwater runoff that could cause the pervious coverage to rapidly clog and potentially require frequent maintenance to restore infiltration capacity. As such, the effectiveness could be diminished over the long term, and therefore the pervious coverage could become ineffective at allowing runoff to pass through the surface and could increase stormwater runoff, creating a potentially significant impact.



Based on the analysis in the Draft EIS, Mitigation Measure 3.8-4: Coverage Exemption Requirements, is required strengthen the implementation measures proposed for coverage exemptions and credits by providing additional specificity on required design and siting requirements to ensure in certain site specific cases the exemptions would not lead to significant impacts. Because the purpose and intent of the mitigation measure is to refine proposed implementation measures, and the supporting analysis is already contained in the Draft EIS, no additional assessment of the effect of the mitigation measures is necessary.

Additionally, the comment questions why Mitigation Measure 3.8-4: Coverage Exemption Requirements, Part D, is not considered a significant impact since the Draft EIS concluded that the aggregate effect of proposed exemptions was potentially significant. Mitigation Measure 3.8-4 states: “restrict the total exemption for temporary coverage and pervious decks; and the pervious coverage credit to be in aggregate no more than 10 percent of total amount of high capability land on a parcel.”

Regarding the aggregate effect of proposed coverage exemptions, the Draft EIS concluded that the rules proposed for coverage exemptions could allow smaller parcels to achieve very high levels of aggregate coverage and coverage exemptions because the proposed implementation measures were not explicitly linked to the Bailey land capability system or the size a parcel. As stated above, the analysis in the Draft EIS concluded that with the design and siting specifications required through Mitigation Measure 3.8-4, the impacts of each exemption are individually less than significant. The component of Mitigation Measure 3.8-4 related to the aggregate amount of exemptions and credits was developed to ensure that loopholes were not created in TRPA regulations that would allow small parcels to achieve very high levels of aggregate coverage and coverage exemptions. The 10 percent limitation on coverage exemptions and credits, defined on a parcel basis, is considered a conservative factor to safety cap allowable aggregate exemptions for all parcels in the Region.

O16-70

This comment states that the Draft EIS has failed to address important impacts to nearshore ecology, stream ecology, SEZs, special-status species, and tree removal. Please see Responses to Comments O16-71, O16-72, O16-73, O16-74, and O16-75.

The comment also states that “the EIS dismisses policy level impacts and puts the burden of impact at the project level....” However, this EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. As described in the fourth paragraph on Draft EIS page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update Draft EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update Draft EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.

The comment also references “massive increases in coverage ... in close proximity to the Lake” and “removal of HRA restrictions which could potentially put large amounts of additional coverage in pristine watersheds” but provides no rationale or evidence that this will occur. Draft EIS Section 3.2, Land Use, and Section 3.7, Geology, Soils, Land Capability, and Coverage, analyze

the location and amount of new coverage based on the assumptions identified for each of the Regional Plan Update alternatives. In addition, please see Master Response 3, Programmatic Coverage Assessment and Master Response 5, Effects of Concentrated Development on Water Quality.

As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Final Draft Plan represents Alternative 3 with important modifications, which would retain the existing prohibition on coverage transfers across HRA boundaries, restrict new uses in Recreation Areas to two specific sites, place additional limitations on direct off-site coverage mitigation, include fewer areas affected by increases in maximum allowable coverage, reduce maximum allowable coverage from current levels within 300 feet of Lake Tahoe (with limited exceptions for sites on the upland side of the primary highway in Tahoe City and Kings Beach), and place additional limits on comprehensive coverage management. These changes would address concerns raised in the comment.

O16-71 The comment states that the Draft EIS fails to address important aspects of nearshore ecology. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality. Because potential impacts to nearshore ecology and fisheries from changes in land coverage, as expressed in the comment, would relate to localized increases in stormwater runoff or nutrient loading, Master Response 5, Effects of Concentrated Development on Water Quality, applies to this comment.

O16-72 The comment states that removing the HRA restriction for coverage transfers under Alternative 3 would affect stream ecology by increasing coverage and development in certain areas. Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, regarding the revision to Alternative 3 related to coverage transfers and HRAs. Please also refer to Master Response 5, Effects of Concentrated Development on Water Quality, which explains why further concentration of coverage would not have significant impacts on tributary conditions.

O16-73 The comment states that the Draft EIS does not evaluate the effect of allowing soft coverage to be transferred from SEZs and suggests that the EIS must evaluate the impacts of hard and soft coverage separately. Please refer to the Response to Comment O16-3, which addresses this topic.

The comment requests detail on Stream Restoration Priority Areas. As stated on page 2-32 of the Draft EIS, "Stream Restoration Priority Areas are identified as restoration priority areas. The Stream Restoration Priority Areas identify regionally important areas where expedited environmental restoration should be promoted in future planning efforts." The proposed Stream Restoration Priority Areas are shown on Draft EIS Exhibits 2-9 and 2-14. Draft EIS Section 3.10, Biological Resources, further explains that areas within SEZs, along major waterways that have been substantially degraded by development, would be designated as Stream Restoration Priority Areas. These areas would be subject to individual restoration plans, which would be developed and reviewed in coordination with the applicable local jurisdiction and property owners. Individual restoration plans would identify feasible opportunities for environmental restoration projects that would be promoted in future planning efforts (Draft EIS page 3.10-38).

The comment also states that the EIS fails to document that many areas that would receive transferred coverage are SEZs, and that transfers of coverage into SEZs would be impactful. As explained on page 3.2-7 of the Draft EIS, "the Bailey Land Classification system largely prohibits

new development on sensitive lands (in LCDs 1–3) and restricts the amount of coverage that can be placed on lands in LCDs 4–7. The Code allows for the transfer of development rights from parcels in sensitive LCDs to other, less sensitive areas. In this way, development can be diverted from the most sensitive areas.”. As with the existing Code, all alternatives would limit transfers of coverage into designated community centers (in excess of the base allowable coverage) to high capability lands (LCDs 4 – 7). Therefore, none of the alternatives would result in transfers of coverage to SEZs, as suggested by the comment.

The comment states that the Draft EIS dismisses allowing coverage exemptions for public trails through SEZs as not a potentially significant impact. This issue is discussed in depth in Draft EIS Impact 3.7-1, Land Coverage, and Impact 3.10-1, Sensitive Habitats. The public trail exemption is not restricted to 7 acres; rather, the conservative estimate of potential trail coverage in SEZs was based on the construction of 60 miles of bike trails during the planning period, which would require 148 acres of total new coverage for trails. Of that coverage, a conservative estimate is that approximately 7 acres would occur in SEZ. As described on pages 3.7-37–3.7-38 and 3.10-39 of the Draft EIS there, Alternative 3 includes proposed changes to the TRPA Code of Ordinances that would exempt non-motorized public trails from the calculation of land coverage, subject to several siting and design requirements that would minimize disturbances to SEZs and sensitive wildlife habitat. Importantly, for the coverage occurring in sensitive SEZ lands, SEZ is also protected by TRPA as a sensitive wildlife resource as described in Chapter 62 of the Code (Wildlife Resources), and SEZ and riparian habitats are considered “habitats of special significance,” which is a TRPA threshold resource for which a nondegradation standard applies. Additionally, most of the SEZ and riparian habitats affected by implementation of Alternative 3 would likely be considered jurisdictional waters by USACE and, in California, by LRWQCB under CWA Section 404 and the Porter-Cologne Act. Existing federal and state regulations would provide habitat compensation/mitigation for the loss of riparian, wetland, and other SEZ habitats through the permitting processes required by CWA Section 404, CWA Section 401 (in California), waste discharge requirements (for waters of the state pursuant to the Porter-Cologne Act), California Fish and Game Code Section 1600 et seq. (in California), and CEQA review (in California). (These regulations are described in detail in Draft EIS Section 3.10, Biological Resources.)

Therefore, although impacts of non-motorized public trails would be exempt from TRPA mitigation requirements specific to land coverage, mitigation would still be required for any significant impact to the biological functions and values of SEZs, to achieve TRPA’s nondegradation standard for habitats of special significance, and to comply with other applicable federal and state permitting requirements. Despite exemptions of public trails from TRPA land coverage calculations and requirements under Alternative 3, the beneficial effects on SEZs and other sensitive habitats described in Impact 3.10-1 would still be realized.

016-74

The comment states that the Draft EIS fails to evaluate the impact of proposed new allowances for development and subdivision of residential, tourist, and commercial uses within all lands designated as recreation on special-status species.

Please refer to Master Response 10, Development on Recreation-Designated Lands. In addition, see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, which describes substantial revisions to the proposed allowances since closure of the Draft EIS public review period. The scope of the proposed allowances has been reduced, and would be restricted to private lands in or very near already highly developed areas. This revised proposal would limit

the re-designation to two private properties: the Edgewood Mountain area, within the proposed High Density Tourist District, and the Heavenly South Base area. These parcels would receive a new land use designation, "Resort Recreation," to distinguish them from the existing recreation designation and current allowable uses. These two parcels were considered appropriate for additional uses and building subdivision allowances (i.e., to permit creation of condominiums, not new subdivision of land) because they are in close proximity to existing developed centers.

Because the new uses and allowances would apply only to the new Resort Recreation designation and not to all recreation-designated lands, and because the new designation would apply only to two properties, the potential environmental effects of the change in the Final Draft Plan would be reduced from what was proposed under Alternative 3. Additionally, as described in the Draft EIS, no specific projects are proposed, and any future proposals would be subject to project-specific environmental review and mitigation measures.

- 016-75 The comment states that Impact 3.10-2 does not examine tree-removal impacts that would occur in community centers with proposed policy changes to increase coverage and density, and disagrees that tree removal impacts would be less than significant.

As described in Draft EIS Impact 3.10-2, development of tourist and commercial uses would be primarily concentrated in existing community centers, and, because these areas are largely developed or previously disturbed, would likely require less tree removal than new residential uses outside of community centers. For specific projects under all alternatives, project-level planning, environmental analysis, and compliance with existing TRPA regulations and policies would identify potentially significant tree removal; minimize or avoid those impacts through the design, siting, and permitting process; and provide mitigation for any significant effects as a condition of project approval and permitting. TRPA's Goals and Policies, Code of Ordinances, and Rules of Procedure require protection of large trees, with limited exceptions; protection of late seral/old growth ecosystems; preparation and approval of tree removal plans; compensatory tree replacement or other project-level mitigation to avoid significant impacts if appropriate and needed; and other protection measures.

- 016-76 This comment introduces the other comments within the letter. The comment does not raise environmental issues or concerns that are applicable to the scope of the EIS.

- 016-77 The comment presents legal argument that the Area Plans proposed in Alternative 3 would be in conflict with the Compact's mandate that TRPA adopt all ordinances necessary to implement the Regional Plan and that it would impact the public's right to participate in decision making by removing decision-making authority from TRPA. This is not a comment on the adequacy of the environmental analysis in the Draft EIS, but rather on the consistency of Alternative 3 with the Compact. Nevertheless, as explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans would be required to be consistent with the Goals and Policies of the Regional Plan and standards of the Code; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and, for plans in California, CEQA. Delegation of review responsibilities for regionally significant projects would not be included in Area Plans, and TRPA would retain direct review responsibility over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Final Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and Chapter 2 of this Final EIS, the Area Plan process under Alternative 3 has been revised to

include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board. This Plan revision would address the concern raised in the comment.

The comment also implies that the EIS is insufficient to inform the Governing Board of the impacts of each alternative. Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

Further, please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O16-78

The comment presents legal argument as to why the exemption process under Alternative 3 conflicts with the Compact. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Responses to Comments O16-1 and O16-77, above. In addition, Alternative 3 has been substantially modified to replace the exemption process discussed in this comment with a delegation model, as described in Chapter 2 of this Final EIS. Under an Area Plan that has been found in conformance with the Regional Plan, TRPA could delegate review and approval authority for certain classes of projects. These projects would still be subject to TRPA's environmental review requirements (Code Chapter 3), and required findings (Code Chapter 4), as well as all provisions of the Area Plan, which has been found in conformance with the Regional Plan. All project review and approval would be subject to annual reviews by TRPA and an appeals process as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan.

Furthermore, as stated on page 1-5 of the Draft EIS, the EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. All of TRPA's existing procedures requiring environmental review of projects to determine their potential for significant impacts, feasible and effective mitigation to address those impacts, findings pertaining to project effects on threshold attainment, and other environmental safeguards are still in place and will continue to ensure that proposed projects are fully evaluated prior to approval and implementation. This EIS, consistent with its policy-level purpose, includes a thorough analysis of the environmental implications of the policy directions offered by the alternatives, and the information necessary to select the alternative that would best achieve TRPA's regional objectives.

O16-79

The comment presents legal argument that the Area Plans proposed in Alternative 3 would be in conflict with the Compact's mandate that TRPA adopt all ordinances necessary to implement the Regional Plan. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. The comment also misunderstands the Area Plan concept, as proposed. The TRPA Governing Board will consider all Plan and Code changes or substitutions when it approves an Area Plan. Therefore, a lead agency may not unilaterally substitute its own regulations for that of TRPA.

- O16-80 The comment presents legal argument concerning the consistency of Alternative 3 with the Compact and does not address the adequacy of the environmental analysis presented in the Draft EIS. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-81 The comment summarizes a literature review of the various pollutant constituents regulated by TRPA and states use of advanced technologies will “greatly accelerate attainment of the clarity challenge.” This comment does not address any issues associated with the Draft EIS.
- O16-82 The comment expresses concern regarding the time available to review the environmental documents and plans related to the Regional Plan Update and Regional Transportation Plan. Please see Master Response 2, Duration of Public Comment Period.
- The commenter states that the EIS is wholly inadequate. Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The commenter offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.
- The comment also indicates that Lake clarity is a primary concern and references the threshold standards. As explained in the Draft EIS, Section 2.1, the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards. The existing Regional Plan was adopted by the Tahoe Regional Planning Agency (TRPA) in 1987, and although amendments to elements of the plan have been adopted over time, the plan still reflects the issues that were most important at that time: rampant growth and the threat of irreparable environmental damage from inappropriate development. To make the Regional Plan more relevant for contemporary challenges in the Region, the Regional Plan Update contains modified goals, policies, and implementation measures to expedite threshold standard attainment and better address the major issues of today, including water quality and community sustainability.
- O16-83 The comment raises concerns that concerns that the Regional Planning process has not been performed in the correct order and that TRPA should have evaluated the environmental threshold standards prior to proposing Regional Plan Update alternatives and that the process for the Regional Plan Update undermines the fulfillment of TRPA’s mission to restore and protect Lake Tahoe’s environment.
- Please see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Please also see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Master Response 2, Duration of Public Comment Period, which address these topics.
- O16-84 The comment states that, since the Sustainable Communities Strategy (SCS) is part of the RTP that the resulting document must comply with state and federal requirements. It also states, that the Regional Plan Update must meet CEQA requirements.

As described in the Introduction Chapter of the Regional Plan Update Draft EIS (see Section 1.6), the Regional Plan and RTP/SCS are different types of plans and variations between the two environmental documents are appropriate and important to serve the differing purposes of the respective environmental reviews. As the comment notes, the regulatory settings of the two documents differ because the RTP/SCS EIR/EIS must comply with the California Environmental Quality Act (CEQA) and other California laws requiring the SCS component of the RTP, in addition to TRPA requirements. The Regional Plan Update EIS is exclusively a TRPA document; it evaluates environmental impacts of proposed changes in land use and resource-related Goals and Policies of the Regional Plan, as well as potential Code revisions that would implement the Goals and Policies. Therefore, certain topics related to the potential environmental impacts of land use, scenic resources, and other non-transportation policies appear only in the Regional Plan Update EIS.

In addition, the Regional Plan Update EIS and the RTP/SCS EIR/EIS provide different levels of environmental review; this difference is linked to the types of planning documents being evaluated. In brief, the Regional Plan Update (along with the Compact) serves as the policy-level foundation for environmental regulation in the Tahoe Region. The RTP/SCS provides program-level transportation policies, programs, and projects that implement the broader, overarching direction of the Regional Plan Update. Each level of planning document requires the appropriate level of environmental review, as described in Section 1.6 of the Regional Plan Update Draft EIS.

As is appropriate, the Regional Plan Update EIS provides a comprehensive analysis of the potential environmental impacts of the proposed Goals and Policies according to TRPA environmental review requirements, while the RTP/SCS EIR/EIS provides a comprehensive analysis of the potential environmental impacts of the proposed sets of transportation projects. Where helpful and relevant, cross references are provided from one analysis to impacts in the other document. Furthermore, the RTP/SCS EIR/EIS is incorporated by reference into the Regional Plan Update EIS, as described in Section 1.7 of the Regional Plan Update Draft EIS.

O16-85      The comment expresses concerns regarding the TRPA 2012a Threshold Evaluation Report states that the Regional Plan Update disregards the status of the thresholds.

Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. In addition, please see Response to Comment O16-4 as well as Response to Comment O16-6, which address why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation.

As part of the Regional Plan Update, with the exception of Alternative 1 (No Project), all alternatives propose amendments to the threshold standards. Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of the proposed alternatives in 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. Significance criteria relate directly to attainment of TRPA threshold standards and are used in the appropriate resource sections of the Draft EIS to evaluate the impacts associated with the Regional Plan Update alternatives.

O16-86      The comment questions the time period evaluated in the 2011 Threshold Evaluation Report and expresses concern regarding the timing of the 2011 Threshold Evaluation and the Regional Plan Update Draft EIS and a bias toward positive conclusions.

Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as Master Response 2, Duration of Public Comment Period. Furthermore, the Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The commenter offers no specific information or evidence that the analysis of the Regional Plan Update alternatives presented in the Draft EIS is inadequate; therefore, no further response can be provided.

O16-87

The comment disagrees with the release of the 2011 Threshold Evaluation Report at same time as the Regional Plan Update, stating that the thresholds should have been analyzed separately before a proposed Regional Plan Update. The comment also expresses concerns regarding time periods used in the 2011 Threshold Evaluation analyses, particularly for air quality, stating that the Report should examine 2006-2010.

Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as Master Response 2, Duration of Public Comment Period. In addition, please see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Furthermore, Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. This includes an objective and comprehensive analysis of the potential air quality and green house gas emission impacts due to implementation of proposed Regional Plan Update alternatives (Sections 3.4 and 3.5, respectively).

The comment also states that the Regional Plan Update existing conditions should analyze the most recently available data (2011 in most cases) and assess the impacts of each alternative. Each resource section in the Regional Plan Update includes a section titled "Affected Environment," in which existing regional conditions relevant to the specific technical issue are described. The section titled "Environmental Consequences and Recommended Mitigation Measures" identifies and describes the methods and assumptions used in the analysis, the criteria used to determine the level of significance of environmental impacts, the potentially significant effects of implementing the Regional Plan Update alternatives, and feasible mitigation measures that could reduce potentially significant impacts.

O16-88

The comment states that TRPA proposes to increase sources in the Basin that negatively impact threshold standards without assessment of the impacts. The comment also states that conclusions are based on inadequate/inappropriate analyses. The comment also expresses concerns regarding time periods used in the 2011 Threshold Evaluation analyses, particularly for air quality.

Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as Master Response 2, Duration of Public Comment Period. In addition, please see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Furthermore, Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. Each resource



section includes a section titled “Affected Environment,” in which existing regional conditions relevant to the specific technical issue are described. The section titled “Environmental Consequences and Recommended Mitigation Measures” identifies and describes the methods and assumptions used in the analysis, the criteria used to determine the level of significance of environmental impacts, the potentially significant effects of implementing the Regional Plan Update alternatives, and feasible mitigation measures that could reduce potentially significant impacts. More specifically, Sections 3.4 and 3.5 of the Draft EIS include an objective and comprehensive analysis of the potential air quality and greenhouse gas emission impacts due to implementation of proposed Regional Plan Update alternatives.

- O16-89 The comment raises concerns about the TRPA 2012a Threshold Evaluation Report, specifically regarding trend lines. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. In addition, Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The Draft EIS includes an objective and comprehensive analysis of the potential air quality and greenhouse gas emission impacts due to implementation of proposed Regional Plan Update alternatives (Sections 3.4 and 3.5, respectively). The commenter offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.
- O16-90 The comment states that TRPA 2011 Threshold Evaluation Report and the Regional Plan Update Draft EIS fail to consider all available information and fail to perform a thorough review of the thresholds. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. In addition, please see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Furthermore, Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. Each resource section includes a section titled “Affected Environment,” in which existing regional conditions relevant to the specific technical issue are described. The section titled “Environmental Consequences and Recommended Mitigation Measures” identifies and describes the methods and assumptions used in the analysis, the criteria used to determine the level of significance of environmental impacts, the potentially significant effects of implementing the Regional Plan Update alternatives, and feasible mitigation measures that could reduce potentially significant impacts.
- O16-91 The comment expresses concerns regarding the CO Threshold Standard (AQ-1) in the 2011 Threshold Evaluation Report. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as the comment specifically pertains to the 2011 Threshold Evaluation Report.
- O16-92 The comment expresses concerns regarding the Ozone Threshold Standard (AQ-2) in the 2011 Threshold Evaluation Report. The comment also expresses concern that the Regional Plan Update Draft EIS indicates a bias toward Alternative 3. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as the comment specifically pertains to the 2011 Threshold Evaluation Report. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Furthermore, the Draft EIS Chapter 3, Affected

Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts.

O16-93 The comment expresses concerns regarding the Particulate Matter Standard (AQ-3) in the 2011 Threshold Evaluation Report. The comment also expresses concern that the Regional Plan Update Draft EIS indicates a bias toward Alternative 3. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as the comment specifically pertains to the 2011 Threshold Evaluation Report. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Furthermore, the Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts.

O16-94 The comment raises concerns regarding the Particulate Matter Standard (AQ-3) in the 2011 Threshold Evaluation Report, as well as concerns regarding delegation of authority to local jurisdictions under Area Plans and approval of projects based on differing state standards. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as the comment specifically pertains to the 2011 Threshold Evaluation Report.

As explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), the Area Plan process under Alternative 3 has been revised to include an appeals process (also see Chapter 2 of this Final EIS). Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.

O16-95 The comment expresses concerns regarding the Visibility Standard (AQ-4) and Wood Smoke Standard (AQ-6) in the 2011 Threshold Evaluation Report. The comment also expresses concern that the Regional Plan Update Draft EIS indicates a bias toward Alternative 3. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as the comment specifically pertains to the 2011 Threshold Evaluation Report. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation. Furthermore, the Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts.

O16-96 The comment states that the TRPA threshold update failed to adopt a new baseline for the Regional and Subregional visibility standards. The comment also states that an EA should accompany the Threshold Evaluation Report. Additionally, the comment questions how

amendments to the Regional Plan will be addressed and what public review process will be used.

Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation.

As stated in Section 1.4 of the Draft EIS, the purpose of the EIS is to identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts. Its role is to provide sufficient environmental information to allow meaningful comment and participation by public agencies, interest groups, and the public; to allow the TRPA Advisory Planning Commission to recommend a preferred alternative to the TRPA Governing Board; and, ultimately, for the Governing Board to render a fully informed decision with regard to its approval of an updated Regional Plan.

As described in Section 1.10 of the Draft EIS as well as Master Response 2, Duration of Public Comment Period, TRPA facilitated a robust public outreach effort to develop the Regional Plan Update alternatives and EIS scope. As described in Draft EIS Section 1.1, the Draft EIS was available for public and agency review and a series of public meetings and workshops were held in April, May, and June 2012. Finally, the process for approval of the Final EIS and Regional Plan Update is described in Section 1.2, Certification and Plan Approval, of this Final EIS. As described therein, the final Regional Plan Update will be subject to findings requirements set forth in Chapter 4 of the Code, including the finding that the project will not cause the environmental threshold carrying capacities to be exceeded (Code Section 4.4.1.A); that the Regional Plan, as amended, achieves and maintains the thresholds (Code Section 4.5); and that, in accordance with Code Sections 4.2 and 4.3, the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds (Code Section 4.6).

O16-97

The comment asks how TRPA can assess compliance with the Vehicle Miles Traveled (VMT) standard using a different methodology. Page 3.3-3 of the Draft EIS describes how the VMT Threshold Standard attainment value was updated from previously reported values using an analytical approach that considers measured changes in traffic levels on roadways throughout the Region. The updated VMT calculation method does not change the threshold standard. It provides consistency between the VMT Threshold Standard and the current TRPA Travel Demand Model results.

The comment states that in the 2011 Threshold Evaluation Report, TRPA assigns credit for VMT reductions to actions implemented through the Regional Plan (Chapter 12), and in a separate section of the 2011 Threshold Evaluation Report explains that VMT reductions may be related to external factors (gas prices, increase in unemployment rate, increase in secondary homeownership). The comment says that through the 2011 Threshold Evaluation Report TRPA is suggesting that its actions are responsible for the decrease in VMT. TRPA notes that the language in the 2011 Threshold Evaluation Report that the comment has quoted states that the actions taken through the Regional Plan *correlate* [emphasis added] well in time with reductions in traffic volume and vehicle miles traveled, and that “more can be done to aid the maintenance or attainment of air quality standards and other related traffic volume Threshold Standards.” Use of the word “correlate” as opposed to using a term that would connote causality indicates

that the TRPA understands that VMT reductions may have occurred at the same time as Regional Plan actions, but that those actions may not necessarily be the cause of the VMT reductions. The comment also states that it is expected that VMT will again increase and that additional actions should be taken to ensure that VMT does not exceed the standard. TRPA has taken actions to ensure that VMT does not exceed the standard; please refer to the Land Use and Transportation Goals and Policies in the Final Draft Plan, Chapters 4 (Existing and Planned Transportation System) and 5 (Transportation Management Programs) of the Regional Transportation Plan, Figures 6-3 (Tier 1 Constrained Scenario Project List) and 6-5 (Tier 2 Unconstrained Project List), and Draft EIS Mitigation Measure 3.3-3 (Implement Additional VMT Reduction).

The comment states that the Regional Plan Update Draft EIS proposes to delete the reference to the VMT reduction in the sub-regional visibility category, leaving VMT tied to only the Atmospheric Deposition (AQ-8) threshold standard. Section 2.4.4 of the Regional Plan Update Draft EIS addresses proposed Threshold Standard amendments. No changes related to VMT are proposed for the Regional Plan Update alternatives.

The comment states that different PM standards for the different states are proposed for the Region. This recommendation is not part of the Regional Plan Update alternatives. No response is necessary.

The comment refers to a research proposal, prepared in coordination with UC Davis in 2000, to examine the relationship between air quality, water quality, and transportation. The comment states that TRPA did not follow-up on implementing the proposal. This comment does not address the completeness or adequacy of the Draft EIS. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, for more information on how comments on the proposed plans and Threshold Evaluation are addressed.

The comment also states that any changes to the thresholds must be based on a comprehensive and thorough environmental review and public process, separate from any changes to the Regional Plan. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, please see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.

O16-98

The comment expresses concerns regarding the Atmospheric Deposition Standard (AQ-8) in the 2011 Threshold Evaluation Report. The comment states that TRPA disregarded language in previous threshold evaluation reports that suggested that an update to the thresholds was needed. The comment specifically questions analysis of total nitrate load to the entire Region and measures to reduce atmospheric sources of nitrates.

Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation and that the Draft EIS describes and analyzes the proposed Threshold Standard amendments. Furthermore, the Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts.

- O16-99 The comment states that nutrient deposition likely affects nearshore clarity, but that this has not been addressed in the atmospheric disposition standard of the 2011 Threshold Evaluation Report. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-100 The comment raises concerns regarding the statistical rigor and inadequate consideration of current information in the 2011 Threshold Evaluation Report. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation and that the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-101 The comment raises concerns regarding the Winter Clarity Standard (WQ-2), stating that TRPA is supposed to review and amend thresholds, as needed, based on new information and that the ONRW designation does not just apply to Lake Tahoe during winter months. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation and that the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-102 The comment states that the 2011 Threshold Evaluation Report fails to mention reductions or outright elimination of monitoring sites for air and water quality threshold standards. The comment questions why the 2011 Threshold Evaluation Report did not include more recent data for the suspended sediment evaluation and states that it appears TRPA does not want to shed light on significant reductions in the Lake Tahoe Interagency Monitoring Program (LTIMP) program beginning in 2010. The comment states that the Regional Plan Update offers no analysis of an alternative that would provide for additional monitoring.
- As the comment pertains to the Threshold Evaluation, please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. In addition, Chapter 3 of the Regional Plan Update Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analysis of 14 resource areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The analyses of the proposed Regional Plan Update Alternatives are based on the best and most recent available science. Furthermore, the Regional Plan Update Draft EIS already analyzes a reasonable range of alternatives. The comment is noted for consideration during project review. However, the comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate.
- O16-103 The comment raises concerns regarding the Phytoplankton Primary Productivity Standard (WQ-3) in the 2011 Threshold Evaluation Report. The comment also questions why TRPA has not further restricted the use of fertilizers and banned or regulated residential lawns.
- Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-104 The comment, which is focused on the 2011 Threshold Update Report, states that the Regional Plan Update Draft EIS should consider threshold updates that address the cause of clarity loss

- based on recent findings and consider updates that address the seasonal differences in mid-lake clarity. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-105 The comment, which is focused on the 2011 Threshold Update Report and nearshore littoral lake clarity, asks where specific references to nutrients are. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-106 The comment requests that the Regional Plan Update Draft EIS explain why carbon monoxide is evaluated as 9 parts per million (ppm) rather than 6 ppm. Please see Response to Comment A38-11, which recognizes a typo in Table 3.4-4 of the Draft EIS, and makes a text correction to the National Ambient Air Quality Standard for 8-hour CO from 9 ppm to 6 ppm. Impact 3.4-4, Long-Term Operational Localized Exposure to Mobile-Source Carbon Monoxide Emissions, and Impact 3.4-8, Implementation of Proposed Air Quality Environmental Threshold Carrying Capacity Amendments, evaluate impacts of CO with respect to the 6 ppm 8-hour CO standard applicable in the Lake Tahoe Air Basin.
- Further, as explained on page 3.4-36 of the Draft EIS, the Regional Plan Update proposes to align the TRPA standard for CO with the more stringent California and Nevada 8-hour CO standards of 6 ppm currently applied in the Lake Tahoe Air Basin. Because the more stringent standards are already in effect at the state level and the Basin currently attains the state ambient air quality standards for CO, the impact associated with changing the TRPA standard to match the state standards would be less than significant regardless of which action alternative is selected.
- O16-107 The comment states that the Regional Plan Update Draft EIS should evaluate a threshold update that adopts the most protective standards for ozone and that the update needs to evaluate the impacts of ozone in pine trees and the Region's forests. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-108 The comment, which is focused on the 2011 Threshold Update Report, states that impacts of removing wood smoke and suspended sediment threshold standards have not been evaluated. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation and that the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-109 The comment, which is focused on the 2011 Threshold Update Report and the Regional Plan alternatives, states that PM and ozone standards are not found in any of the Regional Plan Update alternatives and that without environmental assessment, the most protective standards have been excluded from review and adoption. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation, but not for the 2011 Threshold Evaluation and that the Draft EIS describes and analyzes the proposed Threshold Standard amendments.
- O16-110 The comment, which is focused on the 2011 Threshold Update Report and air quality issues, states that the Regional Plan Update Draft EIS must analyze an alternative that adopts the most

protective human health standards for the entire Lake Tahoe Region, and that improved standards for atmospheric deposition should be adopted. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.

- O16-111 The comment states that the “original proposed update included the 500 acre disturbance zone plus a 0.5 mile buffer” around northern goshawk nest sites, “much like the USFS has a similar radius for Limited Operating periods,” and questions why TRPA has reduced the size of the radius. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also see the Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.

As described in Chapter 3.10, Biological Resources, the proposed threshold amendment would establish a 500-acre disturbance (free) zone surrounding a population site—approximately the same area as a 0.5-mile radius. The zone would be based on a 0.25-mile radius around the site to protect the goshawk from direct disturbance, and the remainder of the 500 acres would include the most suitable habitat adjacent to the site. This approach would provide for protection of the habitat that is most important to the species, and would remove restrictions from lands that offer no protection to the species.

TRPA agrees that a limited operating period (LOP) or similar measure would be considered a standard requirement during project-level review, for construction disturbances near an active goshawk nest. The typical LOP radius around a goshawk nest used by USFS is 0.25 mile. The Code of Ordinances applies a non-degradation standard within goshawk disturbance zones, but does not specifically require a construction LOP. LOPs are applied as a special permit requirement to achieve the non-degradation standard, but the Code retains flexibility to account for the type of activity, topography, and other factors.

- O16-112 The comment, which is focused on the 2011 Threshold Update Report, states that Regional Plan Update Draft EIS appears to eliminate thresholds rather than focus on what revisions could be considered that would protect human health and recognize the impacts of external sources. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.

- O16-113 The comment states that the 1987 Regional Plan has components that reflect outdated science, but it is not flawed; rather that TRPA’s implementation and lack of updates are the flaw.

Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also, see Response to Comment O16-6, which addresses how the Draft EIS describes and analyzes the proposed Threshold Standard amendments.

- O16-114 The comment states that the Regional Plan Update Draft EIS (as well as the RTP/SCS Draft EIR/EIS) defer mitigation of numerous impacts and cites examples related to VMT reduction. The comment asks where the analysis is that shows that the Region will be able to meet VMT standards.

This comment is addressed in Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details and the Response to Comment O16-141 on the potential for VMT to change over time due to factors out of TRPA's control. Draft EIS Impact 3.3-3, Vehicle Miles Traveled Threshold Standard, presents the analysis of impacts to VMT.

O16-115

The comment asks what BMPs will be included in the Best Construction Practices Policy identified in Mitigation Measure 3.4-2. Please see page 3.4-28 of the Draft EIS for a list of potential best practices. As described in Mitigation Measure 3.4-2, TRPA will coordinate development and implementation of the policy within 12 months of adoption of the Regional Plan. Development of the policy will include the selection of specific feasible BMPs, which may include, but would not be limited to, the list of practices on page 3.4-28 of the Draft EIS. Please also see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for more information.

The comment also asks what the emissions from construction would be. As described on Draft EIS pages 3.4-26 through 3.4-28, it is not possible or meaningful to estimate construction emissions that would occur as a result of the Plan because there is not sufficient detailed information available regarding how the Plan would build out in the form of individual development projects. TRPA will evaluate project-related construction emissions on an individual basis.

The comment asks why TRPA has not formulated a Best Construction Practices Policy before. TRPA has relied on individual jurisdiction rules, regulations, and codes and has implemented mitigation on a project-by-project basis until this time. TRPA wishes to use the Regional Plan Update as an opportunity to develop a consistent approach to application of air quality mitigation and will enforce its application either through its Code or through conditions of project approval.

O16-116

The comment asks for an explanation of the Greenhouse Gas (GHG) Emission Reduction Policy identified in Mitigation Measure 3.5-1. The GHG Emission Reduction Policy is described in Mitigation Measure 3.5-1 on page 3.5-24 of the Draft EIS. The GHG Emission Reduction Policy has not yet been defined, and its development is the directive of this mitigation measure. TRPA will develop and implement a plan that demonstrates achievement of a GHG reduction target deemed consistent with AB 32 goals. It is anticipated that the work on the Regional Sustainability Plan currently underway by the Regional Sustainability Collaborative will provide local information that can inform the development of the GHG Emission Reduction Policy. The plan will include GHG reduction actions such as those listed under Mitigation Measure 3.5-1. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, in response to the request for analysis.

The comment also asks a similar question regarding Mitigation Measure 3.5-2 on the Alternative Planning Scenario (APS). California SB 375, Section 1 requires that Metropolitan Planning Organizations (MPOs) adopt an APS in the event that the Sustainable Communities Strategy proposed is unable to achieve the greenhouse gas emission reduction targets for the region. The APS would show alternative development patterns, infrastructure, or additional transportation measures or policies needed to achieve the targets. TRPA has determined that it is feasible to meet SB 375 targets through Alternatives 2 and 3. Mitigation Measure 3.5-2 directs TRPA to prepare an APS for Alternatives 1, 4, and 5, in the case that they are adopted, which could include making Alternatives 1, 4, and 5 more like Alternatives 2 and 3. The analysis that shows



that Alternatives 2 and 3 are consistent with SB 375 requirements is provided in Impact 3.5-2 (pages 3.5-25 to 3.5-30) of the Draft EIS. If TRPA chooses to adopt an APS, further analysis would be required that would be beyond the scope of the environmental review of the Regional Plan Update or RTP/SCS. Please also see Response to Comment A38-26 for discussion on how the greenhouse gas emissions targets for Lake Tahoe were set.

O16-117 The comment asserts that Mitigation Measures 3.6-1, 3.6-2, and 3.6-4 are deferred mitigation. These mitigation measures require TRPA to coordinate implementation of a noise reduction plan and policies within 12 months of adoption of an updated Regional Plan. The comment also cites CEQA case law that disallows deferring the formulation of mitigation measures to post-approval studies and asserts that the programmatic mitigation measures included in the Draft EIS preclude public input into the development of those mitigation programs and policies. Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

O16-118 The comment states that the Regional Plan Update Draft EIS does not present an adequate range of alternatives and that the Draft EIS has not adequately analyzed the individual concepts in the alternatives to allow mixing and matching components of the alternatives. The comment states that the only draft Ordinances are those intended to carry out Alternative 3, which impedes the TRPA Governing Board's ability to create a mix-and-match alternative.

The Draft EIS presents a reasonable range of Regional Plan Update alternatives, which were developed based on many years of public outreach. As described in Section 1.10 of the Draft EIS and discussed further in Master Response 2, Duration of Public Comment Period, TRPA facilitated a robust public outreach effort to develop the Regional Plan Update alternatives and EIS scope.

The environmental review process for the Regional Plan Update EIS began with efforts to gather information to establish the scope of environmental review. A notice of preparation (NOP) was issued to inform agencies and the public that an EIS would be prepared for the Regional Plan Update, and to solicit views of agencies and the public regarding the scope and content of the EIS. The NOP was distributed on September 5, 2007, and comments were received through October 5, 2007. Two scoping meetings were held to obtain oral comments, one at a meeting of the TRPA Advisory Planning Commission and one at a meeting of the TRPA Governing Board. TRPA also facilitated a variety of public outreach efforts to develop the Regional Plan Update alternatives and the EIS scope. A process known as the Pathway Forum was conducted to engage stakeholder representatives from inside and outside the Region in substantive discussion on a wide variety of technical topics and issues related to the Regional Plan. TRPA also conducted an extensive Place-based Planning effort to gain specific input from citizens in communities around the Lake, about their respective geographic areas. Between 2005 and 2008, some 2,500 individuals and organizations participated in these two comprehensive public participation efforts, providing valuable input to the TRPA Governing Board and staff. TRPA also engaged stakeholders and the public through additional meetings of the Governing Board in 2009 and 2010. At these meetings TRPA staff presented fact sheets and other information on potential Regional Plan Update alternatives, and received substantial public input and Governing Board direction. In addition, throughout 2010, TRPA received hundreds of written comments and conducted over 180 meetings with interested parties to identify additional issues and specific amendments that could be considered in the Regional Plan Update alternatives.

Based on the public outreach effort, TRPA then focused on high-priority issues to develop a reasonable range of feasible alternatives for evaluation in the EIS, so that the Governing Board could render a decision and implement an updated Regional Plan within a reasonable timeframe. In July 2011, the Governing Board formed a Regional Plan Update Committee (RPUC) to solicit additional input from the public, jurisdictions, representatives from California and Nevada agencies, and other interested groups. The RPUC worked to further refine the alternatives to be considered in the EIS. Taken together, this input resulted in the five alternatives analyzed in the Draft EIS, as described in Chapter 2 of the Draft EIS.

As explained in Chapter 2, Revisions to Alternative 3: Final Draft Plan of the Final EIS, the Final Draft Plan is a modified version of Alternative 3 (Draft Plan), which was developed by the RPUC of the TRPA Governing Board. In preparing the Draft Plan, the RPUC conducted a page-by-page review of the existing Regional Plan and various amendment proposals at a series of 15 full-day public meetings between October 2011 and March 2012. The RPUC endorsed 89 percent of the provisions in the Draft Plan by a unanimous vote. The other 11 percent were advanced by a non-unanimous vote of the RPUC. In response to the call for review and public comment on all draft documents, 358 comment letters were received; including 45 from public agencies, 55 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses and 102 form letters sponsored by two organizations (Friends of the West Shore with 43 form letters and Lake Tahoe Community Realtors with 59 form letters). Additionally, the administrations of the States of California and Nevada convened a series of meetings to consult with affected stakeholders and develop compromise recommendations to address topics that were not unanimously supported by the RPUC—and to do so in a manner that would further the achievement and maintenance of adopted Environmental Threshold Standards. These consultation meetings were led by California Secretary of Resources John Laird and Nevada Department of Conservation and Natural Resources Director Leo Drozdoff. The consultations involved representatives from state and local governments, environmental organizations, development interests, and subject matter experts. They resulted in a series of policy recommendations that reflected compromises on the major issues that had not been unanimously endorsed by the RPUC. The compromises maintained the Threshold attainment strategies of Alternative 3, while strengthening certain regulatory and procedural controls. In August 2012, the RPUC held additional meetings to consider the bi-state recommendations and public comments. The RPUC endorsed the recommendations and additional plan amendments that responded to public comments and concerns. On August 22, 2012, the TRPA Governing Board voted to incorporate the revisions recommended by the RPUC into the Final Draft Plan for evaluation in the Final EIS.

As stated on page 2-18 of the Draft EIS, the Regional Plan Update alternatives provide land use planning frameworks, which are detailed as a means to provide information to the public and decision makers regarding the land use outcomes of each alternative. The land use frameworks have been paired, for purposes of evaluation, with other development and environmental policies and regulations; however, the five alternatives do not reflect the only potential combinations. Further, the proposed Code language is a draft version; it will be finalized upon adoption of a Regional Plan Update alternative to reflect all appropriate and necessary Code changes. The EIS addresses the environmental effects of the various land use parameters and the other development and environmental regulations. Therefore, the TRPA Governing Board may choose to implement land use planning framework alternatives with a combination of development potential and environmental regulations from other alternatives. When considering combinations that are different than those presented in any single alternative, the

finding must be made that no significant environmental effects that were not evaluated in the Draft EIS would occur. Changes to the alternatives are described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in this Final EIS, and any impacts to significance findings are described therein.

Chapter 1, Introduction, of the Final EIS describes the next steps in the environmental review and project approval process, including the process for adoption of Findings and TRPA Governing Board approval.

O16-119

The comment suggests that the Regional Plan alternatives represent a pro-development approach. The comment also raises questions regarding Tahoe's economy and states that visitors to the Region will not want to stay in urban centers. The comment states that close-up land use maps of the South Stateline area were not provided for Alternatives 1 and 5. The comment addresses the general approach of the proposed Regional Plan alternatives and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, for more information on how comments on the plan have been addressed. See also Response to Comment O10-1 regarding close-up land use maps for Alternatives 1 and 5.

The comment suggests that the intent of the Regional Plan Update is to improve Tahoe's economy, and that provisions such as transfer of development incentives are primarily included to improve the economy. Please refer to section 1.2, Project Purpose, Needs, and Objectives, of the Draft EIS, which provides a detailed description of the intent of the Regional Plan Update alternatives. Page 1-4 of the Draft EIS lists specific policy objectives including "Encourage property owners to transfer existing development and development rights from sensitive or outlying areas to existing community centers with the goal of restoring these lands". Transfer of development incentives included in Regional Plan Update alternatives are intended to achieve the above referenced policy objective, not to improve Tahoe's economy.

The comment also raises concerns regarding land use changes to allow additional uses in recreation designated lands. This proposal was evaluated under Impact 3.2-2, Land Use Classification Change. The Draft EIS concluded that the change as proposed in Alternative 3 "could result in development of vacant lands not currently contemplated for such land uses. [and that] Alternative 3 would result in a potentially significant land use impact." (EIS Page 3.2-68). The Draft EIS included Mitigation Measure 3.2-2, Revise Requirements for Development in the Recreation District, which would mitigate this impact to a less than significant level. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Final Draft Plan represents Alternative 3 with important revisions, which include substantial limits on proposed new uses within Recreation Areas. Please see Master Response 10, Development on Recreation-Designated Lands, which further addresses this comment.

The comment states that the EIS must evaluate local and cumulative impacts of the proposed alternatives and raises questions about specific types of recreation projects and their associated impacts. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use

development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.

Furthermore, Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Draft EIS Chapter 4, Cumulative Impacts. The comment raises questions, but offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

In regard to the comment related to extension of the public comment period, please see Master Response 2, Duration of Public Comment Period.

O16-120

The comment expresses concern that redevelopment under the existing Regional Plan does not support small rural communities making their own decisions. The comment cites concerns about specific projects in the Region, including Homewood Mountain Resort and Boulder Bay. The comment states that the Regional Plan Update Draft EIS has proposed significant changes at the community scale, well before communities have had a chance to decide what they want.

Please see Response to Comment O16-118 and Master Response 2, Duration of Public Comment Period, regarding the robust public outreach process that TRPA has undergone with local and state jurisdictions, agencies, organizations, and individuals to arrive at a reasonable range of alternatives that considers input from a wide variety of individuals and entities, as well as scoping for the EIS.

In regard to concerns related to small communities having control of the character of their communities under the Area Plans proposed in Alternative 3, Area Plans would allow local communities to have more direct control over elements of community character within their community. As explained in Draft EIS Chapter 2, Alternatives (page 2-34), public agencies would be encouraged to engage local residents and, in coordination with TRPA, prepare coordinated plans for implementation of land use goals, policies, and ordinances. The Area Plans delegate some authority to local jurisdictions. Nonetheless, Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Final Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and Chapter 2 of this Final EIS, the Area Plan process under Alternative 3 has been revised to include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board. For additional specific information on the Area Plan process, please refer to Chapter 13, Area Plans, of the Final Draft Code of Ordinances.

The comment raises questions regarding consistency of the Regional Plan with local plans, policies, and regulations. As explained in Draft EIS Impact 3.2-3, the fundamental purpose of the Regional Plan is to implement goals, policies, and ordinances that, collectively, achieve and

maintain environmental Threshold Standards. As such, Regional Plan Update alternatives have been developed in coordination with, and/or in consideration of, other applicable plans, including the Regional Transportation Plan, Sustainability Communities Strategy, LTBMU Forest Plan, Water Quality Management Plan, EIP, Lake Tahoe TMDL, and local General Plans and Master Plans. All five alternatives would result in land use plans and urban forms that generally follow the existing land use pattern. Through land use planning frameworks and incentives, the alternatives, to varying degrees, further focus development and redevelopment within the Region's existing urban nodes. Furthermore, established policies for cooperative planning in the Region, through MOUs and ongoing coordinated and concurrent updates, have allowed TRPA and federal, state, and local agencies to establish consistency between the Regional Plan and other applicable plans.

The comment further questions how the City of South Lake Tahoe's 2030 General Plan Update could be found consistent with the Regional Plan Update, which is not yet adopted. This comment does not raise environmental issues regarding the adequacy, accuracy, or completeness of the Regional Plan Update EIS. However, as noted by the comment, the City of South Lake Tahoe disclosed that the Regional Plan Update was underway concurrently with the City's General Plan Update; the City worked in close coordination with TRPA; and the City stated, "it is anticipated that the General Plan will be incorporated into the Updated Regional Plan" and "the City finds that the General Plan Update would generally result in development consistent with the Regional Plan, Community Plans, and PASs, with the implementation of mitigation." However, where the Regional Plan includes stricter standards or requirements than a General Plan or other local plan, the stricter standards will apply.

O16-121 The comment states that the Regional Plan Update Draft EIS (as well as the RTP/SCS Draft EIR/EIS) speculates that the policy-level analysis is not responsible for assessing the environmental impacts of the proposed alternatives.

This comment is incorrect. The Regional Plan Draft EIS (as well as the RTP/SCS Draft EIR/EIS) evaluates the potential environmental impacts of all proposed alternatives. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.

As described in Chapter 2, Alternatives, the Draft EIS looks at a reasonable range of Regional Plan Update alternatives. Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains an objective, comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Draft EIS Chapter 4, Cumulative Impacts. The environmental impact analyses are supported by substantial evidence in the EIS and supporting documentation. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

The comment also states that without an adequate assessment of baseline conditions, it is not possible to draw conclusions about how alternatives will affect thresholds. Each resource section in Chapter 3 of the Regional Plan Update Draft EIS includes a section titled “Affected Environment,” which describes existing regional conditions relevant to the specific technical issue. The section titled “Environmental Consequences and Recommended Mitigation Measures” identifies and describes the methods and assumptions used in the analysis, the criteria used to determine the level of significance of environmental impacts, the potentially significant effects of implementing the Regional Plan Update alternatives, and feasible mitigation measures that could reduce potentially significant impacts.

The comment further points to concerns regarding analysis of carbon monoxide (CO) emissions, stating that it omitted emissions from off-road mobile sources such as motorized watercraft, off-road vehicles, and aircraft. TRPA completed an impact evaluation of air quality impacts associated with the Regional Plan Update alternatives in Section 3.4 of the Draft EIS (the associated modeling results are provided in Appendix F to the Draft EIS). Impact 3.4-1 addresses consistency with air quality plans and transportation conformity (specifically addressing carbon monoxide emissions) and Impact 3.4-4 addresses long-term operational localized exposure to mobile-source carbon monoxide emissions. Please see the Response to Comment O16-130 for how CO emissions were evaluated.

O16-122 The comment states that inconsistent VMT numbers are presented between the 2011 Threshold Evaluation Report, the Regional Plan Update Draft EIS, and the RTP/SCS Draft EIR/EIS. Please see Response to Comment O16-141.

O16-123 The comment asserts that documents that were relied upon to inform the analysis in the EIS were not available to the public. TRPA made a good-faith effort to make all information used in the Draft EIS available for public review. This included providing 770 pages of supporting information in appendices to the Regional Plan Update Draft EIS as well as 814 pages of supporting information in appendices to the RTP/SCS Draft EIR/EIS. In addition, all references cited in the Regional Plan Update Draft EIS or RTP/SCS Draft EIR/EIS have been available to the public upon request since April 25 (including a draft of the BAE report) and available for download from the TRPA website since May 22, 2012 (see <http://www.trpa.org/RPUEISReferences/>). Furthermore, all requests for information referenced in the Draft EIS have been responded to within 24 hours. All available requested information has been provided in response to requests or responders were directed to where information was publicly available.

In addition, please see Response to Comment O10-1, regarding FOWS requested maps.

O16-124 The comment makes reference to use of the 2011 Threshold Evaluation Report as the baseline. The baseline used in the Air Quality analysis in Draft EIS Section 3.4 was year 2010.

The comment also expresses concerns about whether or not the air quality analysis was performed regionally, reflecting the emissions profile of the entire Basin; and asserts that the EIS used an improper application of individual jurisdiction-specific regulations and standards but offers no specific information or evidence to support the claim. Impacts in Section 3.4 were all evaluated as they relate to the entire Regional Plan Update and RTP/SCS build-out. For example, VMT estimates and associated mobile-source emissions in Impact 3.4-3 were estimated for the entire Basin. Further, in Impact 3.4-3 of the Regional Plan Update Draft EIS, area-source

emissions were estimated for the build-out of commodities allocated under the Regional Plan Update alternatives throughout the entire Basin.

The fourth paragraph of the comment notes that the Regional Plan Update EIS must evaluate the impacts of proposed alternatives on all air quality Threshold Standards and implies that TRPA did not prepare an environmental analysis of air quality impacts associated with proposed changes to air quality standards. TRPA evaluated the impacts of proposed alternatives on all air quality Threshold Standards in Section 3.4 of the Draft EIS and completed an impact evaluation of changes to air quality standards in Impact 3.4-8 on page 3.4-46 of the Draft EIS.

This comment also notes that the RTP/SCS Draft EIR/EIS must also meet CEQA requirements. TMPO and TRPA are the lead agencies for preparation of the RTP/SCS Draft EIR/EIS joint environmental document, serving as a Program EIR prepared in accordance with CEQA and the State CEQA Guidelines (including CEQA Guidelines Section 15168, Program EIR), and an EIS prepared in accordance with TRPA's Code of Ordinances and Rules of Procedure. The State CEQA Guidelines were followed for the RTP/SCS Draft EIR/EIS and the document meets CEQA requirements.

O16-125 The comment questions the validity of the meteorological data presented from the South Lake Tahoe Airport to represent the study area. The comment presents additional meteorological data that suggest that precipitation patterns vary in different parts of the Basin; some locations receiving a greater portion of precipitation in the form of snow rather than rain. While this may be accurate information, impact conclusions in Draft EIS Section 3.4 are based on emissions modeling and are not heavily influenced by precipitation data.

This comment also provides additional information regarding synoptic wind patterns and highlights challenges in characterizing the influence of wind patterns on dispersion in the Basin due to terrain. The impact conclusions in Draft EIS Section 3.4 are not based on dispersion or chemical modeling of pollutants in the Basin, but instead on mass emissions modeling of pollutants attributable to the Regional Plan Update and RTP/SCS alternatives under consideration. Wind pattern data presented on pages 3.4-15 through 3.4-16 of the Draft EIS are sufficient and proportional to the level of consideration these data were given as they relate to associated impact conclusions.

O16-126 The comment notes that additional air quality monitoring data are available for the Basin. Please see Response to Comment A38-13 where additional monitoring data are provided.

O16-127 The comment notes that limited tools are available to model and monitor air quality in the Basin. The comment criticizes TRPA for not developing an air quality monitoring network, emissions inventory, and a chemical kinetic dispersion model for use with this environmental review process. It should be noted that this is not a comment on the analysis within the Regional Plan Update Draft EIS or the RTP/SCS Draft EIR/EIS, and that the requested hypothetical modeling tool is not used anywhere else in California or Nevada for environmental analysis of comprehensive plans or projects. TRPA notes the comment and agrees that advancement of modeling tools and data availability are important issues and are in line with TRPA's long-term goals and priorities. However, this request is above and beyond the current state of the practice for environmental review. TRPA is limited to tools and data available at the time of writing and has relied upon the best available modeling tools and data recognized by the ARB, NDEP, and

EPA. The resulting analyses are based on substantial evidence and are sufficient to support the conclusions in the Draft EIS and Draft EIR/EIS.

The comment also states that the analysis does not account for variability of air quality conditions throughout the Basin because data from one air quality monitoring station were used to represent air quality throughout the Basin. Please see the Response to Comment A38-13 where additional monitoring data are provided. It should also be noted that little variation is seen in monitoring data between the South Lake Tahoe Airport station and the Incline Village station. Both stations showed similar concentrations and number of exceedance days during 2008-2010.

O16-128 The air quality analysis in Draft EIS Section 3.4 evaluates the contribution of air pollutant emissions that would be associated with each plan alternative. Each plan alternative and associated emissions would occur over a 20-plus-year period. The Regional Plan contains mechanisms to phase the release of development commodities, which would ensure that emissions associated with the Plan occur gradually over the life of the Plan and consistent with the assumptions in the Draft EIS (please see Mitigation Measures 3.3-1 and 3.3-3 and Draft Code Chapter 50). Thus, the effects of each long-term planning scenario are evaluated based on the emissions profile of the Basin at Plan build-out. In the near term, the Plan would allow for a very low level of development. The greatest quantity of emissions would occur once the maximum number of commodities is allocated and the Plan approaches build-out, which would occur in 2035. TRPA agrees that the attainment of air quality standards should occur as soon as possible, but for the purposes of the environmental analysis of the long-term Regional Plan Update, the appropriate future condition upon which air quality impact conclusions should be based is 2035. Individual nearer-term project proposals will be evaluated individually for environmental impacts, including impacts on air quality Threshold Standards.

O16-129 The comment states that the Regional Plan Update Draft EIS fails to evaluate operational emissions of CO, visibility standards, diesel PM, and atmospheric deposition. Operational CO impacts are evaluated in three different ways under Impacts 3.4-1, 3.4-3, and 3.4-4 and, as shown in the analysis, would be less than significant. The impact on visibility is discussed on page 3.4-29 of Impact 3.4-3 and under Impact 3.4-8 regarding replacing the visibility Threshold Standard with the most stringent, already-applicable ambient air quality standards for particulate matter. Diesel PM is evaluated in Impact 3.4-5. Atmospheric deposition is evaluated under Impact 3.4-7.

The comment asserts that mobile sources of emissions are likely underestimated for each alternative. Please see Response to Comment A38-8 and O26-10 regarding VMT modeling, and O16-139 regarding use of the RTAC method for estimating mobile emissions. The methodology for mobile-source emissions modeling that was applied was approved by ARB. Please see also the Response to Comment A38-17 for additional details on why the EMFAC 2011 model applies and is appropriate for Basin-wide use, including Nevada-generated VMT.

The third and fourth paragraphs on page 178 of comment O16 include comments about the VMT threshold and thresholds in general. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment also asserts that area-source emissions are underestimated because certain sources of emissions are not accounted for in the CalEEMod model used to characterize area



sources. The specific sources that the comment notes are absent include wildfire emissions, prescribed burns, and stationary sources. However, these sources are not related to the land use alternatives under consideration for the Regional Plan Update. Emissions that occur during wildfires and prescribed burns are included in the baseline in the sense that they are measured at air quality monitoring stations and are included in the Basin's assessment of attainment of thresholds standards. There is no evidence to suggest that wildfires or prescribed burning would increase as a result of Regional Plan Update implementation. Please see the Response to Comment A38-21. Stationary-source emissions are project-, process-, and industry-specific, and are not accounted for in CalEEMod because there is not a direct documented relationship between stationary sources and land use development. It is not possible to predict the increase in stationary-source emissions that would occur under the Regional Plan Update at this time, because it not known which industrial land uses or specific processes would be developed under the Regional Plan Update. Further, stationary sources are permitted by local air quality regulatory agencies (e.g., EDCAQMD, PCAPCD, Washoe County, Douglas County) and are covered by those local agencies' permitting regulations, which ensures that such permitted sources are within acceptable limits and are subject to BACT and offsets. The sources that are accounted for in Impact 3.4-3 encompass the majority of the types of land use-related emissions that would be associated with adoption of a Regional Plan Update alternative (i.e., mobile-, area-, and energy-related emissions).

In addition, the emission factors relied upon in CalEEMod related to area sources and natural gas consumption are not specific to California and are also applicable to Nevada. For example, a therm of natural gas consumed in California would have the same emissions as a therm of natural gas consumed in Nevada. Further, there is not an area-source emissions modeling tool similar to CalEEMod designed for use outside of California. CalEEMod is considered the best available emissions estimation tool applicable to the project.

The comment states that ozone and CO are not given much attention. Ozone and CO are evaluated in detail under Draft EIS Impacts 3.4-1, 3.4-2, 3.4-3, 3.4-4, and 3.4-8. Please see Appendix F of the Regional Plan Update Draft EIS (pages F-2 to F-12) and Appendix D of the RTP/SCS Draft EIS/EIR (pages D-3 to D-7 and D-13 to D-17) for calculations regarding the net change from existing conditions (2010) and project build-out (2035) for ozone precursors and CO associated with each alternative.

The second paragraph on page 180 of comment letter O16, under the heading "PM10 and PM2.5," appears to address the Threshold Evaluation Report rather than the Draft EIS. The Threshold Evaluation Report shows that baseline PM conditions are improving, but the comment appears to be concerned that PM conditions are worsening. The Threshold Evaluation Report uses the best available information regarding air quality monitoring and emissions trends, as well as widely accepted statistical methods, and has undergone a peer review to verify its accuracy. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment provides excerpts from Draft EIS Section 3.4 regarding increases in PM10 and PM2.5 that would occur under the respective alternatives and misinterprets a literal reading of the text "emissions of PM10 and PM2.5 would increase slightly by 2035" as an attempt to discount the emissions. This text should be interpreted literally as written. PM10 and PM2.5 emissions would increase slightly by 2035. The expected increases in PM are *extremely* nominal considering that this is the expected net increase for the entire Basin over 20 years (e.g., 46.5

lb/day of PM10 for the entire Basin under Alternative 5 [i.e., the largest amount of development], which would still be less than PCAPCD's recommended *project*-level CEQA thresholds of significance of 82 lb/day for PM10).

The comment questions the expected increases in wildfire occurrences in future decades. Please see Response to Comment A38-21 regarding emissions from wildfires.

O16-130

The first part of Comment O16-130, under the subheading "CO concentrations," addresses the Threshold Evaluation Report and not the Draft EIS. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The section of Comment O16-130 under the subheading "CO Emissions" criticizes the evaluation of CO conformity using the applicable motor-vehicle emissions budgets. The analysis of motor vehicle CO emissions performed under Impact 3.4-1 shows that the Regional Plan Update and RTP/SCS would be well below the allocated emissions budget for Placer and El Dorado counties, respectively. EPA and ARB have established the motor vehicle emissions budgets for CO maintenance in the Tahoe Air Basin; the fact that CO emissions from all alternatives would be so far below the budgets provides solid evidence to suggest that the Regional Plan Update or RTP/SCS would not interfere with maintenance of the CO AAQS. Factors such as inversions and cold temperatures are important with respect to CO formation and concentration anywhere, within or outside of California. The motor vehicle emissions budgets are derived for the Basin based on its carrying capacity for CO given its climate and meteorological conditions. The EMFAC model used to estimate CO accounts for temperature and relative humidity when estimating CO emissions from vehicle starts and running exhaust, and Tahoe-specific temperature data are embedded in the EMFAC model.

Under the subheading "CO Emissions: Construction-related (Short-term)," the comment inquires about CO emissions from construction. The project area is in attainment for CO. CO hot spots can result when substantial traffic congestion occurs in a confined area, and this possibility is evaluated in Draft EIS Impact 3.4-4. Typical construction sites in the Basin would generally result in a few pieces of heavy-equipment running simultaneously spread over the site. Emissions from this scenario do not resemble a congested intersection. It is not anticipated that construction would be a substantial source of CO emissions concentrated in a single area where dispersion is inhibited. As described under Draft EIS Impact 3.4-2, it is not possible to estimate construction-related emissions of any pollutant due to uncertainty regarding project-specific details. The Regional Plan Update Draft EIS evaluates a collection of policies and land use alternatives, and TRPA will evaluate individual project development proposals under individual environmental reviews that will evaluate project-specific construction emissions. Even though the Basin is in attainment for CO, implementation of Mitigation Measure 3.4-2 would also reduce CO emissions (e.g., minimize idling, utilize existing power sources when available).

Under the subheading "CO Emissions: Operational (Long-term)," the comment asserts that the statement that "CO hot spots are not associated with intersections that operate at acceptable levels of service" is not supported. This statement is supported by the evidence in Garza et al. 1997, the Transportation Project-Level Carbon Monoxide Protocol published by U.C. Davis. This Protocol is the widely accepted authority on CO hot spot analysis in environmental review practice. The comment asks if TRPA has monitored CO for multiple intersections in the Basin. NDEP and EPA have made the decision to phase out the CO monitor in the Basin because the Basin has demonstrated attainment for CO standards. The annual costs (\$20,000) associated

with maintaining the CO monitor in relation to the relatively low monitored CO values and historical downward trends follows EPA's guidance listed in "Section 3, Verification of Continued Attainment satisfies 40 CFR 58.14 requirements for discontinuance" in the Protocol. Importantly, CO and CO emission factors are continuing to decline and would be expected to decline further over the planning period. The comment asks whether TRPA has compared the emissions from watercraft, aircraft, and off-road motor vehicles to measured CO levels to determine if these sources contribute to CO hot spots. Aircraft, watercraft, off-road motor vehicles, and on-road motor vehicles would not be operating together in a confined area such as a congested intersection. This comment is outside of the scope of the Regional Plan Update analysis. Please see the Response to Comment A38-17 regarding use of the EMFAC model for mobile-source emissions.

The comment asserts that there are flaws in the baseline assumptions and the analysis done for future conditions, and is highly critical of TRPA's attempt to characterize the majority of the operational emissions from the Plan alternatives. The comment does not offer any suggestions for alternative methods that are superior to the methods used in the Draft EIS or Draft EIR/EIS. TRPA believes the emissions modeling methodology used in the Draft EIS and Draft EIR/EIS is the best available at this time because it relies on methods, emission factors, and modeling techniques adopted by ARB and EPA, which are the regulatory authorities for air quality in California and Nevada. In addition, the comment states that "CO emissions factors that are expected to be reduced substantially appear to only be related to on-road motor vehicles registered in California." This statement is incorrect. CO emission factors will also continue to decline for vehicles registered outside of California. Please see the Response to Comment A38-17.

The comment questions the significance criteria in Draft EIS Section 3.3, asking why LOS is allowed to worsen. Transportation significance criteria that allow LOS levels to worsen provide a specific time period (e.g., a significant impact would occur if a roadway within an urban center would worsen from LOS D or better to LOS E for five hours or more). The time period is allotted to create an allowance for high-traffic periods due to visitor-related traffic during high tourist seasons. These criteria consider chronic traffic impacts, rather than infrequent events.

The comment asserts that the analysis of local mobile-source CO emissions must include all mobile-source emissions, including watercraft, aircraft, and snowmobiles. The point of localized CO analysis is to assess whether sources are concentrated at a single location to the point where CO concentrations could exceed applicable standards. Watercraft, aircraft, snowmobiles, and vehicles would not foreseeably be operating together at a single location such as an intersection. Thus, the type of analysis requested in this comment is not appropriate and does not represent a foreseeable condition that could occur under the Regional Plan.

The comment questions applicability of SMAQMD's screening-level method for local CO and correctly points out that SMAQMD is out of the Basin. Even if the vehicle fleet mix in the Basin differs substantially from that in Sacramento County, the important factor to emphasize in this screening-level protocol is the level of congestion needed to result in a violation of CO standards. An intersection would need to accommodate more than 31,600 vehicles per hour before a violation of an ambient air quality standard would result (SMAQMD 2009). As described on Draft EIS page 3.4-38, no affected intersection would experience more than 3,000 vehicles per peak hour under full build-out conditions. This is only 10 percent of the number of vehicles needed to result in a potential hot spot according to SMAQMD's screening method, which is

based on the Transportation Project-Level Carbon Monoxide Protocol discussed above (Garza et al. 1997). This is evidence that even if the proportion of less-efficient vehicles were higher, the amount of congestion anticipated is nowhere near the level that could result in a violation of CO standards.

The comment states that it is unclear how visitors' vehicles are accounted for. See the previous paragraph. Even if the fleet distribution were substantially different from the average fleet in Sacramento County used to develop SMAQMD's screening levels, the maximum amount of congestion at affected intersections would be nowhere near the level that could result in a CO violation. Also see the Response to Comment O26-2, which addresses how visitors were incorporated into the traffic modeling.

O16-131 The commenter believes that there is an inadequate level of ozone monitoring in the Basin to assess existing conditions or evaluate the impacts of future development. The Basin is out of attainment for ambient air quality standards and air quality Threshold Standards. See Table 3.4-2 on page 3.4-3 of the Draft EIS. This is sufficient information to characterize existing conditions with respect to ozone and against which to evaluate impacts of future development. The comment also disputes a citation by ARB (ARB 2009). ARB is the regulatory authority on ozone and transport in the State of California. TRPA believes that the ARB source cited is considered accurate and is evidence supportive of the conclusions drawn in Draft EIS Section 3.4. Please see the Response to Comment A38-14 pertaining to the California emissions inventory.

O16-132 The comment characterizes "emissions from vehicles not registered in California" and "wood heaters and appliances from Nevada-side sources" as having "No analysis." All VMT-related emissions and area sources in the Basin were evaluated according to the methodology described on Draft EIS page 3.4-21 and pages 3.4-29 through 3.4-30. Please see the Response to Comment A38-17 regarding EMFAC 2011 emission factors.

The comment believes there are flaws in the baseline assumptions and the analysis done for future conditions, and is highly critical of TRPA's attempt to characterize the majority of the operational emissions from the Plan alternatives. TRPA believes the emissions modeling methodology used in the Draft EIS and Draft EIR/EIS is the best available at this time because it relies on methods, emission factors, and modeling techniques adopted by ARB, which is the regulatory authority for air quality in California. No similar land use-related emissions model (such as CalEEMod) is applicable to Nevada. TRPA believes that application of CalEEMod to Nevada emissions sources is better than providing no analysis, since an alternative model does not exist. Please see the Response to Comment A38-17 regarding use of EMFAC 2011 emission factors for vehicles registered in Nevada. Further, in March 2004, TRPA staff collected fleet mix information concerning the types of vehicles driven in both California and Nevada. This fleet mix information was then submitted to ARB for review and inclusion in updates to the EMFAC 2007 and 2011 models. Thus, inputs to the air quality analysis include TRPA-specific vehicle fleet data.

The comment provides additional information from a study by Desert Research Institute, which is related to the baseline emissions inventory. The comment's concern is that TRPA has not completed a comprehensive emissions inventory of the Basin at this time, with the implication that TRPA cannot evaluate air quality impacts of the Regional Plan Update alternatives without completing this task. TRPA disagrees and has evaluated the air quality impacts of the Regional Plan Update and RTP/SCS in Section 3.4 of the respective environmental documents. Specifically, TRPA estimated the net increase in ozone precursor and other pollutant emissions

for land use–related activities (i.e., mobile sources, area sources, natural gas consumption) compared to existing conditions and characterized the significance of the net increase in emissions in the Basin. Emissions were estimated to the extent that such emissions from a 20-year plan and package of policies can be known. Please see Response to Comment 38-6 regarding the baseline for emissions calculations. In terms of conformity analysis, ARB establishes the Lake Tahoe Air Basin (LTAB) emissions inventory and future emission levels (budgets) that RTPs must abide by. Based on the EMFAC analysis contained in the Regional Plan, the LTAB is anticipated to remain well within those emissions budgets under all of the alternatives of the Regional Plan. The level of detail that the comment implies is required (i.e., emission from off-road vehicles, aircraft, boats, industrial processes) is not available and is appropriate for a project-level environmental analysis, not for a programmatic analysis at the Plan level. TRPA will evaluate project proposals on an individual basis as they come forward.

The comment asserts that the Regional Plan Update Draft EIS should evaluate the impacts on forests of the net increase in ozone associated with the Regional Plan Update alternatives. Because the overall emissions of ozone precursors ROG and NO<sub>x</sub> are expected to decline dramatically over the plan implementation period, despite the increase in development, ozone levels are also anticipated to decline. Although it is not possible to disaggregate the individual emissions of ozone precursors from proposed development and the associated contribution to in-Basin ozone concentrations with available modeling tools, it is reasonable to assume that the trend of declining ozone precursors will correlate with declining ozone concentration, which will have a less-than-significant impact on forest resources.

O16-133 The comment expresses concerns about the PM<sub>10</sub> trends in the Threshold Evaluation Report. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Please see Responses to Comments O16-131 and O16-132 regarding applicability of the CalEEMod model and methodologies for estimating emissions for the Basin. Please see Impacts 3.4-2 and 3.4-3 of the Draft EIS regarding the evaluation of PM<sub>10</sub> air quality impacts from construction and operation, respectively.

The comment expresses concerns about insufficient monitoring data for PM<sub>2.5</sub> in the Basin. Existing PM<sub>2.5</sub> emissions for the California portion of the Basin are reported on page 3.4-19 of the Draft EIS. No such inventory exists for the Nevada side of the Basin. TRPA is in the process of reestablishing the South Shore IMPROVE monitoring site to collect PM<sub>2.5</sub> data; however, this does not affect the availability of baseline PM<sub>2.5</sub> data for the purposes of the Draft EIS. The Draft EIS evaluates impacts of PM<sub>2.5</sub> from construction and operation under Impacts 3.4-2 and 3.4-3, respectively.

The comment criticizes the reference to PCAPCD's and EDCAQMD's CEQA thresholds of significance. It is not TRPA's intention to adopt 82 lb/day as its own Threshold Standard, but it is useful to provide a reference level of mass emissions that may be considered significant by a relevant local agency to put Plan-related emissions, which are expressed as mass emissions, in context. TRPA's PM thresholds are concentration-based and are proposed to meet the same concentrations as the CAAQS, which PCAPCD and EDCAQMD are also charged with achieving. PCAPCD and EDCAQMD developed the 82 lb/day threshold based on permitting levels, which are based on nonattainment status. Both the LTAB and Mountain Counties Air Basin are nonattainment areas with respect to PM<sub>10</sub>. The level below which an individual emission source is considered to prevent significant deterioration (PSD) of the Region for PM<sub>10</sub> concentrations is 82 lb/day, as determined by PCAPCD and EDCAQMD.

For the reasons discussed in Draft EIS Impact 3.4-2, it is not possible to estimate construction-related emissions at the Plan level. TRPA will evaluate individual project-specific construction-related emissions on an individual project basis. TRPA agrees that construction emissions taken individually or collectively throughout the Basin could be significant, as concluded in Impact 3.4-2. Mitigation Measure 3.4-2 would substantially reduce construction-related emissions, especially with respect to NO<sub>x</sub> and PM. The comment insists that CalEEMod or the Urban Emissions Model (URBEMIS) could be used to estimate construction emissions for the Plan (after prior assertions that these models are not appropriate for application in TRPA's jurisdiction). TRPA does not believe that such an analysis would be meaningful because data regarding size, duration, schedule, demolition, excavation and soil hauling, project type, construction equipment, and other critically important parameters are not knowable. Instead, TRPA will evaluate projects using the relevant modeling tools mentioned (or others as they become available) at the time of individual project environmental review. The Regional Plan Update is a package of policies designed to guide development in the Region for the next 20 years, and Mitigation Measure 3.4-2 identifies a policy that will guide construction emissions control for all subsequent projects that come forward under the Regional Plan Update.

O16-134 The comment states that Impact 3.4-2 fails to meet requirements for impact analysis and that "deferred mitigation is not allowed by CEQA." Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

O16-135 As the comment points out, the status of regional visibility is unknown. Current visibility Threshold Standards reference 15 percent reductions in wood smoke and 30 percent reductions in suspended soil from the 1981 baseline conditions, but 1981 baseline conditions have not been and cannot be quantified. For this reason, TRPA has proposed to change the visibility standard to align with the PM<sub>10</sub> and PM<sub>2.5</sub> standards, which are measureable and already applicable. For the same reasons mentioned regarding difficulty in measuring visibility, it is not possible to downscale emissions from the proposed Regional Plan Update alternatives and convert them into an impact on visibility. Thus, the Draft EIS and Draft EIR/EIS use PM<sub>10</sub> and PM<sub>2.5</sub> as a proxy for visibility standards, an approach that TRPA proposes to use in future Threshold Evaluations. The Draft EIS and Draft EIR/EIS evaluate construction and operational PM<sub>10</sub> and PM<sub>2.5</sub> impacts under Impacts 3.4-2 and 3.4-3. The Draft EIS evaluates the proposed change of Threshold Standard for visibility to align with concentration-based PM standards in Impact 3.4-8. The comment does not offer an alternative method for analysis of the Plan's impacts on visibility as being superior to the method used by TRPA in the Draft EIS. In fact, no method exists at this time to link the net increment of Plan-related ozone precursors, PM<sub>10</sub>, or PM<sub>2.5</sub> to a change in regional and sub-regional visibility.

The comment addresses wood stove regulations in the Plan and is not a comment on the Draft EIS. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. The comment asks about the environmental impacts of enforcing current wood heater regulations. The environmental analysis is focused on emissions from additional, new wood-burning appliances and assumes that any new appliances would comply with the emissions standards specified in TRPA's regulation.

The comment asks when an analysis will be completed that evaluates the benefit of mitigation measures that reduce sources of PM. The effectiveness of mitigation measures will be monitored and the trends toward attainment of thresholds will be evaluated in the next and subsequent threshold evaluation report(s).

- O16-136      Comment O16-136 includes numerous comments on the Thresholds. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. The contribution of the Regional Plan Update and RTP/SCS to atmospheric deposition is evaluated in Impact 3.4-7 of the Draft EIS and Draft EIR/EIS, respectively. Substantial evidence is provided to link mobile-source emissions of NO<sub>x</sub> to atmospheric deposition (page 3.4-43 of the Draft EIS). Mobile sources of NO<sub>x</sub> are the most important source of atmospheric nitrogen *as it relates to the proposed Regional Plan Update and RTP/SCS*. TRPA acknowledges that there are other important sources of atmospheric nitrogen and phosphorus (i.e., forest fires, residential wood burning, out-of-Basin transport) that affect the Lake. However, these sources are not directly affected by land use changes that would take place under the Regional Plan Update. It is notable that NO<sub>x</sub> from residential wood burning is an important factor for consideration (and is considered in Impact 3.4-3), but this source is controlled by TRPA's wood stove emissions controls since only new wood-burning appliances that meet these stringent standards would be permitted in new development. Thus, the types of NO<sub>x</sub> emissions sources attributable to the Regional Plan Update and RTP/SCS have been evaluated in Impact 3.4-7.
- The comment also asserts that the Draft EIS and Draft EIR/EIS should have evaluated short-term construction impacts on atmospheric deposition. Such an analysis is appropriate for a project-level environmental review, and projects proposed under the Regional Plan Update will be subject to such review on a project-by-project basis. The level of detail required to evaluate short-term construction impacts is not appropriate for the programmatic level of analysis of the Regional Plan Update and RTP/SCS.
- O16-137      The comment proposes alternatives to Air Quality Mitigation Fee policies and Code. See Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. The comment asks questions regarding the potential road user fee with shuttles from intercept lots and requests an analysis of the environmental impacts of this program. The potential VMT benefits of this program are considered in the environmental analysis, as described in Appendix E of the Regional Plan Update Draft EIS and Appendix C of the RTP/SCS Draft EIR/EIS. Also see the Response to Comment I129-6, which discusses the legality of this program.
- The comment references Impact 3.4-9, Extension of Time for Air Quality Mitigation Fee Basis, and says that there is no assurance that the impact of this change to the way air quality mitigation fees are collected would be mitigated. Please see the discussion under 2.2.19 in Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS for an explanation of changes to Alternative 3 to include the extension of time for air quality mitigation fee bases. The discussion explains why including the proposed air quality mitigation fee provision of Alternative 4 in the Final Draft Plan would result in less-than-significant effects on air quality.
- O16-138      The comment raises additional concerns about use of California-specific models to represent emissions from the Nevada side of the Basin. Please see the Response to Comment A38-17 regarding use of EMFAC 2011 emission factors. The comment incorrectly references mobile-source emissions from CalEEMod, which were not used in the impact analysis in Impact 3.4-3 or anywhere in the Draft EIS or Draft EIR/EIS. Only non-mobile-source outputs from CalEEMod were used in the impact analysis (i.e., area-source and natural gas-related model outputs). Separate EMFAC 2011 modeling was conducted for mobile-source operational emissions.

The comment supplies text from ARB's website with emphasis: *"EMFAC 2011 has been updated to include the impacts of recently adopted diesel regulations including the Truck and Bus Rule and other diesel truck fleet rules: the Pavley Clean Car Standard and the Low Carbon Fuel Standard."* According to ARB staff (Sax, pers. comm., 2012 referenced in Response to Comment A38-17), EMFAC has only been updated to reflect the effects of Pavley and LCFS on GHG emissions outputs. These regulations are not reflected in the criteria air pollutant or ozone precursor emissions estimates in EMFAC, putting current EMFAC emission factors (LEV-II) roughly on par with federal Tier 2 emission standards, which are the current applicable standards in Nevada. In addition, EMFAC differentiates output to include effects of Pavley and LCFS on GHG emissions but also provides output without the effects on GHGs. The GHG analyses in Impacts 3.5-1 and 3.5-2 only reference GHG emission estimates from EMFAC 2011 that do *not* account for the effects of Pavley and LCFS regulations. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O16-139

The commenter disagrees with the use of the RTAC method for calculation of VMT used in the analysis of Region-wide and California-only air quality impacts. In response to this comment, the Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. Region-wide operational-related air quality impacts are analyzed in Impact 3.4-3, Long-Term Operational Emissions of ROG, NOX, PM10, and PM2.5; 3.4-7: Atmospheric Deposition; and 3.5-1: Increase in GHG Emissions. California-only air quality impacts are analyzed in 3.4-1: Consistency with Air Quality Plan and Transportation Conformity; and 3.5-2: Consistency with SB 375 Targets and AB 32 Goals. The RTAC method is appropriate for assessment of both Region-wide and California-only air quality and GHG-related impacts, because the method fairly apportions VMT to the Region. Under the RTAC method, external-to-external vehicle trips (i.e., X-X trips) and associated VMT are not allocated to the Region. Importantly, land uses that would be allocated under the Regional Plan Update would not be associated with any X-X VMT. The focus of the air quality analysis and the basis for significance conclusions in Impact 3.4-3 is on the net increase in VMT over existing conditions and associated net change in emissions that would occur as a result of land uses allocated under the Regional Plan Update. Any trips attributable to the Regional Plan Update would either be external-to-internal (X-I), internal-to-external (I-X), or internal-to-internal (I-I) trips. TRPA believes that the accounting method used does accurately reflect the net increase in VMT attributable to the land use alternatives under consideration. In addition, ARB has adopted the RTAC method for VMT allocation for purposes of calculating GHG emissions pursuant to SB 375. No other VMT allocation method has been adopted by ARB for air quality analysis purposes.

However, the comment correctly notes that pass-through VMT contributes to air quality conditions in the Region. TRPA has conducted additional EMFAC 2011 emissions modeling for existing conditions (2010) and for 2035 under Alternative 3 using Region-wide total, non-RTAC adjusted VMT in order to disclose the net change in total mobile-source emissions of criteria air pollutants and precursors. This additional analysis is summarized in Table 3-26 below. Region-wide total VMT data input into the EMFAC 2011 model was obtained from Table 3.3-16 of Chapter 3.3, Transportation, of the RTP/SCS Draft EIR/EIS.



Table 3-26. Alternative 3 Operational Mobile-Source Emissions (Entire Tahoe Basin)				
2010		2035		Percent or Net Change from 2010
Daily VMT	1,984,600	Daily VMT	2,131,000	7.4%
Population	54,473	Population	60,365	10.8%
ROG (tons/year)	690	ROG (tons/year)	147	-543
NO <sub>x</sub> (tons/year)	1,110	NO <sub>x</sub> (tons/year)	244	-866
PM <sub>10</sub> (tons/year)	57	PM <sub>10</sub> (tons/year)	48	-9
PM <sub>2.5</sub> (tons/year)	31	PM <sub>2.5</sub> (tons/year)	21	-10
Notes: NO <sub>x</sub> = oxides of nitrogen; PM <sub>10</sub> = particulate matter less than 10 microns in diameter; PM <sub>2.5</sub> = particulate matter less than 2.5 microns in diameter; ROG = reactive organic gases; VMT = vehicle miles traveled. Totals may not sum exactly because of rounding. Source: Fehr & Peers 2012 (Table 3.3-16 of the RTP/SCS Draft EIR/EIS); Ascent Environmental 2012.				

According to the results of this additional EMFAC 2011 emissions modeling, the net change in mobile-source emissions using total Region-wide, non-RTAC adjusted VMT would also result in a substantial net reduction in mobile-source emissions of criteria air pollutants and precursors over the course of the build-out of Alternative 3. This is due to the same factors described in Impact 3.4-3. The emissions model used in this analysis (EMFAC 2011) accounts for vehicle emissions control measures contained in State Implementation Plans submitted to EPA, smog check programs, truck and bus emissions rules, and fuel economy standards. These regulatory programs are already in place or approved, and will result in foreseeable mobile-source emission reductions in the study area (ARB 2012c).

The net reduction in mobile-source emissions associated with non-RTAC-adjusted VMT would be even greater than in the analyses in Impacts 3.4-3 of the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. This suggests that the analyses of mobile-source emissions presented in Impacts 3.4-3 of the Draft EIS and Draft EIR/EIS are conservative. The conclusion of Impact 3.4-3 would be unaffected by a change in methodology, and this impact would remain less than significant. See also Response to Comment O26-10, which discusses minor revisions to the Region-wide VMT estimates. Because the results of the analysis shown in the table above are substantially below the significance criteria, and because the analysis of mobile source emissions in the Draft EIS and Draft EIR/EIS is conservative (i.e., tending to overstate emissions), the revision of VMT discussed in O26-10 when combined with the above change would not alter the impact conclusion for Impact 3.4-3.

The comment is critical of the information on VMT/capita presented in the environmental document, and says that the document must be revised to adequately reflect future increases in VMT. The net change in VMT/capita is provided for informational purposes, and is a useful metric from a planning perspective. Specifically, VMT per capita decreases under Alternatives 2 and 3 compared with existing conditions. This information is important for the public and decision-makers to understand that the plan area would become more VMT-efficient under these proposed alternatives than under existing conditions. Impacts to the Region-wide VMT threshold are fully evaluated in Impact 3.3-3, Vehicle Miles Traveled Threshold Standard.

O16-140 The comment raises concerns about the analysis of toxic air contaminants (TACs), specifically with respect to diesel PM.

The comment is incorrect in its assessment of the 2002 study by Zhu and Hinds, which did examine health effects associated with mobile sources of diesel exhaust. The study focused on health effects of diesel PM from vehicles along a highway. The comment questions the applicability of a study conducted in a different part of California to the Tahoe Region. The comment provides reference to a study of particles along US 50, which suggests that particles persist for longer duration in periods of thermal inversion (with emphasis on winter inversions), which is true in any location. Thermal inversions are prevalent in both summer and winter throughout California, including in Los Angeles where the Zhu and Hinds study was conducted. Please see ARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (ARB 2005), which is referenced in Impact 3.4-5. ARB 2005 provides recommendations for setback distances from TAC sources such as freeways that are not climate- or location-specific. According to ARB, distance from the source is the best indicator of health risk from diesel PM.

The comment poses a series of questions on pages 212-213 of comment letter O16 seeking specific information and quantification of project-scale TAC emissions from future potential construction projects. The tools to quantify TAC impacts as requested in the comment do not exist. This EIS addresses a Regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. TRPA will evaluate TAC impacts from individual projects on an individual basis when actual project details are known. Importantly, the Regional Plan Update land uses are consistent with the siting guidance of ARB for land use compatibility, as described and evaluated in Impact 3.4-5. The comment incorrectly characterizes roadways in the Region as "major inconsistent with ARB's definitions in its guidance document on this subject. Please refer to Impact 3.4-5 and the Response to Comment A38-19 for additional information.

TAC emissions from construction are evaluated qualitatively in Impact 3.4-5. For the same reasons described in the Draft EIS and in the Response to Comment O16-133, it is not possible to quantify construction-related emissions of TACs for the proposed Regional Plan Update. Rather, the Plan is a collection of policies and the Draft EIS evaluates the environmental impacts of the policies on the environment. Mitigation Measure 3.4-5 directs TRPA to implement a policy requiring standard best practices to reduce TAC emissions during construction and minimize exposure of receptors to diesel PM generated during construction projects that would occur under the Regional Plan Update. The questions posed by the comment on pages 211-212 of comment letter O16 are not answerable at this time. TRPA will evaluate TAC impacts from individual projects on an individual basis when actual project details are known.

O16-141

The comment states that documents should, at most, include two separate estimates for population and VMT for review and disclosure purposes, and the Regional Plan Update Draft EIS should evaluate the Region-wide VMT and California-side GHG emissions only. The comment states that a wide variety of VMT estimates were used to estimate air quality and GHG

emissions for the Region, and provides a list of different VMT estimates used for Region-wide and California-side only VMT. The comment also states that the Regional Targets Advisory Committee (RTAC) Guidance for estimating GHG emissions only applies to SB 375, and yet TRPA has used it to estimate Region-wide emissions, thereby discounting millions of VMT. Please see Response to Comment O16-139 regarding applicability of the RTAC method and further analysis of mobile-source emissions from Region-wide, non-RTAC-adjusted VMT.

Impact Statement 3.3-3 of the Regional Plan Update Draft EIS analyzes Tahoe Region VMT under 2035 conditions for all five Regional Plan Update alternatives. Although VMT per capita is also shown for informational purposes, impact identification is based on the total VMT. It was also necessary to calculate VMT for portions of the Tahoe Region to be used as inputs in the air quality and GHG analysis.

The comment suggests that a wide variety of VMT estimates for 2010 conditions were included in the Regional Plan Update Draft EIS, RTP/SCS Draft EIR/EIS, and 2011 Threshold Report. The table that accompanies this comment shows three different 2010 VMT estimates for the Tahoe region:

- ▲ 2011 Threshold report (page 3 -54): 1,987,794 VMT
- ▲ Table 3.3-5 of Regional Plan Update Draft EIS: 1,984,623 VMT
- ▲ Appendix D of the RTP/SCS Draft EIR/EIS using RTAC method: 1,459,299 VMT

The Tahoe Region 2010 VMT estimate differs by 0.2 percent between the 2011 Threshold Evaluation Report and Table 3.3-5 in the Draft EIS. The different values are the result of rounding. Whereas the 2011 Threshold Evaluation simply provides VMT for the entire Tahoe region, Table 3.3-5 subdivides that VMT by trip type. This calculation requires that all trip origins and destinations be tracked through the model, multiplied by trip length and then summed. Each trip origin and destination VMT calculation results in very minor rounding, which when aggregated causes the 0.2 percent difference in total VMT. Note that VMT is rounded to the nearest 100 in Table 3.3-5. The Appendix D value of 1,459,299 VMT using the RTAC method is calculated as follows: Total Region VMT (1,984,623) minus through trip VMT (110,616) minus 50 percent of internal-external / external-internal trip VMT (414,709).

The VMT included in Draft EIS Chapter 3.3, Transportation, is used to assess the potential transportation impact related to the TRPA VMT Threshold Standards. Draft EIS Mitigation Measure 3.3-3 would ensure that the VMT Threshold Standard is achieved. As discussed in Response to Comment O16-139, the RTAC method is appropriate for assessment of both Region-wide and California-only air quality and GHG-related impacts, because the method fairly apportions VMT to the Region. The VMT estimates are appropriate for the respective analyses.

The comment also presents a table with several 2010 VMT estimates for the California side of the Tahoe region. The following shows each VMT estimate shown in the comment along with a discussion of how the VMT estimate was developed.

- ▲ 2010 VMT California Only (no exclusions): 1,351,524 VMT. *This estimate is shown on page 57 of the electronic version of Appendix E of the Regional Plan Update Draft EIS. This value includes VMT associated with trips to/from California, trips with one trip end in California and one trip end in Nevada or a model gateway. This value excludes through trips. This VMT estimate was not used in any of the impacts analyzed in the document. This page in*

*Appendix E was intended to show the 2005 VMT for California only, not 2010. Please see Table 3 in Response to Comment A38-8 for the correct table.*

- ▲ 2010 VMT California Only (Post-RTAC Method): 909,181 VMT. *This estimate is also shown on page 57 of the electronic version of Appendix E of the Regional Plan Update Draft EIS. This estimate takes the 1,351,524 value from above and subtracts 50 percent of external-internal and internal-external trips (i.e., 1,351,524 minus 50 percent of 884,686) in the Regional Plan Update Draft EIS and the RTP/SCS Draft EIR/EIS. This VMT estimate was not used in any of the impacts analyzed in the document. As noted above, page 53 of Appendix E was intended to show the 2005 VMT for California only, not 2010. Please see Table 3 in Response to Comment A38-8 for the correct table.*

*2010 VMT California Only Conformity Analysis: 1,188,674 VMT. This represents all VMT that occurs on roads within Placer and El Dorado Counties (regardless of trip type or origin). This value is used beginning on page 2 of the electronic version of Appendix F of the Regional Plan Draft EIS and page 13 of the electronic version of Appendix D of the RTP/SCS Draft EIR/EIS. It is a combination of the two values in the "VMT" columns of the 2010 base year row (760,129 VMT for El Dorado County and 428,545 VMT for Placer County). This value is not directly comparable to either of the two above values because it was developed using a different methodology known as the "boundary method", which was based on traffic count data on Placer and El Dorado Counties roadways within the Lake Tahoe Region, and does not include any VMT external to the Region. This estimate was used in Impact 3.4-1, Consistency with Air Quality Plans and Transportation Conformity in both the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. The boundary method of VMT estimation was generally used by metropolitan planning organizations and local agencies to determine conformity prior to development of the RTAC method. The boundary method was used for CO conformity analysis because the Basin's emissions budgets, which were developed by EPA for conformity purposes, were assigned using the boundary method.*

- ▲ 850,203 VMT: *This value can be found by summing the VMT column on page 18 of the RTP/SCS Draft EIR/EIS electronic version of Appendix D, Air Quality and Greenhouse Gas Emissions Model Outputs (page 566 of the full technical appendix). This value represents VMT associated with vehicles and light duty trucks for 2005 conditions, not 2010, as required by SB 375. This value is created by entering the 2005 California side of the Tahoe Region RTAC-adjusted VMT value of 949,750 into the EMFAC 2011 program. This value is not directly comparable to any of the above values because it represents VMT associated with vehicles and light duty trucks for 2005 conditions. This estimate was used in calculations for Impact 3.5-2, Consistency with SB 375 Targets and AB 32 Goals in both the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS.*

*The differences in the values used in the Draft EIS and Draft EIR/EIS have been fully explained above. The VMT estimates are accurate, transparent (i.e., detailed breakdown of VMT by trip type is shown in technical appendices), and justified (i.e., calculations were made in accordance with the recommended RTAC method and TRPA standards where appropriate). The analysis presented in the environmental document is adequate; therefore, no further response can be provided.*

*The comment cites concerns with text in Appendix E, on page 374, that states that additional modeling, based on a re-accounting of available development rights showed that Alternative 5 could result in a 1.5 percent increase in VMT over what was presented in the Alternatives. The commenter disagrees with TRPA's assessment that this increase is insignificant. The 1.5 percent*

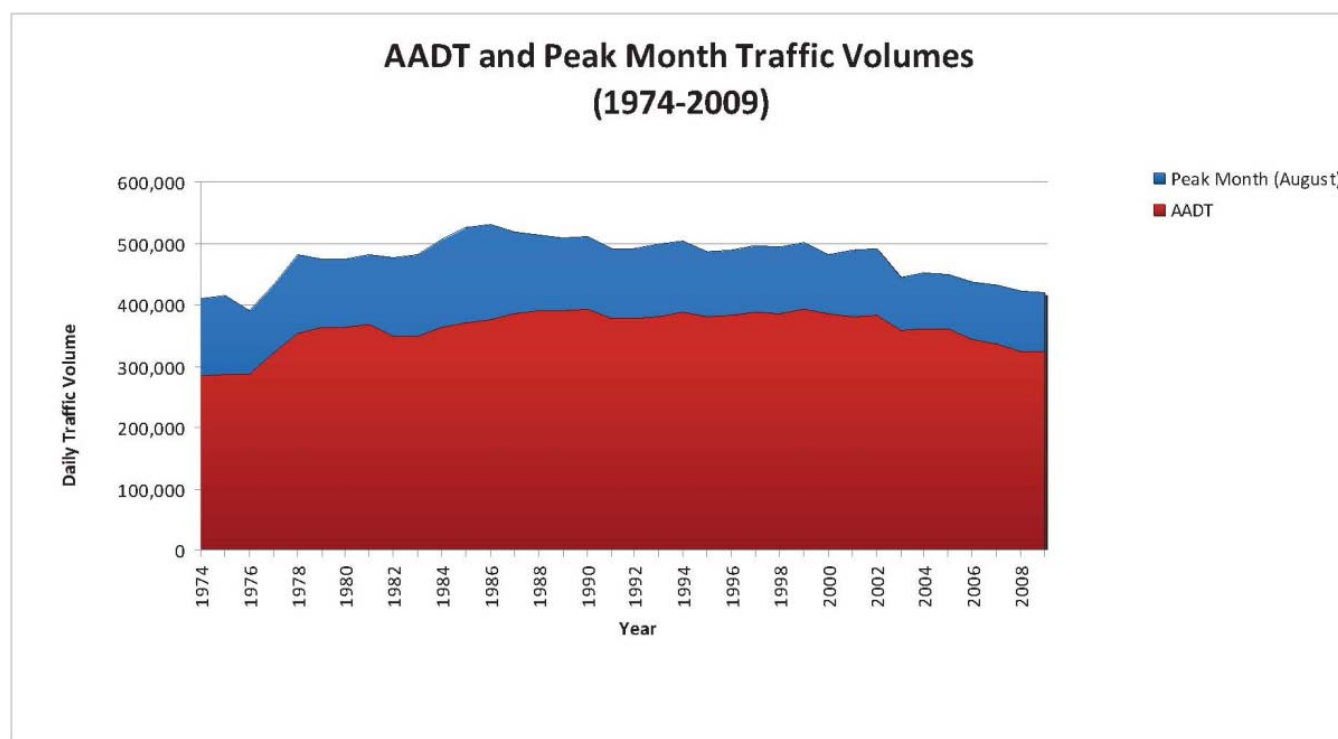
VTM increase is considered by TRPA to not be significant because the TRPA tested this increase for all impacts, and determined that this increase in VMT would not change any of the impact determinations or mitigations in the EIS. The comment asked what this increase would translate to in “per capita” VMT. The 1.5 percent increase in VMT would not result in a significant change to overall per capita VMT from what is currently reported for Alternative 5 due to the fact that there would be an accompanying increase in population as well. Even if VMT per capita did increase for Alternative 5, this would not result in a change in significance findings or need for mitigation beyond what is already described in Impact 3.3-3, Vehicle Miles Traveled per Capita, in the RTP/SCS Draft EIR/EIS.

The comment questions how many of the existing development rights are associated with parcels that would not be built on regardless, due to them being inappropriate for development. The EIS takes a “worst case scenario” approach of assuming all development rights that receive allocations would be developed. Also, the model does not assume in any Alternative that residential units will be constructed on parcels that are not developable. Please see Response to Comment A15-18.

The comment states that the reductions applied by the Trip Reduction Impact Analysis (TRIA) modeling are not appropriate. Please refer to Response to Comment O26-10.

The comment states that it remains unclear if the future VMT estimates account for travelers to the Region that are not associated with overnight stays or additional CFA. The VMT estimates for 2010 and 2035 conditions for all alternatives consider both overnight visitor and day use visitor travel. Please refer to Response to Comment O26-2.

The comment asks how VMT estimates account for winter impacts especially with regard to proposed ski resort expansions. The comment also points out that the VMT threshold is based on a summer day in August, yet environmental impacts are year-round. The comment states that changes in winter VMT must also be assessed. The comment suggests that the Regional Plan Update alternatives should evaluate VMT and the associated environmental impacts on a seasonal basis, especially as many effects are more pronounced during certain seasons. For instance, the comment notes, CO is typically more of a wintertime issue due to the air basin’s strong inversions. As noted, transportation conditions were analyzed for a peak Friday in August. While winter conditions may generate surges in travel during peak ski days, the variability of those events, combined with overall greater levels of travel during the summer months, made it more appropriate to analyze the Regional Plan Update alternatives for a summer day in August. Furthermore, there are performance measures that may result in road closures and reductions in vehicle travel during winter months due to hazardous driving conditions. As such, summer-based VMT estimates and forecasts that are extrapolated to annual conditions represent conservative values as supported by Exhibit 3-5, below, comparing average annual daily traffic (AADT) estimates to peak month traffic volume estimates.



Source: [http://tahoempo.org/documents/monitoring/Mobility2030-2010Mon\\_Report\\_5-31-11.pdf](http://tahoempo.org/documents/monitoring/Mobility2030-2010Mon_Report_5-31-11.pdf)

#### **Exhibit 3-5. AADT and Peak Month Traffic Volumes in the Tahoe Region (1974-2009)**

CO impacts were evaluated in Impacts 3.4-1 and 3.4-4 of the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS based on peak trip generation, and would be less than significant under these peak conditions. The analyses were based on CO emissions budgets and intersection congestion screening levels, which are tied to the ambient air quality standards and TRPA threshold standards for CO. The impact analyses conservatively determine that none of the Regional Plan Update or RTP/SCS alternatives would be expected to violate an air quality standard for CO because peak VMT generation would not result in CO emissions that would exceed the CO emissions budgets (which are in units of tons per day) for attainment and maintenance of CO standards during winter or summer. In fact, CO emissions associated with peak VMT levels would be substantially below the CO emissions budget assigned to the region by EPA to maintain CO standards. See Tables 3.4-8, -9, -10, -11, and -12 of the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. Further, peak traffic congestion levels would not result in an exceedance of screening levels of traffic congestion at intersections. These intersection congestion screening levels are based on violations of CO standards in worst-case meteorological conditions, which would occur in winter (Garza et al. 1997, as cited in SMAQMD 2009b). Thus, the analyses in Impact 3.4-4 of the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS carry out the screening analysis that is based on conservative assumptions involving winter meteorological conditions. In other words, if the peak VMT in the Region, which occurs in the summer, were to occur during the winter season instead, Impacts 3.4-1 and 3.4-4 would still be less than significant for the same reasons discussed in those respective analyses.

The comment asks for more details related to waterborne transit, and states that there is no analysis of how many people will use the waterborne service instead of driving, nor is there an analysis of the ferry service emissions, and says that there is a need to assess the environmental

impacts of individuals making the choice to drive versus take the ferry. The RTP/SCS Draft EIR/EIS examines environmental impacts of the waterborne transit project in a programmatic manner regarding effects that can be discussed without undue speculation. Many environmental impacts cannot be discerned until further planning and conceptual design are developed. These issues will be addressed in the project-level environmental review.

Certain environmental impacts were feasible to address in the RTP/SCS Draft EIR/EIS. Please see Response to Comment A38-6 for a description of how the emissions from waterborne transit were evaluated. The estimation of how many people would use the ferry instead of driving is captured in the TRIA analysis, as shown in Part 2 of Appendix E in the Regional Plan Update Draft EIS and Appendix C of the RTP/SCS Draft EIR/EIS, under “Trip Reduction Impact Analysis Spreadsheets.” The trip reductions for this service are based on the Lake Tahoe Waterborne Transit Analysis, 1996, as cited in the Lake Tahoe Interregional/Intraregional Transit Study, 2006. The comment also asks how the cost of the waterborne transit infrastructure compares to the cost of providing improved public transit throughout the Region, and whether TRPA has examined the increased ridership due to other transit and trip reduction strategies. The costs of the different types of transit that TRPA and the TMPO are planning to implement are shown in the financially constrained and unconstrained transportation project lists in Figures 6-3 and 6-5 of the RTP/SCS, and in Chapter 4, Existing and Planned Transportation System. Other types of trip reduction strategies are described in Chapter 5, Transportation Management Programs, of the RTP. The ridership associated with these project strategies, as well as the environmental impacts of these strategies, is evaluated through the TRPA Travel Demand Model and the TRIA model, and incorporated into overall VMT estimates. The environmental impacts associated with these strategies are examined throughout the Regional Plan Draft EIS and the RTP/SCS Draft EIR/EIS, but particularly in Chapter 3.3, Transportation, Chapter 3.4, Air Quality, Chapter 3.5, Greenhouse Gases and Climate Change, and Chapter 3.6, Noise. Please also see Response to Comment O26-10 for additional discussion on transit trip reduction estimates.

The comment notes several events which could increase VMT including: improved economic conditions, which could increase visitor travel and increase occupancy percentages of existing homes, reductions in high gas prices, and decreases in home prices in the Tahoe region. The commenter suggests that VMT has decreased by about 7 percent since 2005, and that the VMT estimates for future conditions should account for the recovery of the economy and other factors which will cause the VMT to again increase.

The Draft EIS uses the best available information in projecting VMT levels and estimating VMT reductions and changes in VMT per capita in 2020 and 2035.

Two memoranda provided by Fehr & Peers support the modeling methodology and results. These are shown in the Regional Plan Update Draft EIS Appendix E and the RTP/SCS Draft EIR/EIS, Part 3 and Part 8. Fehr & Peers conducted static and dynamic validation tests and determined that the model accurately reflects 2010 baseline conditions and reasonably responds to changes. 2010 is the proper baseline upon which the significance conclusion is based. Other environmental review guidelines (e.g., CEQA Guidelines 15125, Environmental Setting) and court decisions on the subject of baseline have determined that the proper baseline against which a project’s impacts should be compared is existing conditions at the time of the NOP or at the time the analysis is commenced unless special circumstances warrant a modified baseline. There are not special circumstances related to transportation modeling in the case of

the proposed project that warrant a modified baseline. Thus, use of existing conditions as baseline is appropriate.

As noted above, the comment lists several events which could increase VMT including: improved economic conditions, which could increase visitor travel and increase occupancy percentages of existing homes, reductions in high gas prices, and decreases in home prices in the Tahoe region. The comment suggests that VMT has decreased by about seven percent since 2005, and that the VMT estimates for future conditions should account for the recovery of the economy and other factors which will cause the VMT to again increase. VMT has actually been on a decreasing trend since 1986 (Regional Transportation Plan, Figure 1-14). The decrease in VMT between 2005 and 2010 and the overall decreases in VMT may be due to a wide variety of influences including reductions in population, reductions in school enrollment, increases in gas prices, reductions in gaming revenues and gaming employees, decreases in overnight (hotel /motel) stays, reductions in day use visitors, and overall shifts away from driving. Attempting to make a prediction on all of the future factors will be that will influence population and VMT would be speculative. The future year versions of the TRPA travel demand model take into consideration reasonably expected growth in population, school enrollment, employment levels, and overnight and day use visitors due to release of new allocations, as presented in Lake Tahoe Resident and Visitor Model Report (Parsons Brinckerhoff 2007). Please also see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT. The comment asks what will happen when the 51 percent vacancy rate of housing is decreased, and what will happen when more visitors fill existing seasonal or vacation rental units. Please see the discussion above, and also refer to Response to Comment O26-2 for more discussion on this topic.

The comment also inquires about the demand new housing, and asks how many of existing development rights are associated with parcels that would not be built on regardless. As noted above, the EIS takes a “worst case scenario” approach of assuming all development rights that receive allocations would be developed. Also, the model does not assume in any Alternative that residential units will be constructed on parcels that are not developable. See also Response to Comment A15-18.

The comment lists the convention center or a replacement project in the South Shore as a source of additional trips in the future that were not accounted for by the transportation modeling in the Draft EIS. In fact, the new hotel units and commercial floor area planned for the convention center were included in the modeling assumptions. These assumptions were consistent with the City of South Lake Tahoe Special Use Permit Revision dated May 1, 2007. These revisions included allowing up to 488 Hotel units and 26,422 of Commercial Floor Area. All of the modeling of the Convention Center was explicit in all of the alternatives.

The comment states that the infrastructure that existed in 1981 is still in place, and that this infrastructure had sufficient capacity to enable VMT to increase by 30 percent from 1981 to 1999. This comment is noted, along with a clarifying statement that growth in VMT, absent any major capacity enhancing infrastructure improvements, is typically caused by new land use development and not simply available roadway capacity. As noted in Response to Comment O16–173, the available capacity of the roadway system during off-peak hours, does not by itself, generate new VMT. Also see discussion above on proper use of baseline year.



The comment states that the Regional Plan Update incorrectly states in Section 3.2, Land Use, that Alternative 3 would reduce emissions. As discussed in Section 3.4, Air Quality, long-term operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be reduced over the plan implementation period under all Alternatives, compared to the existing conditions (Impact 3.4-3, Impact summary, page 3.4-29); and long-term operational localized exposure to mobile-source carbon monoxide emissions would be reduced substantially over the planning period (Impact 3.4-4, impact summary, page 3.4-36).

O16-142

The comment states that aircraft emissions should be included in the analysis of the Regional Plan Update. There is no adopted guidance by TRPA or any other applicable agency that requires aircraft-related GHG or other air pollutant emissions in an environmental analysis of a Plan such as the Regional Plan Update. There is no evidence suggesting that the Regional Plan Update alternatives would result in a direct increase in aircraft operations at the South Lake Tahoe Airport. All existing threshold standards that regulate airport operations (e.g., CNEL limits for the South Lake Tahoe Airport) would remain in place under all alternatives. TRPA has attempted to estimate the majority of air pollutant and GHG emissions associated with the Regional Plan Update alternatives (i.e., mobile-, area-, energy-, solid waste-, and water consumption-related sources). If information related to increased aircraft operations were available and were quantified, TRPA does not anticipate that this would cause a substantially more severe impact. (Impact 3.5-1, Increase in Greenhouse Gas Emissions was already determined significant and unavoidable). The same rationale applies to watercraft emissions. The Draft EIS and Draft EIR/EIS estimated the net increase in air pollutant and GHG emissions associated with waterborne transit because the net increase in ferry operations was quantifiable and directly associated with the transportation strategy of certain RTP/SCS alternatives.

The comment questions the baseline assessment of watercraft emissions. The 2011 Threshold Evaluation Report serves as the baseline for TRPA threshold standards, including for air quality impacts. The contribution of emissions from recreational watercraft is included in the air quality monitoring data used to determine attainment of TRPA thresholds in the 2011 Threshold Evaluation. Thus, emissions from recreational watercraft are included in the baseline.

The net increase in emissions associated with recreational boating activity was not possible to accurately quantify for the reasons outlined below:

- 1) No policies or actions contained in the Regional Plan Update or RTP/SCS would directly result in a quantifiable net increase in recreational boating activity.
- 2) Trends in recreational boating are speculative at this time. The commenter notes that an increase in population that would occur under the Regional Plan Update could translate to an increase in recreational boating. However, according to TRPA's Shorezone Monitoring Report for 2009-2010, TRPA has collected data that recreational boating trips, and hours of use per trip, have declined in recent years, possibly due to the price of fuel and the economic downturn. Therefore, there are competing factors that influence recreational boating activity, and it is speculative for TRPA to complete a refined estimate of how boating activity would change under the Regional Plan Update.

For these reasons, the net increase in recreational boating-related emissions is unknown, and would be speculative to attempt to quantify with any amount of precision. In addition,

recreational watercraft that are permitted on Lake Tahoe are subject to emissions standards that are becoming more stringent over time.

For the reasons discussed above, trends in recreational boating activity on Lake Tahoe do not directly correlate with population growth. However, as an attempt to establish an upper bound on recreational boating-related emissions, additional analysis is provided below using population as an indicator of boating activity trends absent any other known indicator. Population would increase by approximately 2-10 percent across the five Regional Plan alternatives, and assuming that the boating-related emissions data presented by the commenter would still be applicable in 2035, a very conservative estimate of increased recreational boating-related emissions is summarized in Table 3-27. This estimate is overly conservative because recreational boating emissions do not directly correlate with population, and are instead governed by other factors such as availability of boating facilities (which would not increase under the Regional Plan Update), economic factors (such as the rising price of fuel and recession that have resulted in reduced boating activity), and declining emission factors for boats permitted on Lake Tahoe. Importantly, the emissions profile of the Basin has capacity to accommodate even this very conservative estimate of potential increased boating-related emissions. Total emissions of ozone precursors and CO in the Basin are expected to decline substantially during the Plan implementation period, as discussed in Impact 3.4-1, Consistency with Air Quality Plans and Transportation Conformity and Impact 3.4-3, Long-Term Operational Emissions of ROG, NOX, PM10, and PM2.5. Emissions of ROG, NOX, and CO are expected to decline by approximately 300, 600, and 4,400 tons per year in 2035, respectively. PM emissions are estimated to increase by approximately 1 to 8 tons per year in 2035 across alternatives, and the addition of maximum of 1 to 4 tons per year from recreational boating would not change the magnitude of this estimate. Including this conservative estimate of emissions from recreational boating would not change the conclusions in Impact 3.4-1, Consistency with Air Quality Plans and Transportation Conformity, and Impact 3.4-3, Long-Term Operational Emissions of ROG, NOX, PM10, and PM2.5, which are less than significant.

Table 3-27. Conservative Range of Potential Net Increase in Recreational Boating-Related Emissions			
ROG (TPY)	NOX (TPY)	CO (TPY)	PM (TPY)
23-115	5-24	188-941	1-4
CO = carbon monoxide; NOX = oxides of nitrogen; PM = particulate matter; ROG = reactive organic gases; TPY = tons per year. Estimates based on TRPA 2004 estimates of recreational boating emissions in 2011 Shorezone Monitoring Report to TRPA Governing Board, as cited by commenter.			

TRPA has made a meaningful effort to attempt to quantify the majority of the land use-related air pollutant and GHG emissions associated with the Regional Plan Update. TRPA acknowledges that additional sources may exist that were not possible to quantify at this time, but if somehow could be quantified, are expected to be *de minimis* compared to those calculated in Impact 3.4-1, 3.4-3, and 3.5-1 and would not affect the conclusions for these impacts or result in a substantially more severe impacts.

- O16-143 The comment raises concerns about analysis of off-road emission sources. Please see Response to Comment O16-142. The same logic applies to off-road emission sources of GHGs.
- O16-144 This comment addresses the need for efforts to reduce overall greenhouse gas emissions (as opposed to GHG per capita), and to study and reduce the impacts of climate change on all TRPA

environmental thresholds. The comment asserts that TRPA has sacrificed its VMT threshold in favor of meeting SB 375 GHG targets, and also states that TRPA should provide an Alternative Planning Scenario (APS) in addition to its Sustainable Community Strategy. The comment states that the Draft EIS should include at least one alternative that analyzes an option to meet GHG targets through methods other than concentration of development.

The Draft EIS adequately analyzes greenhouse gas and VMT impacts in accordance with State of California and TRPA Threshold Standards. TRPA does not sacrifice its VMT threshold in favor of SB 375's GHG standard, because the GHG targets are separate from the TRPA threshold requirements and represent an additional requirement, not a substitute for existing threshold requirements. Both GHG and VMT standards must be met. Please see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, regarding implementation of Draft EIS Mitigation Measure 3.3-3. The comment makes a strong case, however, that climate change impacts should be taken seriously in the Lake Tahoe Region and that a coordinated effort should be undertaken to understand and reduce these impacts. There are many efforts underway in the Region to better understand and address climate change, and the TRPA is an active partner in many, if not all of them. One such effort is the Sustainability Collaborative, a Regional collaborative whose goal is to coordinate efforts to align policies and funding to implement projects that achieve sustainability goals.

This comment also includes some questions about why TMPO is preparing an SCS, and why it did not prepare an APS. SB 375 directs TMPO to develop an SCS for the California portion of the Region, which would demonstrate how specific GHG emissions reductions would be achieved through the transportation sector (i.e., for travel by automobiles and light trucks). The consequences of not doing so would include loss of federal transportation funding and interference with implementation of AB 32, which includes SB 375 implementation by reference in the AB 32 Scoping Plan. If an SCS is not sufficient to achieve the GHG reduction target, TMPO would prepare an Alternative Planning Strategy that presents the land use and transportation measures necessary to reach the target. This is the focus of Impact 3.5-2, and Mitigation Measure 3.5-2, which states that Alternatives 1, 4, and 5 would require use of an APS to meet SB 375 targets, because current estimates of GHG/capita for these alternatives do not qualify as an SCS.

The comment states that the Draft EIS fails to include alternative strategies to the urban densification that is proposed under all action alternatives and that instead, all alternatives proposed the same concept – increased density in urban areas, increased height, etc. In fact Alternative 2 does propose transit alternatives not proposed in the other alternatives, including an aggressive strategy to get visitors out of their cars by means of intercept lots and transit shuttles.

The comment asks about how TMPO received its SB 375 target. Please see Response to Comment A38-26 for information on how GHG reduction targets for the Lake Tahoe region were set.

The comment states that TRPA needs to propose Threshold Standards related to GHG emissions, and that TRPA needs to focus not on how to accommodate future growth, but on how to reduce the impacts of existing development and visitors. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment states that evidence doesn't support the claim that per capita emissions will be reduced. Please see Response to Comment O26-10. The comment also states that the concept of "walkable communities" will not reduce per capita driving because this only applies to areas with significant population expansion. Please see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.

The comment states that there were numerous different estimates used for the vehicle population and it is unclear why some were used over others. Please see Response to Comment O16-141.

The comment states that the Regional Plan Update Draft EIS fails to include an estimate of existing total GHG emissions from the base year 2010. Base year 2010 GHG emissions are provided in Table 3.5-3, and in the analysis of each alternative in Impact 3.5-1.

O16-145      The comment says that evidence does not support purported reductions in per person VMT with compact development, and that the Draft EIS failed to analyze the appropriateness of "smart growth/compact development" concepts to the Tahoe Region. The comment says that recent research indicates that compact development can lead to increased travel. See Response to Comment O26-10 for information on how VMT reductions were estimated, and Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, with regard to academic research supporting smart growth / compact development concepts including a discussion of their applicability to the Tahoe Region.

O16-146      The comment states that TRPA should not be allowing any uses that degrade Lake Tahoe or delay the time it will take to attain thresholds. As stated in Section 2.1, Introduction, in Chapter 2, Regional Plan Update Alternatives, the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards. The existing Regional Plan was adopted by TRPA in 1987, and although amendments to elements of the plan have been adopted over time, the plan still reflects the issues that were most important at that time: rampant growth and the threat of irreparable environmental damage from inappropriate development. To make the Regional Plan more relevant for contemporary challenges in the Region, the Regional Plan Update contains modified goals, policies, and implementation measures to expedite threshold standard attainment and better address the major issues of today, including water quality and community sustainability.

Furthermore, in response to the comment's concerns regarding the Regional Plan Update Draft EIS Section 3.8, Hydrology and Water Quality, contains a description of the existing water quality and hydrologic conditions of the Lake Tahoe Region, the regulations that relate to water resources, and a comprehensive analysis of the water quality and hydrologic impacts that would result from implementation of the Regional Plan Update alternatives. Mitigation measures are recommended for any significant or potentially significant impacts to water resources. Furthermore, the cumulative water quality and hydrology impacts of the Regional Plan Update Alternatives are discussed in Chapter 4, Cumulative Impacts. As documented throughout Section 3.8 and Chapter 4, the Regional Plan Update Alternatives would result in beneficial, less-than-significant, or potentially significant but mitigable to less than significant water quality and hydrology impacts.

The comment expresses concern that, although a nearshore standard is included in the proposed threshold update, there is a lack of numerical requirements associated with the nearshore standard. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment expresses concern that wording used in the Draft EIS biases readers toward the selection of Alternative 3. The potential environmental impacts due to implementation of the proposed Regional Plan Update Alternatives are addressed in an objective and comprehensive manner in Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, of the Draft EIS. Chapter 3 contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. In addition, Table S-1 in the Summary Chapter of the Draft EIS provides an objective and comprehensive side-by-side comparison of the major features of each alternative, including development levels, land use planning approach, coverage regulations, development transfer regulations, and incentives and other features. The comment states that language used in the Draft EIS misleads the reader, with regard to the level of development proposed under each alternative. As clearly laid-out, Alternatives 2 and 3 would involve low levels of new development (remaining development rights and allocations, plus 200,000 square feet of new CFA and 2,600 new residential allocations), with Alternative 3 proposing more than Alternative 2 due to 600 new residential bonus units. Alternatives 4 and 5 provide higher levels of new development than Alternatives 2 and 3, including 4,000 and 5,200 new residential allocations, respectively.

The comment questions the process for updating land use designations to account for land use changes that have occurred since the adoption of the 1987 Regional Plan. As described on page 2-22, under Alternative 1, a system of PASs that designates allowable and special uses for each area would be implemented. Code requirements related to the content of PAS statements and maps, and the PAS amendment process would remain the same as described in Chapter 11 of the existing Code.

The comment expresses concern with the use of the terms, “staff judgment” and “qualitative or subjective evaluations,” stating that this encourages a reader to prefer an alternative other than Alternative 1. The referenced discussions explain the existing procedures for granting a grading season exception. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

O16-147

The comment states that the land use planning system is not the same in Alternatives 1 and 5, based on a review of large-scale maps.

Table S-1 of the Draft EIS provides a side-by-side look at the various Land Use elements of each proposed alternative. As shown throughout Table S-1, the following land use elements are the same for Alternative 1 and Alternative 5:

- ▲ Land Use Classifications: The existing five - Conservation, Recreation, Residential, Commercial and Public Service, and Tourist
- ▲ Land Use Planning Approach: The existing Plan Area Statements and Community Plans
- ▲ Subdivision: The existing subdivision regulations (Chapter 39)

- ▲ Density: The existing provisions (Chapter 31)
- ▲ Building Height: The existing standards (Chapter 37)
- ▲ Building Height Measurement on Slopes: Maintains existing approach
- ▲ Non-Conforming Height: Not allowed with redevelopment
- ▲ CFA and TAU Transfer (allocation): Existing CFA and TAUs must be transferred to a PAS or CP where the use is permitted and that have been designated as a receiving area for “Existing Development.” CFA and TAUs from the TRPA pool can only be used in CPs, with a few exceptions, and require a 1:1 match transferred from sensitive land Residential, CFA, and TAU Transfer (ratios and rules): The existing transfer provisions (Chapter 51)

The land use planning differences between Alternative 5 and Alternative 1 are as follows:

- ▲ Alternative 5 would allow for the greatest level of new development: the remaining development rights and allocations plus 600,000 square feet of new CFA, 5,200 new residential allocations, and 400 new TAUs.
- ▲ Although land use classification categories remain the same, Alternative 5 would make minor boundary changes to reflect land use changes as the result of public acquisitions since the last Regional Plan and (as the comment notes) would expand the recreation designation to match the USFS permit boundary for the Heavenly Ski resort (PAS 087).

TAU definition: Alternative 5 would define TAUs as:

- ▲ 1,500 square feet for timeshares and partial ownership
- ▲ 800 square feet for hotel rooms with kitchen facilities
- ▲ 450 square feet for hotel rooms without kitchen facilities

Land use maps of each proposed alternative are provided in Draft EIS Chapter 2, including the boundaries and land use designations, and maps of sending and receiving areas as well as height districts are shown in Draft EIS Section 3.2. Exhibit 2-25 of the Draft EIS (page 2-59) is revised as to correct land use classification boundaries in the vicinity of U.S. 50 and S.R. 28 in Douglas County, in the vicinity of S.R. 89 and S.R. 28 south of Tahoe City near Homewood, and in the vicinity of S.R. 28 near Sand Harbor in Washoe County. Furthermore, maps of the Plan Area Statements and Community Plans, which would not change under Alternatives 1 and 5, are available at [www.trpa.org](http://www.trpa.org) as well as at the TRPA office.

The comment also states that Chapter 2 of the Draft EIS avoids the issue of reclassification of 1,300 acres of conservation land to recreation. Although the comment is correct that the description of Alternative 5 in Chapter 2 is missing text regarding the proposed boundary change of PAS 087, this was an unintentional gap in the description of this alternative in Chapter 2. The Draft EIS discloses this proposed change in the following locations:

- ▲ Table S-1 (page S-13), under Alternative 5: “Expanded recreation designation to match the USFS permit boundary for the Heavenly Ski resort.”
- ▲ Impact 3.2-2 on page 3.2-68 of Section 3.2, Land Use: “Alternative 5 would revise the boundary of PAS 087, Heavenly Valley California, a recreation classification, to match with the USFS permit boundary. This would result in reclassification of 1,300 acres of conservation land in PAS 095, Trout/Cold Creek, and 22 acres of residential land in PAS 085, Lakeview Heights, all owned by the USFS, to recreation. Expansion of this plan area to match

the USFS permit boundary is consistent with the overall land use theme and management policies. Any additional ski facilities proposed with these classification changes would require preparation and adoption of an Area Plan or Master Plan. Thus, under Alternative 5, this impact would be less than significant.”

- ▲ Page 3.2-70: “The existing permissible uses associated with PAS 087 are primarily related to ski facilities and outdoor recreation. Currently, PAS 095 allows for dispersed recreation types of uses as well as developed recreation facilities such as participant sports facilities, cross country skiing course and snowmobile courses. No substantial increase in permissible uses associated with this land. While PAS 085 has similar permissible uses as PAS 087, ski facilities are not permitted. If ski facilities uses were extended onto PAS 085, preparation and adoption of an Area Plan or Master Plan would be required.

The allowance of these types of developed recreation facilities is consistent with those provided for in PAS 085, and expanding the plan area to match the USFS permit boundary is consistent with the overall land use theme and management policies, which state that the area can provide the potential for developed recreation sites. Therefore the proposed changes in land use designation are consistent with the existing surrounding uses and the reclassification would not result in new land uses. This impact would be less than significant.”

The Draft EIS concludes that the reclassification of identified conservation lands to recreation lands is consistent with the overall intent of the existing plan area’s land use policies, planned and current permissible uses, and surrounding recreation uses and therefore results in a less-than-significant impact (Draft EIS, pages 3.2-68 through 3.2-69). Please see Master Response 10, Development on Recreation-Designated Lands, which further addresses this comment.

O16-148      The comment asks why no alternatives evaluate a ban on residential burning on waste. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy or completeness of the environmental document. The comment is noted for consideration during project review. As the comment relates to proposed alternatives and the scope of the Draft EIS, please see Response to Comment O16-118, which addresses concerns regarding an adequate range of alternatives analyzed in the Draft EIS as well as Master Response 2, Duration of Public Comment Period, which describes the robust public outreach effort to define Regional Plan Update alternatives and the scope of the environmental analysis.

O16-149      The comment asks why no alternatives consider a change in criteria used in IPES. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy or completeness of the environmental document. The comment is noted for consideration during project review. As the comment relates to proposed alternatives and the scope of the Draft EIS, please see Response to Comment O16-118, which addresses concerns regarding an adequate range of alternatives analyzed in the Draft EIS as well as Master Response 2, Duration of Public Comment Period, which describes the robust public outreach effort to define Regional Plan Update alternatives and scope the environmental analysis.

O16-150      The comment asks what changes are proposed in the USFS proposed Forest Plan and how can TRPA confirm that the USFS will not make changes to their management strategies. Impact 3.2-3 addresses consistency of the Regional Plan Update with applicable plans, policies, and regulations. Consistency with the USFS Forest Plan is addressed on page 3.2-73. The analysis does not make any statement or implication that USFS will or would not make changes to their management strategies or that TRPA would prohibit such changes. Rather, the analysis states,

“All Regional Plan Update alternatives would continue to concentrate development within the Region’s urban nodes (such as Community Plan areas), which have already been affected by development. Additionally, the alternatives provide varying degrees of incentives to transfer development from sensitive lands into those urban nodes. The Regional Plan Update alternatives are protective of the existing National Forest System lands and would not conflict with the regulatory objectives designed for those lands.”

Furthermore, the Draft EIS analysis explains that the USFS was in the process of revising and updating its Forest Plan concurrently and in coordination with TRPA’s Regional Plan Update as well as the Lahontan Regional Water Quality Control Board’s implementation of the Total Maximum Daily Load. The Draft EIS stated that the revised plan was expected in spring 2012. The proposed Forest Plan is now available on the USFS website for review:

<http://www.fs.usda.gov/main/ltbmu/landmanagement/planning>

The comment does not raise environmental issues or concerns regarding the adequacy, accuracy or completeness of the environmental document. The comment is noted for consideration during project review

O16-151 This comment questions how TRPA can analyze the impacts of the Regional Plan Update and RTP without assessing impacts on all threshold areas.

The Regional Plan Update Draft EIS and the RTP/SCS Draft EIR/EIS analyzed the impacts of the Regional Plan Update and RTP/SCS on all threshold areas. The portions of the Regional Plan that are sufficient and will not change due to the proposed Regional Plan Update are the Noise and Natural Hazards Subelements of the Land Use Element; the Open Space, Scenic, Stream Environment Zone, Cultural, and Energy Subelements of the Conservation Element; the Recreation Element; and some portions of the Implementation Element. These policies have already been approved. Therefore, as stated on page 2-12 of the Draft EIS, these elements will not be part of the amendment package for Governing Board approval. Only the changes to the Regional Plan Goals and Policies need to be analyzed in the Draft EIS to disclose the potential environmental impacts of the changes and allow the Governing Board to make an informed decision in relation to approval of a Regional Plan Update alternative (see page 1-5 of the Draft EIS).

Throughout Chapters 3 and 4, the Draft EIS addresses whether implementation of the Regional Plan Update alternatives would support attainment of threshold standards in those resource sections for which threshold standards are established: water quality (Section 3.8); air quality (Section 3.4); scenic resources (Section 3.9); soil conservation (Section 3.7); fish habitat, vegetation, and wildlife habitat (Section 3.10); noise (Section 3.6); and recreation (Section 3.11).

Furthermore, as explained on page 3.1-1 of the Draft EIS, as a separate process and prior to approving any project subject to environmental review requirements, TRPA would, in accordance with Chapter 4, “Required Findings,” of the Code, make written findings supported by substantial evidence in the record that the selected Regional Plan Update alternative is consistent with, and would not adversely affect, implementation of the Regional Plan, Goals and Policies, plan maps, Code, and other plans and programs; that it would not cause threshold standards to be exceeded; that it would meet or exceed applicable federal, state, or local standards; and that the Regional Plan, as amended, achieves and maintains the thresholds.



O16-152

The comment states that emission estimates for the GHG base year and future forecasts were based on the existing prohibition on transfers across HRAs; therefore, the potential GHG emissions do not correlate with possible development scenarios.

The comment's assumptions about the basis for the GHG emissions analysis are incorrect. As explained on page 3.5-10 of the Draft EIS, under Methods and Assumptions, the GHG emissions are based on the following:

Mobile-source GHG emissions were estimated using EMFAC 2011, with Region-wide vehicle miles traveled (VMT) activity data obtained from the TRPA travel demand model as input (see Section 3.3, Transportation, and Appendix E of the Draft EIS). VMT was estimated using the RTAC method (discussed in Section 3.5.3 of the Draft EIS). EMFAC 2011 is a model widely-used in regional air quality analysis and recommended by ARB and EPA for emissions estimation and regulatory purposes (ARB 2012a). Mobile-source emissions were modeled for the RTP/SCS EIR/EIS and are also used in this EIS due to the relationship of the two planning efforts.

Area-source and indirect GHG emissions from new development that could be accommodated under the Regional Plan Update were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod contains emission factors associated with activities such as snow removal and landscaping equipment, electricity consumption, and natural gas consumption in residential and non-residential land uses, and is recommended for environmental review purposes under CEQA and the National Environmental Policy Act (NEPA) (South Coast Air Quality Management District 2012).

Emissions associated with fireplaces and woodstoves were also estimated using CalEEMod with inputs derived from the Washoe County Residential Wood Use Survey (Washoe County 2010) and TRPA staff.

- ▲ Emissions associated with waterborne transit vehicles were estimated using ARB's California Commercial Harbor Craft Emissions Inventory database tool (ARB 2012b).

The detailed modeling inputs and assumptions are provided in Appendix F of the Draft EIS. As shown in the Regional Plan Update Emissions Modeling Summary (Year 2035) for the various alternatives, the data input for the change from 2010 conditions involves the remaining 1987 Regional Plan allocations and any other residential, CFA, or TAU's allocated by a proposed alternative and the population change. HRAs are not involved in the GHG emissions analysis. Rather, HRAs are discussed in Sections 3.2, Land Use, and Section 3.7, Geology, Soils, Land Capability, and Coverage, of the Draft EIS in relation to coverage transfers, excess coverage mitigation fees, and removal of excess coverage. The proposed change under Alternative 3 to allow coverage transfers across HRA boundaries does not change the development scenarios or the GHG modeling inputs or results. Furthermore, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to no longer allow coverage transfers across HRA boundaries. Section 3.5, Greenhouse Gas Emissions and Climate Change, of the Draft EIS adequately analyzes the potential impacts related to GHG emissions and climate change for the proposed project alternatives.

Because the GHG emissions' modeling is based on VMT, it may be helpful to also see Master Response 11, Effectiveness of Town Centers and Transportation Improvements in Reducing VMT.

- O16-153 The comment states that Alternative 3 would permit transfer of non-conforming coverage and soft coverage from SEZs for use in Town Centers, the Regional Center, and the High Density Tourist District, but that there is no assessment of the extent of such existing coverage. Please refer to Master Response 3, Programmatic Coverage Assessment, Response to Comment O16-3, regarding soft and hard coverage calculations, as well as Response to Comment O16-31, which addresses concerns surrounding the transfer of non-conforming coverage and soft coverage from SEZ to in Town Centers, the Regional Center, and the High Density Tourist District. In addition, it is infeasible to accurately predict the amount of non-conforming coverage that would be transferred throughout the Region because it is inherently project and site-specific. Any transfer of non-conforming coverage from an SEZ to a community center would be subject to project-scale environmental review and permitting, which would address site-specific impacts. From a Regional and programmatic perspective transfers of non-conforming coverage from SEZ to high capability lands in community centers would be beneficial because it would (1) reduce the amount of coverage in the most sensitive lands, and (2) increase the amount of coverage with water quality BMPs.
- O16-154 The comment questions whether the excess coverage mitigation fees reflect the actual costs of land in each area. Please refer to Response to Comment O16-35, which addresses this comment.
- O16-155 The comment questions whether pervious coverage is a sustainable option for use in the Tahoe Region and requests additional information supporting the proposed pervious coverage exemption. Please refer to Response to Comment O8-10.
- O16-156 The comment questions the difference in density, height, coverage between the existing commercial/public services designation compared to the proposed mixed-use designation. Under Alternative 3, the Mixed Use classification would replace the existing Commercial and Public Service classification. The classification of Commercial and Public Service is described on page 3.2-6 of the Draft EIS:

[U]rban areas that have been designated to provide commercial and public services to the Region or have the potential to provide future commercial and public services. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other noncommercial uses, if appropriate. These lands include areas now developed for commercial or public service uses; in the case of public services, land designated for, or in, public ownership; areas suitable to encourage the concentration of compatible services; areas of good-to-moderate land capability; and areas with adequate public services and transportation linkages.

The new Mixed Use classification would identify urban areas designated to provide a mix of commercial, tourist, public service, and residential uses. The purpose of the new classification is to concentrate a mix of land uses for public convenience and enhanced sustainability. See the Alternative 3 Land Use Plan in Exhibit 2-9 of the Draft EIS.

The new Mixed Use designation does not, in and of itself, define specific allowable coverage, density, or heights. The land use planning approach, development rights and allocations, density and height, transfers of development, and allowable coverage and coverage transfers proposed under Alternative 3 are described throughout the analysis of Development Pattern and Land Use Compatibility for Alternative 3 under Impact 3.2-1 (pages 3.2-46 through 3.2-58). In addition, Table S-1 in the Summary Chapter provides a side-by-side comparison of the major features of

Alternative 3 with features of the other proposed alternatives. Alternative 3 proposes these key land use features:

- ▲ Potential New Development: Remaining development rights and allocations, plus:200,000 square feet of new CFA, 2,600 new residential allocations, and 600 new residential bonus units
- ▲ Subdivision: Existing subdivision regulations (Code Chapter 39) plus a change to allow subdivision of mixed-use condominium projects at mixed use apartment densities
- ▲ Density: Existing density regulations in Code Chapter 31 (Section 31.5.2 contains calculations for maximum density within mixed use areas) and allow Area Plans to increase multi-family density from 15 units per acre to 25 units per acre in community centers
- ▲ Building Height: Existing height regulations in Code Chapter 37 and allow Area Plans to permit building heights of up to 4 stories (56 feet) in Town Centers, 6 stories (95 feet) in the Regional Center, and 197 feet in the High Density Tourist District
- ▲ Building Height Measurement on Slopes: Maintains existing approach to measuring height but allows for an optional methodology for measuring height on slopes greater than 10 percent to promote stair stepping of building mass
- ▲ Non-conforming Height: Not allowed with redevelopment. Increased height allowances in community centers makes some buildings conforming.
- ▲ Coverage: Based on Code Chapter 30, except allowable coverage within Town Centers, Regional Center, and the High Density Tourist District would be allowed a maximum coverage of 70 percent on LCD 4-7 (developed or undeveloped)

As summarized on pages 3.2-57 and 3.2-58 of the Draft EIS, Alternative 3 was determined to result in a beneficial land use impact in part because the intensified development pattern would result in more compact, walkable, mixed-use communities, supported by greater density and increased height, which would facilitate maintenance of the existing community centers' character, improve access to services, and reduce automobile dependency.

In addition, individual projects related to the Regional Plan Update will continue to be subject to project-level environmental analyses in accordance with TRPA policies and other laws and regulations to determine project-specific impacts and required mitigation measures.

O16-157

The comment requests clarification on what are considered community centers. Based on the land use planning proposed by each Regional Plan Update alternative, community centers are the more urbanized areas of the Region. As shown in Table S-1 of the Draft EIS Summary Chapter, the community centers represent:

- ▲ Alternative 1 – Community Plan Areas
- ▲ Alternative 2 – Community Plan Areas and DTZs
- ▲ Alternative 3 – Town Centers, Regional Center, and High Density Tourist District
- ▲ Alternative 4 – Community Plan Areas and PTODs
- ▲ Alternative 5 – Community Plan Areas

The land use planning approach in each of the proposed alternatives aims to further consolidate and intensify development in the community centers, while decreasing intensity of development in sensitive lands and other areas outside of community centers. The existing and proposed land

use plans are illustrated throughout Chapter 2 of the Draft EIS (Exhibits 2-2 through 2-25), and Exhibits 3.2-1 through 3.2-7 and 3.2-12 – 3.2-15 show sending areas versus receiving areas for residential, CFA and TAUs for the various alternatives.

- O16-158 The comment expresses concerns regarding the Area Plans proposed in Alternative 3, negative impacts to thresholds, and negative impacts to the public's right to participate in decision making by removing decision-making authority from TRPA. As explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. The annual conformity review process will include a public hearing and require Governing Board review and approval which give the public an opportunity to participate in the process. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), as well as Chapter 2 of this Final EIS, the Area Plan process under Alternative 3 has been revised to include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board. This Plan revision would address the concern raised in the comment.
- O16-159 The comment raises concerns regarding increases in height and impacts on scenic quality. Please see Section 3.9, Scenic Resources, of the Draft EIS as well as Master Response 7, Effects of Increased Allowable Height on Scenic Resources, which address this comment.
- O16-160 This comment introduces the subsequent comments in the letter, expresses concerns regarding the timing of review of the Regional Plan Update Draft EIS, RTP/SCS Draft EIR/EIS, and expresses concerns regarding the policy-level approach to analyzing environmental impacts.
- In regards to concern regarding timing of review of environmental documents, please see Master Response 2, Duration of Public Comment Period.
- In regard to the policy-level approach, as described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.
- O16-161 The comment requests additional analysis to support proposed coverage policies to consider hydrologic connectivity of urban lands in close proximity to the lake or receiving waters. Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, for additional information and analysis related to potential impacts of coverage policies in community centers. Additionally, please refer to Response to Comment 17-3, regarding

- constraints associated with parcel-based infiltration systems in areas of concentrated development.
- O16-162 The commenter points to the Draft EIS as failing to assess “alternate stressors” on the nearshore or to disclose if current turbidity standards are adequately monitored. See Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-163 Comment suggests that the EIS should examine the clarity targets in terms of the alternatives and their impacts. The purpose of the EIS is to identify environmental impacts of implementing Regional Plan Update alternatives and to recommend mitigation for impacts determined to be significant or potentially significant. Assessment of the impacts in terms of the Clarity Challenge and Pelagic transparency annual average are beyond the scope of the EIS.
- O16-164 The comment states that the EIS must disclose that failure to reduce pollutant loads must be recognized as an adverse impact on the ONRW status under the Clean Water Act and thus a significant impact for all alternatives. The purpose of the EIS is to identify environmental impacts of implementing Regional Plan Update alternatives and to recommend mitigation for impacts determined to be significant or potentially significant. As described on page 3.8-15, significance criteria to consider the effect of the Plan updates on hydrology and water quality relate directly to both TMDL load reduction goals and attainment of TRPA water quality threshold standards. As described on page 3.8-4, under Federal Antidegradation Policy, “no new or increased discharge that would result in lower water quality are permitted” into Lake Tahoe. New and/or increase discharge is not a component of any of the Plan alternatives and is therefore not an appropriate significance criteria.
- O16-165 The comment states that the Draft EIS fails to analyze impacts of construction and new development, primarily because regulatory staff resources are insufficient to monitor and enforce BMP compliance and BMP maintenance. Furthermore, the comment suggests that mitigation should include mechanisms for adequate funding for inspection/enforcement staff, and resultant consequences for underperforming water quality mitigation. See Response to Comment A15-16 for information related to BMP compliance and Attachment 5 of the Final Draft Goals and Policies for a list of additional BMP strategy evaluation tasks.
- O16-166 The comment suggests that new development will result in increased landscaping that requires increased fertilization, and contends that with additional development allowed in Regional Plan alternatives, impacts of fertilizer use on streams and the lake would be significant. Impact 3.8-2, Nutrient Loading to Surface Water and Groundwater compares the existing policies to those proposed under each of the Regional Plan Alternatives. As discussed in this impact analysis, the existing code provisions related to fertilizer use are extensive and considered to contribute to a less-than-significant impact under the current regulations. By increasing public education and by phasing out the sale of phosphorus-containing chemical fertilizers, effects associated with fertilizer would be beneficial. Comment offers no evidence to suggest that the impact would be significant, nor any specific comments about the adequacy of the Draft EIS impact analysis. No further response is necessary.
- O16-167 The commenter states that development of a new water quality threshold standard to support actions to reduce attached algae does not mean that the actions to reduce attached algae are implemented. As discussed in Impact 3.8-2, Nutrient Loading to Surface Water and Groundwater, “the proposed amendment would create a new interim management standard

that would support actions to reduce the degree and distribution of attached algae in the nearshore. This management standard would temporally guide management actions, policy, and project review to prevent increases in attached algae. The management standard would remain in place until research is completed to establish numerical targets for nearshore attached algae, which would potentially be based on a numerical index of algal biomass. Because the proposed amendment is a new standard that would address the important issues of attached algae in the nearshore and support actions to reduce it, this threshold amendment would have a beneficial effect on water quality (page 3.8-22, last paragraph).” The comment suggests that additional mitigation is needed to prevent increased attached algae resulting from new development that would be accommodated under the Regional Plan Update alternatives. No evidence is offered as to how additional development would cause increases in nearshore attached algae, nor does the comment speak with any specificity to the content or adequacy of the Draft EIS analysis. No further response is required.

- O16-168 The comment maintains that BMPs must be adequately designed and maintained for long-term effectiveness, with oversight by appropriate agencies. The comment notes that BMPs that are not visible are not easily evaluated and may be inadequate. Please see Response to Comment A15-16, which address concerns regarding the effectiveness of BMPs.

The comment notes that continuation of existing winter road practices is identified as potentially significant, but does not assess other policies and practices that do not prioritize reduction of soil disturbance by vehicles. The Draft EIS assesses those areas subject to policy change in the Regional Plan Update alternatives, which includes winter road practices. Other policy areas, if not proposed for change in the Regional Plan Update, would be identical to baseline, and thus, there would no impact.

- O16-169 The comment states that guidance should be provided in a mitigation measure that does not create large, hydrologically-connected areas of bare dirt and that the EIS must disclose the impacts of defensible space that discharge sediments, nutrients, and FSP.

Impact 3.8-3 in Section 3.8, Hydrology and Water Quality, of the Draft EIS includes analysis of sediment loading from defensible space practices for each alternative. Because numerous resources have been developed to provide guidance on fire defensible space practices that are compatible with BMP requirements, and because TRPA, Resource Conservation Districts, and Fire Protection Districts continue to provide support to homeowners in the Tahoe Region to implement defensible space practices that are compatible with water quality objectives, sediment loading from such practices would be less than significant for all alternatives (see Draft EIS page 3.8-24 through 3.8-26).

- O16-170 The comment states that increasing the potential for funding water quality operations and maintenance for road operations would be beneficial and that the Draft EIS fails to identify the deficit in water quality protection due to current levels of available funding. Assessment of current forms of funding, and the potential future willingness of local jurisdictions to provide funding, is beyond the scope of the EIS. No further response is necessary.

- O16-171 The commenter questions why Mitigation Measure 3.8-3, Facilitate Improved Roadway Operations and Maintenance Practices that Protect Water Quality (see Draft EIS page 3.8-31), only addresses Alternatives 1 and 5. The revised policies under Regional Plan Update Alternatives 2, 3, and 4 would likely result in the reduction of sediment loading and associated

fine sediment particle loading and would therefore result in a beneficial impact. Therefore, these alternatives do not require implementation of the mitigation measure. However, Alternatives 1 and 5 were determined to result in potentially significant impacts to water quality, due to continuation of existing winter road practices. To reduce the roadway operation and maintenance-related water quality impacts associated with Alternatives 1 and 5 to less-than-significant levels, TRPA will implement Mitigation Measure 3.8-3, which requires that TRPA adopt a policy that supports load reduction plans developed under the Lake Tahoe TMDL, coordination of its implementation, and minimization of de-icers, FSP, traction abrasives, and other contaminants associated with roads consistent with public safety objectives.

O16-172

The comment states that some of the comments on the NOP for the RTP/SCS EIR/EIS were not addressed in the RTP/SCS and Regional Plan Update environmental documents. The NOP comment letter received from TASC on September 23, 2011 raised issues related to VMT:

- ▲ Relationship of SB 575 to Lake Tahoe's unique, for California, factors. In Chapter 2 of both environmental documents, with the greatest detail presented in Section 2.6 of the RTP/SCS EIR/EIS, the relationship between SB 575, SB 375, and the Tahoe Region is discussed. Also, the GHG per capita analysis in Section 3.5 of the RTP/SCS EIR/EIS, particularly related to Impact 3.5-2, provides a detailed evaluation about the achievement of SB 375 and related SB 575 requirements.
- ▲ Cumulative Impacts and Existing Infrastructure. Both environmental documents contain detailed discussions of cumulative impacts in Section 4.3, including cumulative impacts on infrastructure.
- ▲ GHG, SB 575, and the implementation strategies for Lake Tahoe. As noted above, there is extensive discussion of the role of GHG analysis, SB 575, and SB 375 in Section 2.6 of the RTP/SCS EIR/EIS and Section 3.5 of both the Regional Plan Update EIS and RTP/SCS EIR/EIS.
- ▲ The relationship between the RTP/SCS and GHG. The primary purpose of the RTP/SCS EIR/EIS is to provide an evaluation of the relationship between transportation investments, land use plans, GHG analysis, and other environmental effects in the Region. Please refer to Section 3.5 for a discussion of GHG analysis in both environmental documents.
- ▲ Four Regional Transportation Plan Alternatives Compared to Four Regional Plan Alternatives. The approach for coordinating the RTP/SCS Transportation Strategy Packages with the Regional Plan Update land use alternatives is fully described in Chapter 2 of the RTP/SCS EIR/EIS. Please refer to Sections 2.6 and 2.8 of the RTP/SCS EIR/EIS.
- ▲ The Elements of the SCS are not specific enough to analyze the environmental impacts. The RTP/SCS EIR/EIS is noted as a program EIR under CEQA, so it seeks to provide a programmatic evaluation of environmental impacts of the program of transportation projects included in the RTP. Because many of the projects have conceptual locations, it is feasible to provide substantive environmental review of many environmental issues and definition of program-level mitigation measures. Subsequent projects that are consistent with the RTP/SCS and the scope of the program EIR would be evaluated in light of Section 15168 of the State CEQA Guidelines and receive appropriate streamlining related to issues already addressed in the RTP/SCS EIR/EIS.

O16-173

The comment indicates that TRPA is creating growth in order to meet the intent of California's SB 575 [sic]. The comment questions what targets the TMPO first recommended to the California Air Resources Board, whether those targets reflected options which met TRPA's Compact requirements, and whether ARB made the decision to disregard TRPA's thresholds in

favor of per capita reductions? The commenter is referred to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, and Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria for a discussion of how the Draft EIS adequately ensures that TRPA will maintain its VMT threshold. The targets that ARB set for the Tahoe region are the same as those that are currently described in Chapter 3.5, Greenhouse Gas Emissions and Climate Change, on page 3.5-4 of the Regional Plan Update EIS and 3.5-5 of the RTP/SCS EIR/EIS, under “Senate Bill 375.” The targets for the Tahoe region are a 7 percent per capita reduction by 2020 and a 5 percent per capita reduction by 2035. As noted in Response to Comment O16-144, these targets are separate from the TRPA threshold requirements and represent an additional requirement, not a substitute for existing threshold requirements. Please also see Response to Comment A38-26 for additional discussion on how the greenhouse gas emissions targets were set.

The comment states that the EIS must analyze and disclose the total capacity of the existing infrastructure including all roads and traffic generators and disclose the total amount of VMT that can be accommodated without any additional growth. These requested evaluations are not required to properly analyze the transportation related impacts of the five RTP/SCS alternatives. The analysis of transportation infrastructure typically focuses on comparing a particular facility’s existing and projected travel demand to its capacity for a given time period. Given the nature of travel and its traditional morning, midday, and evening peak periods, the theoretical daily capacity of an individual facility or an entire system is not meaningful because substantial decreases in travel demand occur during overnight hours. This is in contrast to other public works infrastructure such as pipelines, electrical transmission lines, or dams where demand levels are sustained throughout the day and night time periods. Table 3.3-4 shows that a two-lane undivided highway can serve up to 2,740 vehicles per hour without exceeding LOS E. TRPA LOS policies permit LOS E operations in urban areas not to exceed four hours per day. Data in Part 2 of Appendix E shows the hourly volume of traffic on SR 89 north of Tahoe City on Friday, August 12, 2011. Whereas the busiest hourly volume was 1,481 vehicles, the highway carried less than 500 vehicles per hour for nine of the 24 hours. This reduction in demand for certain times of the day illustrates why the total capacity of the roadway system is not a meaningful measure and was therefore not presented in the EIS and EIR/EIS.

Similarly, the comment’s request to disclose the total amount of VMT that can be accommodated without any additional growth is not a meaningful statistic. VMT is caused by a person driving a vehicle for a certain purpose. Unlike the near constant demand for water to pass through a pipe or over a dam over a relatively short period of time, people do not drive simply because the roadway system has capacity to accommodate them. Thus, this measure was not calculated and is not presented in the EIS.

O16-174

The comment states that Region-wide VMT will exceed the TRPA standard in order to meet a California directive (SB 375) to reduce per capita GHG emissions, not overall VMT, as required by the thresholds. Please see Response to Comment O16-144.

The comment states that the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS repeatedly relied on CA-based guidance documents, regulations, models, and other state-based tools that are not reflective of the Region’s unique conditions or environment. TRPA relied upon the methodology adopted by the California Air Resource Board (ARB), which includes the EMFAC mobile source emission factor model. In March 2004, TRPA staff collected Fleet Mix information concerning the types of vehicles driven in both California and Nevada. This Fleet Mix data was



then submitted to the ARB for their review and inclusion in the EMFAC 2011 model. The VMT data input into the EMFAC model for purposes of emissions estimation was obtained from the TRPA travel demand model. Analysis of GHG impacts associated with the Regional Plan Update and RTP/SCS were based on TRPA-specific data inputs and ARB-recognized methodologies.

The comment states that the concept of increasing population to decrease impacts only works in areas experiencing major urban sprawl. Refer to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, for a discussion on interactions between land use and transportation including the effects of smart growth concepts.

- O16-175 The comment states that the infrastructure that existed in 1981 is still in place, and that this infrastructure had sufficient capacity to enable VMT to increase by 30 percent from 1981 to 1999. This comment is noted, along with a clarifying statement that growth in VMT, absent any major capacity enhancing infrastructure improvements, is typically caused by new land use development. Furthermore, as noted in Response to Comment O16-173, the available capacity of the roadway system during off-peak hours, does not by itself, generate new VMT. This comment does not provide specific evidence that the Draft EIS analysis is inadequate.
- O16-176 The comment states that it is unclear which VMT estimates are tied to which traffic counts. The comment also states that the EIS fails to reveal that 2005 reflects a significant drop in employment on the South Shore. Please refer to response to O16-141. The comment asks about impacts that will occur when the site of the future convention center is developed, and what impacts are realized from other developments already approved but not currently generating traffic. The future year versions of the travel demand model include approved, pending, and proposed land uses. The effects of these projects on roadway and intersection operations have been evaluated at a programmatic level through their inclusion in the traffic model and resulting forecasts. To the extent these projects require additional environmental review, project-level impact analysis will occur along with identification of mitigation measures. Refer to Response to Comment O16-141 regarding land use assumptions for convention center site.
- The comment asks if efforts to reduce GHG emissions from VMT will be overwhelmed by increases and other sources including motorized watercraft and aircraft. Please see Response to Comment O16-141.
- O16-177 The comment states that the EIS must assess all GHG emissions caused by highway additions, waterborne transit project, increased use of the South Lake Tahoe airport, and undetermined increases in emissions from off-road motor vehicle. Please see Response to Comment O16-121.
- O16-178 The comment asks how the modeled locations of new development relate to predicted locations for coverage transfers. Estimates of coverage transfers are based on the number of new development allocations and the location of those within community centers or outside community centers consistent with the transportation model. Draft EIS Exhibits 3.2-1 through 3.2-7 and 3.2-12 – 3.2-15 show sending areas versus receiving areas for residential, CFA and TAUs for the various alternatives. However, as described in Master Response 3, Programmatic Coverage Assessment, it would be too speculative to estimate all specific sending and receiving sites involved in any future coverage transfer. Additional responses regarding coverage transfers are provided in Responses to Comments O16-17, O16-27, and O16-34.

The comment also questions the validity of transfer of development assumptions in RTP Appendix C, and questions whether transferring and concentrating development would result in an environmental impact. Questions on the validity of TDR assumptions are addressed in Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program. Questions on the effects of transferring and concentrating development are addressed throughout the resource sections in Chapter 3 of the Draft EIS, and summarized in Master Response 5, Effects of Concentrated Development on Water Quality.

- O16-179 The comment, which is focused on the 2011 Threshold Update Report and noise issues, states that Tahoe should be quieter than other areas and that it is surprising that no changes are proposed to the noise threshold standards to improve current conditions. The comment states that TRPA is ignoring sources of noise. The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, Comments Pertaining to the Plan or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.
- O16-180 The comment, which is focused on the 2011 Threshold Update Report and noise issues, questions TRPA's enforcement and attainment of the noise threshold standard, specifically in relation to air craft. The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.
- O16-181 The comment, which is focused on the 2011 Threshold Update Report and noise issues, questions what TRPA has done to improve noise conditions related to air craft.
- The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.
- O16-182 The comment, which is focused on the 2011 Threshold Update Report and noise issues, further questions what TRPA has done to improve noise conditions related to air craft.
- The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts

associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.

- O16-183      The comment, which is focused on the 2011 Threshold Update Report and noise issues, further raises concerns over the noise threshold standards and alternative approaches.
- The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.
- O16-184      The comment, which is focused on the 2011 Threshold Update Report and noise issues, further raises concerns over the noise threshold standards and target dates. The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.
- O16-185      The comment, which is focused on the 2011 Threshold Update Report and noise issues, further raises concerns over the noise single event standards. The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Response to Comment O16-6. Furthermore, potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives is presented in Section 3.6 of the Draft EIS.
- O16-186      The comment, which is focused on the 2011 Threshold Update Report and noise issues, further raises concerns over the CNEL standards and noise monitoring.
- The comment pertains to the Threshold Evaluation itself and not to the environmental document. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Also see Response to Comment O16-6, which addresses why an EA was completed for the 2006 Threshold Evaluation but not for the 2011 Threshold Evaluation, and explains that the Draft EIS describes and analyzes the proposed threshold standard amendments. Potential short- and long-term noise impacts associated with implementation of the Regional Plan Update alternatives are presented in Section 3.6 of the Draft EIS.
- O16-187      The comment asserts that the Regional Plan Update and RTP/SCS propose alternatives that will increase population in the Region and, therefore, result in more noise. The comment also asserts that densification surrounding community centers will result in more residential and visitor units being located in the most-developed loud places in the Region. The comment states that TRPA has been unable to reduce noise in the past and is unable to enforce noise standards

and questions what new measures TRPA will employ to attain its thresholds. Table 3.12-1 on page 3.12-9 of the Draft EIS shows the projected populations in the Region under each of the five alternatives. On page 3.2-69 of the Draft EIS, the analysis of changes to land use classifications explains that Alternative 3 could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region and that, although no specific projects are proposed or contemplated and it is not possible to speculate on the nature or size of a specific project or projects that might be proposed in the future, it is likely that construction and operation of any new development could result in environmental impacts, including impacts associated with noise from new stationary and mobile sources. Mitigation would be required for these project-specific impacts during the appropriate project-related environmental review. In addition, Draft EIS Section 3.6 contains mitigation to reduce noise impacts throughout the Region, including Mitigation Measure 3.6-1, Establish and Implement a Region-Wide Traffic Noise Mitigation Program, and Mitigation Measure 3.6-4, Develop and Implement an Exterior Noise Policy for Mixed-Use Development, which address the concerns raised in the comment.

The comment also shares some text from the 1983 Regional Plan EIS regarding airport-related noise, highlighting that “noise produced from the airport can be reduced by controlling the type of aircraft that use the airport, the level of activity, and by regulating land use to exclude incompatible uses near the airport.” The comment does not raise issues that pertain to the completeness or adequacy of the environmental analysis, please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

In addition, the comment shares text from the 1983 Regional Plan EIS regarding traffic noise increases associated with increased traffic volumes. This text states that “the level of noise produced from a transportation corridor can be reduced by using barriers to reduce the level of noise transmitted, improved site design, lowering the speed limit, prohibiting trucks on certain roads, prohibiting trucks at certain times, and by regulating land use to exclude incompatible uses in transportation corridors.” Many of these types of measures are also identified in Mitigation Measure 3.6-1 to reduce traffic noise exposure. Possible reduction measures listed under Mitigation Measure 3.6-1 do not include prohibiting trucks on highways in the Region. While prohibiting trucks on local roads may be possible, TRPA and TTD do not have the jurisdictional power to implement a truck restriction on highways in the region, including US 50, SR 28, SR 89, SR 207, and SR 431. See the figure in Response to Comment O16-141 showing the Annual Average Daily Traffic (AADT) and Peak Month (August) Traffic Volume throughout the Region on state maintained roadways.

The comment also questions whether people using residences located near a highway or in more urbanized community center would be more likely to keep their windows closed and use their air conditioners during hot weather. Noise-related issues related to land use compatibility are addressed in Impact 3.6-4. The analysis under Impact 3.6-4 determines that new residential and tourist accommodation uses under all five Regional Plan Update alternatives could place new, more noise-sensitive land uses in locations where ambient noise levels are incompatible. Mitigation Measure 3.6-4 requires TRPA to develop and implement an exterior noise standard for mixed-use development and TRPA would not approve any proposed land use development project, plan, or program that would expose outdoor activity areas of residential and tourist accommodation uses to exterior noise levels that exceed the identified standard. The traffic noise modeling performed for Impact 3.6-1 conservatively assumes there would be no change in traffic speeds; however, the potential exists that traffic noise levels would be lower in more

urban community centers due to the presence of pedestrians and more complete street design. Also, the list of noise reduction measures presented in Mitigation Measure 3.6-4 includes the reduction of speed limits and/or implementation of traffic-calming measures that slow travel speeds. It would be speculative and unnecessary for the analysis to make a determination of occupants' use of windows or air conditioning.

O16-188 The comment states that the Draft EIS consistently speculates, assumes, and/or claims that the environmental impact analysis is provided at the policy level and, therefore, is not responsible for assessing the environmental impacts of the proposed alternatives. As described in the fourth paragraph on page 1-8 of the Draft EIS, the broad geography and long timeframe to which the Regional Plan applies, and the policy-oriented nature of its guidance, is such that the EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Draft EIS Chapter 4, Cumulative Impacts.

The comment also expresses confusion about a statement on page 3.1-1 of Section 3.1.1, Need for Future Project-Level Analysis, that “it is nonetheless, understood that, consistent with the proposed Regional Plan goals, policies, and implementation measures, threshold standard attainment would be accelerated and/or realized through future projects.” The phrase does not affect the meaning to the sentence. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document, and no further response is necessary.

O16-189 The comment states that “where TRPA proposes to change the [noise] standards, the environmental analysis must consider the impacts of alternatives on the standards as they are currently adopted and on the standards being proposed.” TRPA does not propose to change the noise standards in any of the alternatives for the Regional Plan Update or RTP/SCS.

The comment contends that the Regional Plan Update must meet CEQA requirements because the RTP/SCS relies on the Regional Plan Update as the Sustainability Communities Strategy document to meet SB 375 requirements. The SCS is evaluated pursuant to CEQA requirements in the RTP/SCS EIR/EIS.

The comment suggests that the noise analysis fails to adequately discuss Tahoe-specific parameters and suggests that noise standards for the Tahoe Region be more stringent than they are for typical urban areas. The noise standards used to conduct the noise analysis are the noise standards established by TRPA for the Tahoe Region and are presented in Table 3.6-4 and Table 3.6-5. None of the alternatives analyzed for the Regional Plan Update and RTP/SCS proposed to change these noise standards. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment faults the noise analysis for not providing information on what the exterior-to-interior noise reduction of a building would be with the windows open. TRPA does not have different CNEL standards for exterior noise levels when windows of nearby buildings are open.

The comment also asks what is considered “sustained exposure,” or a “short period.” This text is included in the discussion of the effects of noise on humans on page 3.6-3.

The comment also asks whether vibrations have different or more pronounced effects in the Tahoe Region, given soil type and topography. As stated in the noise appendix, the computation of propagated ground vibration levels is based on the equations presented on page 12-11 of FTA 2006. Estimates of attenuated vibration levels do not account for reductions from intervening underground barriers or other underground structures of any type, or changes in soil type. This formula is based on normal propagation conditions. The degree to which atypical soil types may exist in specific locations in the Tahoe Region, and whether they would influence the rate in which ground vibration propagates, is not accounted for in this program-level analysis.

The comment also asks where the discussion of noise impacts to wildlife is addressed. Please refer to Response to Comment O16-196.

O16-190 The comment raises various questions relating to proposed changes to the Noise Subelement. The comment disagrees with the Draft EIS’s characterization that the changes are non-substantive. The comment states that the removal of the single event noise and cumulative noise thresholds standards in the Goals and Policies is a substantial change that requires environmental review. Furthermore, the comment also noted that using the term “shall” is less restrictive than the existing term of “will”. This comment refers to the existing tables in the Noise Subelement that depicts the adopted noise Threshold Standards for single and cumulative noise events. The Final Draft Plan proposes to delete these tables as they are unnecessary and redundant to Resolution 82-11. The adopted thresholds are found in Resolution 82-11, and the Final Draft Plan does not propose any changes to the noise thresholds. This change is administrative in nature and does not result in any significant impact that requires environmental analysis. The table of recommended standards for Highway corridors will remain in the Noise Subelement of the Final Draft Plan. The comment referencing the use of “shall” over “will” refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O16-191 The comment questions how noise standards would be implemented by local jurisdictions under the proposed Area Plans, and how TRPA would ensure that local jurisdictions enforce attainment of noise standards.

As explained in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in the Final Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18) and in

Chapter 2, Revisions to Alternative 3: Final Draft Plan, of the Final EIS, the Area Plan process under Alternative 3 has been revised to include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.

O16-192

The comment asserts that the Regional Plan Update Draft EIS is incorrect in stating on page 3.6-8 that “no changes to the noise environment from aircraft activity surrounding Lake Tahoe Airport are anticipated from any of the Regional Plan Update alternatives because they would not result in increased takeoffs and landings or a change to the mix of aircraft types that use the airport.” The comment asserts that the volume of aircraft activity at the airport would increase under Alternatives 1, 3, 4, and 5 because they include capital improvements to the airport and because Appendix F of the RTP/SCS states that the airport is eligible for federal funds from the Federal Aviation Administration. The key distinction is that the level of aircraft activity may or may not increase; however, the increase would not be due to the adoption and implementation of any of the Regional Plan Update alternatives.

The comment also notes that according to the City of South Lake Tahoe’s 2030 General Plan, the City shall improve the airport for general aviation use and provide opportunities for future regional jet service (Policy TC-5.1) and develop the airport as a transportation hub and diversify services to strengthen the financial base of the airport. As stated under 3.6.4 in Section 3.6, Noise, of the RTP/SCS Draft EIR/EIS, improvements that would be implemented at the Lake Tahoe Airport under the RTP/SCS alternatives would not alter the airports operations. The City of South Lake Tahoe proposed improvements are maintenance activities that would not increase the number of flights in the Region. Improving the airport for general aviation and diversifying services at the airport do not necessarily constitute an increase in the number of takeoffs and landings, and TRPA understands that all of the City’s proposed improvements are maintenance activities that do not enhance or increase the number of flights into the Region. Regardless, policies from the City of South Lake Tahoe General Plan are not being analyzed in the Regional Plan Update or RTP/SCS environmental documentation. Therefore, the statement that none of the Regional Plan Update alternatives would result in increased airport-related noise levels is accurate.

The comment states that other sections of the RTP/SCS Draft EIR/EIS discuss proposed increases in aircraft activity, but does not specify which sections.

The comment also states that there is “a confusing lack of analysis of any increases in off-road vehicle use” and associated single-event noise levels. The potential for increases in noise-generating recreational equipment, such as motorized watercraft, motorcycles, off-road vehicles, and over-snow vehicles, is discussed on page 3.6-8 of the Draft EIS.

The comment suggests that more off-road vehicle use would likely occur as more people live in or visit the Region. TRPA’s single-event noise standards for off-road equipment are presented in Table 3.6-3. Unlike CNEL standards, the single-event noise standards address the maximum noise levels allowable for individual off-road equipment units. These maximum noise level standards would not be exceeded even if the frequency of off-road equipment use were to increase. An increase in off-road vehicle use consistent with projected population growth would be unlikely to result in any substantial change to ambient background noise level. As shown in Table 3.12-1 on stated on page 3.12-9 of the Draft EIS, the existing population in the Region is approximately 54,473. Projected population under the five alternatives ranges from 55,687 to

60,365, or increases of two percent to 11 percent. Given that a doubling of noise activity (i.e., a 100 percent increase) results in a 3 dB increase in noise and assuming that off-road vehicle use activity would increase at the same rate as population, the contribution of off-road vehicle noise to ambient, average noise levels would be nominal. Thus, it is not anticipated that an increase in population would lead to an increase in off-road vehicle use that could result in violation of applicable CNEL standards.

The comment states that the noise analysis fails to analyze existing conditions and questions what TRPA will do to reduce existing noise levels. The Regional Plan Update Draft EIS analyzes the effects that may occur under the various alternatives rather than existing conditions.

The comment also asks why the roadway segments in Draft EIS Table 3.6-5 were selected for modeling changes in traffic noise levels. The methodology is explained in the third paragraph on page 3.6-10 of the Draft EIS. The modeled roadway segments are the same regional roadway segments analyzed in the regional traffic analysis in Draft EIS Section 3.3, Transportation, and listed in Table 3.3-12 on page 3.3-41. These are the roadways that could potentially experience changes in traffic volumes, and associated traffic noise levels, due to implementation of the Regional Plan Update. The comment also asks which areas of the Region are represented by the traffic noise modeling. TRPA recognized that there may be some confusion because the names used to identify the different roadway segments are different in Table 3.3-12 and Table 3.6-5. To provide clarity, the two sets of names are matched in the Table 3-28 below.

<b>Table 3-28. Comparison of Roadway Names in Draft EIS Tables 3.3-12 and 3.6-5</b>	
<b>Roadway Segment Names from Table 3.3-12</b>	<b>Roadway Segment Names from Table 3.6-5</b>
US 50 at Meyers	US 50 mp 70.62
US 50 west of Pioneer Trail	US 50 mp 71.48
US 50 east of South Y	US 50 mp 75.45
US 50 at Tahoe Keys	US 50 mp 76.41
US 50 at Al Tahoe Blvd.	US 50 mp 77.33
US 50 at South Stateline	US 50 mp 80.14
US 50 south of SR 207	US 50 ATR 0521109
US 50 north of SR 207	US 50 sta 0041
US 50 at Echo Summit	US 50 MP 65.62 Echo Lake Road
US 50 west of SR 28	US 50 ATR 252125
SR 28 north of US 50	SR 28 sta 0035
SR 28 west of Incline Village	SR 28 ATR 3122409
SR 28 at North Stateline	SR 28 mp 11.00
SR 28 at Kings Beach	SR 28 mp 9.34
SR 28 east of Tahoe City	SR 28 mp 1.85
SR 89 north of Emerald Bay	SR 89 mp 19.54
SR 89 west of Fallen Leaf Lake	SR 89 mp 11.69
SR 89 north of US 50	SR 89 mp 8.67
SR 89 south of US 50	SR 89 MP 0.00 Alpine-El Dorado



Table 3-28. Comparison of Roadway Names in Draft EIS Tables 3.3-12 and 3.6-5	
Roadway Segment Names from Table 3.3-12	Roadway Segment Names from Table 3.6-5
SR 89 north of Tahoe City	SR 89 MP 13.72 Squaw Valley Rd
SR 207 east of US 50	SR 207 ATR 0531509- sta 0024
SR 431 north of SR 28	SR 431 sta 770
SR 267 north of Kings Beach	SR 267 MP 6.23 Martis Peak Rd
SR 267 north of SR 28	SR 267 mp 9.28

The comment asks how the modeled traffic noise levels for the studied roadway segments compare to the locations in transportation corridors where CNEL monitoring was performed. The methodology used to analyze changes to traffic noise levels, and the reasoning for employing this approach, is discussed on page 3.6-10 of the Draft EIS and the analysis of long-term traffic noise levels is provided under Impact 3.6-1. This analysis examines whether regional changes in traffic conditions would result in regional changes in traffic noise levels. The CNEL monitoring performed by TRPA for the 2011 Threshold Evaluation was performed to determine whether CNELs comply with applicable TRPA standards. There is not a direct correlation between the monitored levels from the 2011 Threshold Evaluation and the modeled levels presented in Table 3.6-6 of the Draft EIS. This is because, as described on page 3.3-13 of the Draft EIS, the transportation analysis examines travel conditions on a summer weekday in 2010 and traffic volumes are calibrated based on 2010 land use information and validated against 2010 census data and 2010 traffic counts. The CNEL monitoring by TRPA was performed at different locations at different times of the week and traffic counts were not collected simultaneously during monitoring. Page 10-1 of the 2011 Threshold Evaluation explains that it “provides an assessment of current noise level conditions and trends relative to adopted Threshold Standards for the Basin.”

The comment asks what the impacts of increased VMT will be if the economy turns around and the number of people in the Region increases. The basis of population and VMT projects used in the transportation analysis is discussed on page 3.3-28 of the Draft EIS. Both the potential for economic growth and increase population are accounted for in the TRPA Travel Demand Model.

The comment asks what information is available regarding any calibration of the Traffic Noise Model, what are the impacts of the Traffic Noise Model would be without considering physical factors, and whether the model accounted for the local fleet mix and speed. The methodology used to model traffic noise levels is discussed on page 3.6-10 of the Draft EIS. The traffic noise estimates from the model are conservative because the modeling does not account for any natural or constructed shielding (e.g., the presence of dense vegetation, berms, walls, or buildings) that may exist along modeled roadway segment and because the modeling does not account for changes in ground cover (e.g., grass, shrubbery, pavement), which may influence the way sound is absorbed or reflected. The modeling also conservatively assumed that travel speeds would remain constant regardless of the volume of traffic traveling on the roadways although, typically, travel speeds decrease with increases in traffic volumes. This point is important because both travel speed and traffic volume are positively correlated with traffic noise, particularly in areas that are more urbanized and more densely developed. This section also explains why the scale of analysis is appropriate for a policy-level review of a long-term, regional-scale plan.

The traffic noise modeling accounted for the local fleet mix, as shown in the detailed input parameters used for the traffic noise modeling in Appendix G of the Draft EIS, including the percentages of autos, medium trucks, and heavy trucks used for each modeled roadway segment. These notes indicate that the fleet mix was based on traffic count sorted by vehicle class from data published by the California Department of Transportation and the Nevada Department of Transportation

Model calibration can be performed, as needed, when individual development or infrastructure projects are analyzed at the project level and more detailed traffic noise modeling would be performed, as needed, to examine individual, local roadway segments on a finer scale, including an analysis of whether vehicle trips associated with an individual project would result in a cumulatively considerable contribution to a cumulative traffic noise impact.

The comment also questions how cumulative traffic noise impacts would be examined for individual development projects at specific locations (e.g., South Stateline). Individual projects would be examined at the project level, including an analysis of whether vehicle trips associated with an individual project would result in a cumulatively considerable contribution to a cumulative traffic noise impact.

The comment asks how TRPA will attain its noise standards under current conditions. None of the alternatives examined in the Regional Plan Update Draft EIS assume that current conditions would stay the same over the planning horizon of the Regional Plan. The No Project Alternative (Alternative 1) is discussed under each impact in Section 3.6-3. Under Alternative 1, land uses and development densities would continue to be implemented in the manner prescribed by the 1987 Regional Plan. Traffic noise impacts under Alternative 1 are discussed on page 3.6-13 and determined to be significant, requiring implementation of Mitigation Measure 3.6-1 to reduce the impact to a less-than-significant level. Construction-noise impacts under Alternative 1 are discussed on page 3.6-17 and determined to be less than significant with implementation of Mitigation Measure 3.6-2. Ground vibration impacts under Alternative 1 are discussed on page 3.6-19 and determined to be less than significant with implementation of Mitigation Measure 3.6-3. Noise-related land use compatibility impacts under Alternative 1 are discussed on page 3.6-22 and determined to be less than significant with implementation of Mitigation Measure 3.6-4.

Regarding the phrase “it is understood that” in the text on page 3.6-11 regarding existing traffic noise levels, please refer to the Response to Comment O16-188.

O16-193

The comment questions the significance criteria used to analyze potential impacts from construction- and demolition-related noise and writes, “TRPA has stated that noise from construction apparently does not matter during the hours of exemption: [sic] 8am to 6:30pm.” No such statement is made in the Draft EIS. As stated under Impact 3.6-2, the analysis of short-term project-related construction noise levels was based on two criteria. One criterion was whether noise from construction activity could expose noise-sensitive receptors to levels that exceed TRPA Threshold Standards during times of day when construction noise is not exempt from TRPA noise standards. The other criterion was whether noise from construction activity could expose noise-sensitive receptors to excessive noise levels and this criterion applies to any time of day.

The comment notes that “noise from construction can be significant to those subjected to it for months or years on end.” The analysis of construction-related noise under Impact 3.6-2, beginning on page 3.6-16 of the Draft EIS, does not differentiate based on the duration of time when receptors may be exposed to construction noise. The analysis examines whether construction noise would exceed TRPA standards during noise-sensitive times of day and whether construction activity would expose noise-sensitive receptors to excessive noise levels (during any time of day).

The comment states that it is not clear whether the practices required by Mitigation Measure 3.6-2 would be required during all times of day or only when construction is performed outside of the hours between 8:00 a.m. and 6:30 p.m. The comment asks what noise reduction measures will be required by the Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration, which is required by Mitigation Measure 3.6-2. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details. In brief, the noise reduction measures that would comprise the Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration, which is required by Mitigation Measure 3.6-2, will be established and implemented by TRPA within 12 months of adoption of an updated Regional Plan. As stated on page 3.6-18 and, until that time, TRPA will continue the existing practice to require measures developed on a project-specific basis.

The comment questions how TRPA will enforce implementation of the Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration, which it is required to develop and implement by Mitigation Measure 3.6-2. TRPA would implement this policy and require its implementation as conditions of approval through its direct and delegated project approval and permit process.

The comment asserts that, as written, because none of the requirements of the Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration are known, there is no assurance that implementation of Mitigation Measure 3.6-2 would reduce exposure to construction noise to a less-than-significant level. This comment is addressed in Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Measures.

The comment suggests that the Draft EIS analyze the cumulative effects of construction activity and traffic associated with different projects that may occur under the Regional Plan Update. The cumulative noise impact analysis is provided on page 4-15 of the Draft EIS. Regarding traffic noise this discussion explains that, because reasonably foreseeable development projects (including those listed in the text) and currently unknown projects are required to receive allocations from a limited pool of CFA, residential allocations, residential bonus units, and TAUs, as applicable, and because development in accordance with those allocations (as yet unused and newly authorized under each alternative) is assumed to be fully built out over the planning period of the Regional Plan Update), Section 3.6, Noise, of the Draft EIS constitutes the cumulative analysis for mobile source noise impacts. Regarding construction-related noise and ground vibration, this discussion explains that impacts related to short-term project-related construction noise levels (Impact 3.6-2) and ground vibration (Impact 3.6-3) are localized in nature, based on audibility and sensitive receptors. Therefore, these noises do not accumulate to cause broader environmental impacts, so by their nature, cumulative impacts would not occur.

The comment remarks that “for years... there has been an ongoing, unresolved situation where ‘exempt’ construction noise is violating CNEL standards, however no actions have been taken to address this conflict.” The comment does not raise issues related to the adequacy of the environmental analysis and is noted for consideration during project review.

The comment states that “hourly noise measurements were discussed, and recommended, in the 2006 Threshold Evaluation Report, and the Pathway 2007 documents, however these have not been considered anywhere in the 2011 Threshold Evaluation Report or Regional Plan Update/RTP analyses. This needs to be evaluated in the EIS/EIR.” The purpose of the Regional Plan Update Draft EIS is to evaluate the potential adverse environmental effects from implementation of the Regional Plan Update. Determining whether hourly noise measurements should be conducted is beyond the scope of this EIS.

The comment requests clarity about what constitutes a new land use relative to the significance criterion that states that noise impacts would be significant if implementation of the Regional Plan Update would result in a new land use in a location where it would be incompatible with ambient noise levels. The comment asks whether ski villages that could be developed on currently vacant land adjacent to ski resorts would be considered a “new land use.” A new land use, in the context of the significance criterion, would be a new development project, a redevelopment project, or expansion of an existing development.

The comment asks how TRPA can propose alternatives that would contribute to further non-attainment of TRPA thresholds related to the analysis of traffic noise levels under Impact 3.6-1. The Draft EIS analyzes a range of five Regional Plan Update alternatives, which are described in Section 2, Regional Plan Update Alternatives. The analysis of traffic noise under Impact 3.6-1 determined that long-term traffic noise levels under any of the five Regional Plan Update alternatives could exceed threshold standards established by TRPA for different land use categories and highway corridors. The analysis also determines that the establishment and implementation of a region-wide traffic noise mitigation program, as required by Mitigation Measure 3.6-1, would reduce this impact to a less-than-significant level under each of the five alternatives. This analysis addresses not only noise from existing traffic volumes, but also the cumulative noise traffic noise level that would be generated by existing traffic and additional traffic from each of the five alternatives.

The comment again states that the modeled traffic noise levels presented in Table 3.6-6 underestimate actual traffic noise level increases in the future because increased traffic would be supported by existing infrastructure. Please refer to Response to Comment O16-192 about how the transportation analysis estimated future traffic volumes using the TRPA Travel Demand Model.

The comment asks where the measures are that would reduce noise to attain Threshold Standards. These measures are Mitigation Measure 3.6-1 on page 3.6-15, Mitigation Measure 3.6-2 on page 3.6-18, and Mitigation Measure 3.6-3 on page 3.6-21 in the Draft EIS.

The comment asks how TRPA defines a stationary noise source or new type of noise source in the statement on page 3.6-11 that “implementation of the Regional Plan Update would not result in the development of new major stationary noise sources, or of any new types of noise sources to the Region.” A stationary noise source is one that is located in a single location and is

non-mobile, such as a factory, wastewater treatment plant, or power plant. A new type of noise source is one that does not already exist in the Region.

The comment asks whether specific types of facilities and events (e.g., ski resort expansions, Calpeco transmission line, amphitheater, Snowglobe Festival) be considered new types of noise sources or stationary noise sources. These types of facilities could be considered new sources of noise, but would not result from implementation of any Regional Plan alternative. These facilities would be subject to individual environmental review and be analyzed at the project level. As explained in Section 1.4, Purpose of the Draft EIS, on page 1-5,

the broad geography and long timeframe to which the Regional Plan applies, and the policy-oriented nature of its guidance, is such that the Draft EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the Draft EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The Draft EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan.

The comment states that TRPA has failed to implement numerous parts of the 1987 Regional Plan, including measures to attain the noise thresholds and questions whether TRPA would perpetuate the status quo. Section 1.2, Project Purpose, Need and Objectives, beginning on page 1-1, explains the purpose of the Regional Plan Update. On page 1-3, the Draft EIS states that the Regional Plan Update aims “to accelerate attainment of Threshold Standards with more environmentally appropriate and attractive structures.” Section 1.3, beginning on page 1-4, discusses the roles and responsibilities of various agencies and the purpose of the Draft EIS is discussed in Section 1.4, beginning on page 1-5.

The comment suggests that the discussion under Alternatives 1, 3, 4, and 5 fails to include the proposed expansion of the South Lake Tahoe Airport. No changes are proposed in any of the Regional Plan Update alternatives that would result in an expansion of the airport. An updated Airport Master Plan would be required in the future and future updates would be subject to a separate environmental review.

The comment asks whether the traffic estimates for alternatives account for increased visitors and increased residents. The traffic analysis is based on increased TAUs, CFA, and resident population, as discussed in Section 3.3, Transportation. The traffic volumes generated by the transportation analysis and used to model traffic noise levels include trips that originate and terminate outside the Region. This is shown in the discussion of mode choice on page 3.3-9 and inter-regional gateways on page 3.3-13. Furthermore the discussion of VMT on page 3.3-19 explains that “slightly more than half of the VMT is from internal (I-I) trips (i.e., trips begin and end within the Region), and approximately 42 percent of the VMT are internal-external (I-X) or external-internal (X-I) trips (i.e., trips that begin within the Region and end outside it, or vice versa). The remaining five percent are VMT resulting from through trips, which are external-external (X-X) trips that pass through but do not stop within the Region.”

The comment states that the VMT estimates used in the analysis should reflect all vehicle trips in the Region, including pass-through traffic. Please see Response to Comment A38-8 regarding VMT calculation techniques and Response to Comment O16-139 regarding pass-through VMT.

The comment asks about the noise emissions associated with waterborne transit and how this noise would contribute to cumulative noise levels on and off the lake. A detailed project-level analysis of the Lake Tahoe Waterborne Transit project would be conducted when the project is proposed. The Regional Plan Update Draft EIS is a program-level analysis and does not intend to provide project-level analysis of any specific projects. A project-level analysis of the potential noise effects of the Lake Tahoe Waterborne Transit project would rely on details such as the type of watercraft used, the number, types and locations of dock facilities, the frequency of transit trips, and the time of day when such trips would take place.

The comment asks how proposed changes to Recreational land uses would affect noise levels. On page 3.2-69 of the Draft EIR, the analysis of changes to Recreational land use classifications explains that some of the alternatives could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region and that, although no specific projects are proposed or contemplated and it is not possible to speculate on the nature or size of a project or projects that might be proposed in the future, it is likely that construction and operation of any new development could result in environmental impacts, including impacts associated with noise from new stationary and mobile sources. Please refer to Master Response 10, Development on Recreation-Designated Lands, for additional information.

The comment asserts that no analysis is provided of how Mitigation Measure 3.6-1 would reduce traffic noise to levels that do not exceed TRPA thresholds. Mitigation Measure 3.6-1 establishes a performance standard that must be met by a Region-wide traffic noise reduction program. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details. Mitigation Measure 3.6-1 also describes a variety of measures that may be effective in achieving TRPA standards. On page 3.6-16, the analysis specifically states that “TRPA would only approve projects that can demonstrate compliance with TRPA’s Threshold Standards (i.e., CNEL standards).”

The comment asserts that some of the measures listed under Mitigation Measure 3.6-1 would be unrealistic and the effectiveness of many of the measures is unknown. Please refer to Response to Comment A22-10 and Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for more information.

O16-194

The comment states that the analysis of the effectiveness of Mitigation Measure 3.6-1 to reduce traffic noise levels is flawed and asks how TRPA can approve a project without knowing whether it would exceed noise standards. Please refer to the discussion about the two criteria used in the analysis of short-term project-related construction noise provided in Response to Comment O16-193.

The comment also asserts that the noise mitigation measures are deferred mitigation. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, which describes the purpose and rationale for including programmatic mitigation measures, such as Mitigation 3.6-2. The comment also states that the result of these deferred mitigation measures is a net increase in noise. Mitigation Measure 3.6-1 requires TRPA to establish and implement a program for measures for reducing, attaining, and maintaining

traffic noise levels to below applicable CNEL standards. The Draft EIS also states that “TRPA would only approve projects that can demonstrate compliance with TRPA’s Threshold Standards (i.e., CNEL standards)” on page 3.6-16 and that “prior to adoption of the traffic noise reduction program, TRPA will continue to evaluate individual projects at the project level and enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in Chapter 68 of the Code.”

The comment states that this approach (i.e., not approving projects that result in traffic noise levels that exceed CNEL thresholds) has already been implemented by TRPA and has not been effective in attaining the CNEL standards. The comment is correct that not approving new projects that will exceed CNEL thresholds will not by itself result in attainment of CNEL standards, because some CNEL standards are already exceeded. Therefore, the Draft EIS prescribes Mitigation Measures 3.6-1, which requires TRPA to coordinate implementation of a Region-wide traffic noise reduction program for attaining and maintaining traffic noise levels to below applicable CNEL standards.

The comment also states that requiring projects to demonstrate compliance with Threshold Standards has not been effective in the past and asks what TRPA will do differently in the future. With regard to TRPA’s CNEL standards, please refer to Draft EIS Mitigation Measure 3.6-1. With regard to noise, as well as other resource areas, refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

O16-195

The comment asserts that, under Impact 3.6-2, the analysis of construction noise during the TRPA exempt hours of 8:00 a.m. to 6:30 p.m. is inadequate because it does not explain why construction noise generated during these hours would have no adverse effects on people or wildlife. As discussed in the Response to Comment O16-193, the analysis of construction-related noise under Impact 3.6-2, beginning on page 3.6-16 of the Draft EIS, does not differentiate based on the duration of time when receptors may be exposed to construction noise. The analysis examines whether construction noise would exceed TRPA standards during noise-sensitive times of day and whether construction activity would expose noise-sensitive receptors to excessive noise levels (during any time of day). Please refer to the Response to Comment O16-196 regarding effects of construction noise on wildlife.

The comment asserts that all the mitigation measures in the noise section are deferred mitigation because the noise reductions from these measures are not identified in the Draft EIS. Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, for more a detailed discussion about each of the mitigation measures in the noise section, including Mitigation Measure 3.6-1, Mitigation Measure 3.6-2, Mitigation Measure 3.6-3, and Mitigation Measure 3.6-4.

The comment also asserts that the result of the Regional Plan Update with implementation of these mitigation measures would be a net increase in noise. This comment is addressed in Response to Comment O16-194.

The comment specifically asserts that Mitigation Measure 3.6-2 is deferred mitigation. Mitigation Measure 3.6-2 requires TRPA to develop and implement a best construction practices policy for the minimization of exposure to construction-generated noise and ground vibration. However, Mitigation Measure 3.6-2 includes a provision that, until the best construction practices policy is established, TRPA will continue the existing practice to require measures

developed on a project-specific basis. This is explained on page 3.6-18 of the Draft EIS. See also Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

The comment asks whether construction-related traffic would result in traffic noise impacts. Generally, the number of trips associated with construction-related traffic is small relative to background traffic volumes. Given that a doubling of noise activity (i.e., a 100 percent increase) results in a 3 dB increase in noise, as explained on page 3.6-1 of the Draft EIS, and that most construction-related trips occur during less noise-sensitive daytime hours, the contribution of construction-related traffic to traffic noise levels is typically not significant. Thus, it is not anticipated that construction-related traffic could result in violation of applicable CNEL standards. However, more detailed, site-specific analyses of construction traffic noise would be addressed when individual projects undergo project-specific review.

The comment also questions whether TRPA's exemption for construction noise that occurs between 8:00 a.m. and 6:30 p.m. is appropriate given that some residents sleep during the day. Again, two criteria were used to evaluate short-term project-related construction noise levels under Impact 3.6-2; please refer to Response to Comment O16-193 for more details. Also, TRPA's daytime exemption for construction noise is part of the existing standards, and no changes to these standards are being proposed as part of the Regional Plan Update. Additionally, many communities exempt construction activity from their noise standards during specified daytime hours when ambient noise levels are highest and new noise sources are less noticeable, compared to evening and nighttime hours. For instance, the Noise Element of the El Dorado County General Plan exempts short-term construction-generated noise levels that exceed the relevant El Dorado County standards during the hours between 7 a.m. and 7 p.m., Monday through Friday; and 8 a.m. and 5 p.m. on weekends; and on recognized Federal holidays.

The comment asks whether topographical features have an impact on ground vibration. As stated in the noise appendix, the computation of propagated ground vibration levels is based on the equations presented on page 12-11 of FTA 2006. Estimates of attenuated vibration levels do not account for reductions from intervening underground barriers or other underground structures of any type, or changes in soil type. This formula is based on normal propagation conditions. The degree to which atypical soil types may exist in specific locations in the Tahoe Region, and whether they would influence the rate in which ground vibration propagates, is not accounted for in this program-level analysis.

The comment states that many people find ground vibration levels greater than 75 VdB to be unacceptable but does not provide substantiation for this claim. Information from the Federal Transit Authority about human response to different levels of ground vibration is presented in Table 3.6-2 of the Draft EIS. According to the Federal Transit Authority, 65 VdB is the threshold of perception and 75 VdB is the "[a]pproximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable." None of the Regional Plan Update alternatives are anticipated to result in increases in transportation-related ground vibration. Impact 3.6-3 discusses the potential ground vibration impacts associated with construction and demolition activities performed for individual development and redevelopment projects.



The comment asks why the analysis of construction-related ground vibration under Impact 3.6-3 used 80 VdB to determine significance. As stated on page 3.6-19, FTA's standard for human response impacts from ground vibration is 80 VdB.

The comment asks whether the California Building Code and other Codes mentioned in the discussion of land use compatibility under Impact 3.6-4 "account for Tahoe's unique environment and culture, where people tend to spend more time outside of their homes, leave window open, etc." The California Building Code is applicable throughout the state, including the Tahoe Region. The comment provides no evidence that people in the Region spend more time with windows open than in other areas of California.

The comment asks how the noise impact analysis addresses the potential for occupants of existing residential units and TAUs to be exposed to exterior noise levels from new development. The potential for existing noise-sensitive receptors to be exposed to increased levels of traffic noise and construction noise is addressed in Impact 3.6-1 and Impact 3.6-2, respectively. Also, the potential effects to existing noise-sensitive receptors from non-transportation, operational noise associated with new development would be analyzed at the project level as individual development and redevelopment projects are proposed. TRPA would continue to require that project-level noise analyses examine whether operational noise would exceed TRPA's CNEL standards.

The comment asserts that Mitigation Measure 3.6-4 is deferred mitigation. Mitigation Measure 3.6-4 of the Draft EIS requires TRPA to develop and implement an exterior noise policy for mixed-use development. On page 3.6-24, Mitigation Measure 3.6-4 states that "TRPA will not approve any proposed land use development project, plan, or program that would expose outdoor activity areas of residential and tourist accommodation uses to exterior noise levels that exceed the identified standard." On page 3.6-23, Mitigation Measure 3.6-4 states that "Until that time [when an exterior noise policy has been adopted], TRPA will continue existing practice to require measures developed on a project-specific basis." Please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

The comment provides a bulleted list of questions about some of the factors listed in Mitigation Measure 3.6-4 that may be taken into account by TRPA in its establishment of an exterior noise policy for mixed-use development. First, the comment asserts that providing noise mitigation for mixed-use land uses does not address potential noise impacts to other land use types. The potential for traffic noise, construction noise, and ground vibration associated with development and redevelopment projects under the Regional Plan Update to adversely affect all land use types in the Tahoe Region is addressed in Impact 3.6-1, Impact 3.6-2, and Impact 3.6-3, respectively. More detailed site-specific analyses of potential noise impacts would be addressed when individual projects undergo project-specific review.

Second, the comment asks whether the noise standards established by local jurisdictions are appropriate for the Tahoe Region. Third, the comment asks how providing access to nearby quieter areas mitigates for the noise someone may be exposed to in his/her backyard or in his/her residence when the windows are open. Please refer to the text above about the applicability of interior noise standards with open windows. Mitigation Measure 3.6-4 states that development of the exterior noise standard for mixed-use land uses will be based on health criteria for noise exposure and will take into account multiple factors, including the proximity and access to quiet outdoor areas from community centers in the Region, as stated on page 3.6-

24 of the Draft EIS. Mitigation Measure 3.6-4 does not state that accounting for this particular provision will reduce the potential noise impact; rather, proximity and access to quiet outdoor areas is one of the factors TRPA will consider when developing an exterior noise standard for mixed-use land uses. Moreover, residential units that are part of mixed-use developments do not typically have private backyards.

Fourth, the comment states that “TRPA’s claim it will not approve projects that exceed noise standards is not supported by evidence” given that noise levels have continued to rise. Please see Response to Comment O16-194.

- O16-196 The comment asks where the effects of noise on wildlife are analyzed. The effects of construction-related activities including noise generation are evaluated in Impact 3.10-4, Special-Status and Common Plant and Wildlife Species, beginning on page 3.10-50 of the Draft EIS.
- O16-197 The comment suggests that the Draft EIS should analyze the banning of jake brakes. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-198 The comment, which is focused on the 2011 Threshold Update Report and air quality issues, raises questions regarding monitoring performed in the Lake Tahoe Air Basin.
- The comment is focused on a quarterly 2011 monitoring report and does not raise issues that pertain to the analysis presented in the Draft EIS. Please see also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-199 The comment, which is focused on the 2011 Threshold Update Report and air quality issues, raises specific questions regarding operation of aerosol samplers at Bliss State Park.
- The comment is focused on a quarterly 2011 monitoring report and does not raise issues that pertain to the analysis presented in the Draft EIS. Please see also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-200 The comment, which is focused on the 2011 Threshold Update Report and air quality issues, raises specific questions regarding operation of the nephelometer at Bliss State Park. The comment is focused on a quarterly 2011 monitoring report and does not raise issues that pertain to the analysis presented in the Draft EIS. Please see also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-201 The comment, which is focused on the 2011 Threshold Update Report and air quality issues, asks whether an aerosol monitoring site will be established. TRPA is in the process of reestablishing the aerosol monitoring site. The comment does not raise issues that pertain to the analysis presented in the Draft EIS. Please see also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-202 The comment, which is focused on the 2011 Threshold Update Report and air quality issues, raises specific questions regarding operation of an ozone sampler at Bliss State Park. The comment is focused on a quarterly 2011 monitoring report. The comment does not raise issues that pertain to the analysis presented in the Draft EIS. Please see also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- O16-203 The comment suggests that the Regional Plan Update EIS and the RTP/SCS EIR/EIS do not incorporate the most recent air quality data, and that monitoring sites used to determine baseline conditions in the 2011 Threshold Evaluation Report do not account for the variability in air quality conditions in different parts of the Region. The Threshold Evaluation Report incorporates the most recent air quality monitoring data and monitoring sites that were available when the Threshold Evaluation Report and Regional Plan Update were being prepared. The mapped locations of these monitoring sites are noted in the Threshold Evaluation Report for each pollutant and the federal, state, TRPA and local standards are discussed in the Draft EIS throughout Section 3.4, Air Quality and are summarized on pages 3.4-7 to 3.4-8. While the comment is correct that pollutant levels likely vary throughout the Region, the monitoring locations that are presented represent historical air quality monitoring sites where traffic volumes and mobile source emissions are typically the greatest. The environmental documents accurately represent baseline air quality conditions because they rely on the most current information available when it was created and because they conservatively estimate air quality from a long-term data set that represents the sites with the highest pollutant concentrations.
- O16-204 The comment states that the Town of Mammoth Lakes, California, has adopted dark skies regulations that would be appropriate for the Lake Tahoe Region and should be examined as part of the Regional Plan Update alternatives. This comment refers to the proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- O16-205 The comment raises questions about the identified Stream Restoration Plan Areas (Draft EIS Chapter 2, page 2-24), regarding why they are mapped and what their purpose is. The comment also states that the Draft EIS needs to analyze methods that prioritize restoration of stream zones. First, it should be noted that the terms “Stream Restoration Priority Area” and “Stream Restoration Plan Area” are synonymous and that Section 11.6.3 of the Final Draft Code uses the term Stream Restoration Plan Area. As the comment notes, Stream Restoration Plan Areas, “identify regionally important areas where expedited environmental restoration should be promoted in future planning efforts” (page 2-34). These areas are further described on page 3.2-46 of the Draft EIS, “... areas within SEZs along major waterways that have been substantially degraded by development would be designated as Stream Restoration Plan Areas.” These areas would be subject to individual restoration plans, which would be developed in coordination with the applicable local jurisdiction and property owners. Individual restoration plans would identify feasible opportunities for environmental restoration projects that would be promoted in future planning efforts.”
- SEZ is a threshold standard under the soil conservation threshold category. The SEZ subelement recognizes the ecological value of stream corridors and addresses the protection and enhancement of perennial, intermittent, and ephemeral streams; associated meadows and marshes; and other areas of near-surface water influence (page 2-5 of the Draft EIS). As stated in Section 2.1, Introduction, of Draft EIS Chapter 2, Regional Plan Update Alternatives, “the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards.” All five proposed alternatives, as analyzed in the Draft EIS, are designed to meet the intended purpose of the Regional Plan Update.

Stream Restoration Plan Area is a planning designation in Alternative 3 intended to promote future restoration efforts. However, as described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development, public works projects, or restoration projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development, public works projects, or restoration projects – such as those in the identified Stream Restoration Plan Areas.

O16-206 The comment raises questions regarding the implication of allowing removal of large trees for EIP projects under Alternative 2 without requiring that the tree removal be specified in an adopted master plan (Draft EIS page 2-46).

As explained further in Section 3.10 of the Draft EIS, TRPA regulates the management of forest resources in the Tahoe Region to achieve and maintain the threshold standards for species and structural diversity, to promote the long-term health of the resources, and to create and maintain suitable habitats for diverse wildlife species. Tree removal is subject to review and approval by TRPA (TRPA 2012b). Provisions for tree removal are provided in the following chapters and sections of the TRPA Code: Chapter 61, Vegetation and Forest Health, Section 61.1, Tree Removal, Section 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction, and Section 61.4, Revegetation; Chapter 36, Design Standards; and Chapter 33, Grading and Construction, Section 33.6, Vegetation Protection During Construction (pages 3.10-5 and 3.10-6).

Impact 3.10-2 of the Draft EIS addresses removal of trees due to the proposed Regional Plan Update alternatives. Specifically, Alternative 2 is addressed on pages 3.10-43 and 3.10-44, which states, “Proposed policies under Alternative 2 would allow the removal or pruning of large trees for projects that would promote the establishment of defensible space and reduction of hazardous fuels, and/or for projects that would benefit other threshold standards. In cases where old growth trees would be threatened by defensible space projects, the proposed policy and implementation measures would allow limb removal as an alternative to tree removal. Such removal or pruning would be limited to areas surrounding structures (a relatively small portion of the Region) and would serve to prevent spread of wildfire that could, in turn, cause substantial tree loss.

TRPA’s Goals and Policies, Code of Ordinances, and Rules of Procedure require protection of large trees, with limited exceptions; protection of late seral/old growth ecosystems; preparation and approval of tree removal plans; compensatory tree replacement or other project-level mitigation to avoid significant impacts if appropriate and needed; and other protection measures. For specific projects under Alternative 2, project-level planning, environmental analysis, and compliance with existing TRPA regulations and policies would identify potentially significant tree removal; minimize or avoid those impacts through the design, siting, and permitting process; and provide mitigation for any significant effects as a condition of project approval and permitting. Therefore, approved tree removal as a result of specific projects would be a less-than-significant impact.”

Furthermore, as described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

O16-207 The comment asks what the implications are of linked project status (Code Section 15.6) related to EIP improvements projects. This comment raises specific questions about Code Section 15.6, which is not proposed to change under any Regional Plan Update Alternatives. Therefore, as stated on page 2-12 of the Draft EIS, this Code Section will not be part of the amendment package for Governing Board approval. Only the changes to the Regional Plan Goals and Policies need to be analyzed in the Draft EIS to disclose the potential environmental impacts of the changes and allow the Governing Board to make an informed decision in relation to approval of a Regional Plan Update alternative (see page 1-5 of the Draft EIS). Please see also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O16-208 The comment asks if TRPA/TMPO coordinated with the LTBMU regarding parking and transit. The comment raises specific questions regarding parking management and transit service related to recreation areas. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. (Section 3.3 of the Draft EIS evaluates the potential impacts on the vehicular, transit, bicycle, and pedestrian components of the transportation system that may result from implementation of each of the five Regional Plan Update alternatives.) The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. No further response is necessary.

O16-209 The comment stated that the provisions of additional building height and mass proposed in the Draft Regional Plan would result in significant scenic quality impacts and impair progress towards meeting scenic thresholds due to intensive development without appropriate mitigation. The commenter further stated that although the Draft EIS identifies significant impacts on scenic quality and scenic resources, it fails to determine how such impacts would be mitigated.

The Draft EIS acknowledges that taller and more massive buildings and/or buildings that project above the tree canopy “could interfere with Lake views”, “would have the potential to interrupt ridgeline views where such views exist” or adversely affect the scenic quality of an identified resource (page 3.9-28). As described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, ,

and Master Response 7, Effects of Increased Allowable Height on Scenic Resources, Alternative 3 has been revised to include additional limitations on the applicability of height in the High Density Tourist District and the Draft EIS proposes mitigation measures to minimize scenic impacts by limiting the visual prominence of redeveloped casino towers and requiring additional height findings to be made to earn greater height provided for in the Area Plans.

The commenter further states that the Draft EIS “assumes that all impacts would be avoided as projects go forward under the existing regulatory structure. This is highly improbably in any case, but especially given the devolvement of responsibility for impact assessment and design review to various local lead agencies.”

It is reasonable to assume that as projects go forward that any impacts to scenic quality or scenic resource would be fully mitigated. Existing protections such as the specific height findings of the Code, equivalent findings in an Area Plan, or the Scenic Quality findings of Chapter 66 of the Code would be required of all projects reviewed under TRPA’s permitting authority or those delegated to local governments. Scenic Quality findings of Chapter 66 of the Code requires that all projects not cause a numerical decrease in the scenic quality threshold scores for roadway units, shoreline units including or the scores for individual resources within the travel units or from identified public recreation areas and bicycle trails. Evidence to suggest that the existing standards for protecting scenic quality, community character and scenic resources are adequate is illustrated in the Threshold Evaluations. Particularly in the urban areas, improvements in the threshold scores have been correlated to redevelopment activities that have been permitted under the existing scenic quality standards. Please also see Master Response 7, Effects of Increased Allowable Height on Scenic Resources, and Response to Comment O16-212.

O16-210      The comment states that the potential environmental impacts of the 2022 Olympics have not been examined and asks questions regarding the environmental impacts of the Olympic bid.

The RTP/SCS EIR/EIS is a programmatic document that addresses a regional-scale plan and it is, therefore, not feasible to provide details on site-specific projects or activities, such as specific infrastructure and impacts related to a potential 2022 winter Olympics. As described in the first paragraph on page 3-2 of the RTP/SCS Draft EIR/EIS, “the broad geography and long timeframe to which the RTP/SCS applies and the policy-oriented nature of its guidance is such that the EIR/EIS is prepared at a programmatic level, i.e., a more general analysis of each resource area with a level of detail and degree of specificity commensurate with the overall regional planning level of the RTP/SCS (rather than project-specific level of analysis).” As such, the impact analysis in the RTP/SCS EIR/EIS is conducted geographically at a broad, Regional scale with a focus on overall program-level issues. The RTP/SCS EIR/EIS does not address impacts at the level of proposed projects. Such environmental analyses would occur, as appropriate, after the RTP/SCS process concludes and in response to proposals for implementing specific projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIR/EIS on a Regional-scale plan. No further response is necessary.

O16-211      This comment provides introductory remarks. Please see Response to Comment O16-212, which addresses concerns related to encouragement of development within community centers and potential affects related to scenic quality and scenic resources. See also Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.

O16-212

The comment expresses concerns related to the direction of the Regional Plan “towards amelioration of urban areas and towards this end, the goals, policies and implementation measures of the Draft Regional Plan have been changed to encourage development within urbanized areas of the basin.” The comment further states that the “implications of these changes are substantial, and are likely to encourage intensification of development in urban areas” and likely affect scenic quality and scenic resources.

The Draft Plan does put a major focus on amelioration of the urban areas primarily focused in community centers through transfer and design incentives to accelerate environmentally-beneficial redevelopment to achieve water quality thresholds as well scenic quality. However, this amelioration in urban areas does not necessary indicate a major change in policy direction for TRPA but rather a focus on creating effective strategies to achieve the environmental thresholds. The 1987 Plan not only focused its efforts on regulating the quantity of the development in the Region, but also emphasized the location and quality of development (Goal 1, Land Use Element, 1987 Regional Plan) to improve community character which is directly related to scenic quality. Policies in place gave a high priority to correcting past deficiencies in land use and encouraged redirection of development to more appropriate locations and rehabilitation of developed area in need of improvement (Goal 1, Policy 2, Land Use Element, 1987 Regional Plan) which was primarily concentrated in community plan. Areas designated for redirection of development is primarily a management tool to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses resulting in reduced impervious coverage, restoration of natural environments, improving the efficiency of the transportation systems, improving scenic quality, and providing for high quality facilities for residents and visitors alike (Code Section 11.6). Therefore, the assertion that the Draft Plan’s focus on improvement in urban areas is a major change in policy direction for TRPA is incorrect. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1 Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment expressed concerns with the Draft Plan’s assumption that accelerated private development, coupled with environmental benefits, will improve water quality and, in turn other thresholds, such as scenic. The commenter agreed that this assumption may hold true for water quality and other threshold values, but may not be true for scenic quality, which tends to be adversely affected by increases in development intensity. The comment is correct that scenic quality can be adversely affected by increases in development intensity, but generally only when projects are not sited appropriately to reduce impact on identified scenic resources or ridgelines views or not designed to complement the natural setting of the Region. Evidence in the record suggests that increases in development intensity do not necessary result in impacts to scenic quality. As highlighted by the commenter, the South Shore Redevelopment Area projects increased development intensity in density, height and massing, similar to that anticipated in some community centers in Alternative 3, while avoiding impact to ridgeline views and identified scenic resources. This was accomplished by applying existing scenic and community design protection standards to ensure that significant views were preserved and new views were created where feasible, and by requiring architectural style to complement the natural mountain setting of Lake Tahoe. The improvements resulting from the redevelopment projects are highlighted in the 2006 Threshold Evaluation which noted major improvements in the scenic

travel route ratings for man-made features, roadway distractions, and lake views after project completion (2006 Threshold Evaluation, Appendix 1, page 12).

The Draft EIS does recognize the potential for scenic impacts as a result of increased development intensity from buildings that have more mass and are taller and may have the potential to impact scenic quality and scenic resources. If such buildings are not appropriately sited and designed, the Draft EIS proposes Mitigation Measures 3.9-1a and 3.9-1b, which are designed to mitigate impacts to scenic quality and community design. Mitigation Measure 3.9-1a would require any building qualifying for additional height in Town Centers and the Regional Center through an adopted Area Plan to make specific height findings of Code or equivalent findings adopted in an Area Plan. The height findings (see Code Section 37.7) are existing scenic protections in place that: 1) are designed to ensure that any additional height granted does not extend above the tree canopy when viewed from the scenic highway corridors, from the waters of Lake Tahoe, or public recreation areas; 2) are designed to minimize interference with existing views; and 3) have no net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Resource Inventory, when additional height is granted and when viewed from TRPA's scenic threshold travel routes. The environmental improvements that would be realized through redevelopment within community centers, when paired with existing scenic protections standards to protect identified scenic resources required findings to not reduce threshold rating scores, would not have a significant impact, as defined by TRPA significance criteria.

The comment noted that scenic quality values rarely improve when new development occurs on previously undeveloped land while also acknowledging dramatic improvements as a result of redevelopment, as in the case of the South Shore Redevelopment Area. While recognizing the improvements of redevelopment in the South Shore Redevelopment Area, the comment stated that this not always true for every scenic unit and pointed to the decline experienced in the shoreline scenic units as a result of intensification of land use. The comment is correct that new development on undeveloped parcels rarely improves scenic quality values. However, it should be noted that the scenic resource threshold is intended to protect two types of scenic quality values. The first is the natural scenery that is unaltered and the second is the view from the scenic highway corridor which includes the man-made environment in evaluating the scenic quality values of the landscape. The man-made environment is only one of several indicators that are measured in the scenic resource threshold to determine the scenic value of a landscape and the intent of the scenic threshold is to ensure that development complements rather than distracts from the scenic quality values of a landscape. Development in an undeveloped parcel may not in and of itself improve scenic quality values, when developed properly to complement and enhance the landscape and in conjunction with improvements in other indicators such as variety in the landscape, landscape and lake views, can result in improvements of the scenic quality value of a particular landscape as viewed from the scenic highway corridor or at a minimum not have any significant effect.

While major improvements have been realized as a result of redevelopment primarily in the community centers and the trend in improvement continues as illustrated in the 2006 Threshold Evaluation (2006 Threshold Evaluation, Roadway and Shoreline Units: Travel Route Ratings for Roadway Travel Units, page 9-5), the reverse has occurred in the shoreline as indicated by the comment. Numerous factors resulted in the declines experienced by the shoreline scenic units including but not limited to increasing visible mass from the lake and inappropriate use of color and materials that created visual contrast with the natural landscape. Generally height has not been an issue except for very steep slopes. Subsequently, TRPA adopted the Shoreland



Ordinances to counter the declining scenic values of the shoreline units. Since 2006 the Threshold Evaluation has determined that the trend for scenic quality in the shoreline unit is exhibiting “moderate improvements” and the 2011 Evaluation suggests that currently implemented program including the EIP Program and updated of building design standards, overall, have improved scenic conditions (Final 2011 Threshold Evaluation Report, page 9-18). Correlating the intensification of land uses within the shoreline that resulted in loss of scenic quality to potential loss of scenic quality due to intensification in community centers is an inappropriate conclusion to make considering the evidence in the record that illustrates that scenic impacts can be mitigated and scenic quality improvements along roadway units can be realized as a result of redevelopment when sited appropriately and developed to complement the natural environment. Furthermore, the implementation of Mitigation Measures 3.9-1a and 3.9-1b (designed to minimize impacts to scenic quality and community design from increased heights permitted by Area Plans) and the revisions to the Final Draft Plan (see Chapter 2 of this Final EIS) include additional limitations on the applicability of height in the High Density Tourist District would reduce any scenic impact as a result of land use intensification to a less than significant level as defined by TRPA significance criteria.

- O16-213 The comment stated that if the Goals and Policies of the Regional Plan Update to focus development and redevelopment within community centers prove to be effective, the magnitude of development foreseen under the Regional Plan Update would be greater than the level that has occurred, or was envisioned under the 1987 Plan, therefore, have a major implication on land use, and in turn for scenic quality. See also Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.

As described in Section 2.3.6, Essential Concept: Marketable Rights Transfers Programs, the potential for additional growth is governed by the remaining development rights, bonus units (i.e., TAUs and Residential Bonus Units), CFA, residential allocations and those newly authorized in Draft Regional Plan Update. While new allocations associated with the Plan alternatives are considered to be growth-inducing, they would also effectively cap the maximum level of potential development in the Region. As described in the Draft EIS (page 3.2-11) and Master Response 6, Effects of Revised Height and Density Allowances on Development Potential, the Draft EIS concluded that the increase height and density and proposed land use system in Alternative 3 would result in a beneficial effect (pages 3.2-11 through 3.2-67) In addition, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include additional limitations on the applicability of height in the High Density Tourist District and mitigation measures are incorporated to minimize scenic impacts by limiting the visual prominence of redeveloped casino towers and requiring additional height findings to be made to earn greater height provided for in the Area Plans.

- O16-214 The comment cites changes in language to Policy CD-2 Building Design and makes a few statements regarding the implications of the language. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

- O16-215 The comment cites changes in language to the Scenic Subelement and states that the language conforms to the direction taken by the Regional Plan Update. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

- O16-216 The comment cites changes in language to the Implementation Element Policy IAP-1.2 regarding no project approval unless it is found to comply with the Regional Plan. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.
- O16-217 The comment cites changes in language to the Code that relates to the proposed Area Plans under Alternative 3. As explained in Draft EIS Chapter 2 (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, the Area Plan process under Alternative 3 has been revised to include an appeals process. Inclusion of the appeals process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board. This Plan revision would address the concern raised in the comment.
- O16-218 The comment cites language changes to Code Chapter 37, Height, Section 37.4.2 regarding maximum height for buildings on slopes, and states that it could result in a significant increase that could have substantial effects on scenic quality. As described in the analysis of Impact 3.9-1 on page 3.9-17, the Draft EIS concluded that the provisions to encourage stair-stepping of structures on steep slopes would potentially result in increased visual mass and magnitude and have a potentially significant impact on scenic quality of the Region. The Draft EIS proposed Mitigation Measure 3.9-1c (page 3.9-31), which would limit the maximum height of the ground floor segment to minimize visual mass. The Draft EIS concluded that with the application of the mitigation measure, the impact of the proposed code change would be less-than significant.
- O16-219 The comment cites language changes to Code Chapter 37, Height, Section 37.5.2.F regarding additional building height for essential public safety buildings, and states that the degree to which buildings at the proposed heights could meet the findings is not determined in the Draft EIS. The Draft EIS analyzes the additional height allowance for essential public service facilities in the overall context of Impact 3.9-1, which analyzes potential impacts to scenic quality. The applicability of the proposed additional height (14 feet) is limited to approximately one story and only public service facilities that are defined as either fire or law enforcement qualify for additional height. In addition, the Final Draft Plan requires that specific height findings be made in order to gain an additional 14 feet of height. The specific height findings are designed to ensure that additional height granted does not result in significant scenic impacts. The findings require that the additional height permitted is designed to minimize interference of existing views, that the additional height is required as a function of the structure and that the additional height is the minimum necessary to feasibly implement the project (see Code, Section 37.7). Because of the specific height findings required to protect scenic resource, and the limited applicability of the proposed change, the overall impact of this change is considered less than significant.
- O16-220 The comment questions the intent of the linkage between Code Chapter 6, Scenic Resources, and implementation of Areas Plans. Please see Response to Comment O16-217, which addresses this comment.

- O16-221      The comment states that the Draft EIS lacks a detailed analysis and assumptions of how development will be situated or sited in the Town Centers, the Regional Center, and the High Density Tourist District and therefore a meaningful analysis of scenic quality impacts is not possible. The comment suggests that assumptions such as available vacant land, coverage and properties that are candidates for redevelopment should be used to test against the scenic thresholds. Additionally, the comment questions whether the additional height of 197 feet would be limited to the existing towers. The comment concludes that the new towers and new buildings would not meet the scenic thresholds in all cases and states that the Draft EIS did not identify measures that would effectively mitigate the impacts.
- As described in the fourth paragraph on page 1-8 of the Draft EIS, the broad geography and long timeframe to which the Regional Plan applies, and the policy-oriented nature of its guidance, is such that the EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan. The potential impacts addressed in the comment are inherently site-specific. The impacts are based on specific allowable uses at specific sites within possible comprehensive coverage management systems, the existence, location, and parameters of which are yet to be determined and subject to future environmental review and approval. Any site-specific impacts of a specific comprehensive coverage management system would be addressed through the environmental review and conformance review of an Area Plan that would authorize a comprehensive coverage management system, and through environmental review of specific projects that would relocate or place coverage. See pages 3.2-46 – 3.2-47 for additional information regarding Area Plans and their environmental review requirements as well as Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, regarding the appeals process for Area Plans. It is not feasible in the programmatic Draft EIS analysis to determine which specific properties would be developed or redeveloped because all parcels within a designated district would be eligible for the established additional height and density. Therefore, the Draft EIS analyzed the worst-case scenario and assumed that all buildings could be permitted the maximum height and density afforded by proposed policies. As discussed in Impact 3.9-1 of the Draft EIS, potentially significant impacts were identified due to three- or four-story buildings in the 10 Town Centers (Alternative 3) and 12 PTODs (Alternative 4) and from three- to six-story buildings in the Regional Center (Alternative 3). Therefore, Mitigation Measure 3.9-1 was imposed, which requires that TRPA apply the applicable TRPA Code Chapter 37 Height Standards, Section 37.7, Findings for Additional Building Height, or equivalent findings established in an Area Plan. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, and Master Response 7, Effects of Increased Allowable Height on Scenic Resources, Alternative 3 has been revised to include additional limitations on the applicability of height in the High Density Tourist District to further mitigate for potentially significant impacts resulting from buildings up to 197 feet in the High Density Tourist District.
- O16-222      The comment states that the following statement in the Draft EIS “improvements in scenic quality have resulted primarily where development has been removed or redeveloped” is not substantiated by the findings of the threshold monitoring and evaluations. Improvements in

scenic quality have also been the result of revegetation efforts, landscaping, roadway improvements, and undergrounding of utility lines, activities not necessarily associated with removal or redevelopment. The commenter faults the Draft EIS assumption that development and redevelopment will improve scenic quality and pointed out that shoreline scenic quality had declined because of redevelopment efforts.

Please see Response to Comment 016-211 and Master Response 7, Effects of Increased Allowable Height on Scenic Resources, which address the concerns raised in this comment.

O16-223 The comment states that the Draft EIS assessment of impacts on scenic quality lacks information regarding the “likely type, location and scale of development, redevelopment and restoration”, except in the most general term. Please see Response to Comment O16-221, which addresses the concerns raised in this comment.

O16-224 The comment states that the significance criteria used in the Draft EIS (see page 3.9-16) do not include a reference to the scenic thresholds and those that are used are not acceptable criteria within the Tahoe region for determination of significance. For resources that have adopted threshold standards, such as Scenic Resources (Draft EIS Section 3.9), the significance criteria utilized throughout the Draft EIS relate directly to determining the impacts of Regional Plan Update alternatives on the threshold standards. As discussed through the Chapter 3 impact analyses, any impact that would negatively affect threshold attainment and maintenance would be considered significant based on the defined significance criteria. The Scenic Resources significance criteria on Draft EIS page 3.9-16 clearly state that the Regional Plan Update alternatives would result in an adverse effect on scenic resources if it is found to substantially affect the existing views or specific views and views of specific landscape features in TRPA’s scenic resource inventory. The views in the scenic resource inventory are the adopted scenic quality thresholds. Furthermore, these criteria consider the Regional Plan to have a significant adverse effect if it allows development that is incompatible with the scenic values of the region, which directly relates to the community design and scenic threshold travel route ratings thresholds.

Other environmental regulations applicable to the resource areas are described throughout Chapter 3 of the Draft EIS. However, the EIS has been prepared in accordance with Article VII of the Tahoe Regional Planning Compact, Chapter 3 of the Code, and Article VI of the TRPA Rules of Procedure. As such, the significance criteria are defined by TRPA to determine compliance with TRPA regulations.

O16-225 The comment stated that the lack of site specific information regarding likely development under all alternatives limits the scope of the analysis, and results in an impact assessment that is too general to inform the public of the probable consequences of the Draft Regional Plan Update. The commenter believes that the increased height provisions would result in potentially significant impacts since the extent of development cannot be ascertained without additional detailed information regarding the probable sites for major redevelopment. Finally, the commenter is concerned that delegating to local authority could result in increasing pressure to relax or override scenic thresholds, which could, over time, substantially erode scenic quality.

As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted

geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

The Draft EIS concluded that the additional height provisions may result in a significant impact (regardless of location or extent) and has recommended mitigation measures. See Response to Comment O16-221, above, Master Response 7, Effects of Increased Allowable Height on Scenic Resources, and Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, which include description of the additional limitations on the applicability of additional height .

O16-226 The comment stated that the assessment of the effects on visual character is deferred to a future date, dependent on development of Area Plans. Please see Response to Comment O16-221, above, and Master Response 7, Effects of Increased Allowable Height on Scenic Resources. Alternative 3 includes specific community design standards, which must be included in an Area Plan for it to be found in conformance with the Regional Plan (Draft Code Sec 13.5.3.D). These design standards are intended to protect the environment and promote desired community character. The Final Draft Plan has been revised to include additional site design standards for development within community centers. The additional standards would include requirements to promote pedestrian activity, transit and multiple transportation modes; protection of viewsheds; variations in height and density which incorporate areas of smaller and less dense buildings; and preservation of sensitive areas, open space, and corridors of undisturbed areas (Draft Code Sec 13.5.3.D.1.b). In addition, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Planning framework would be amended to include an appeals process for all delegated projects (Policies LU-4.12 and IAP-1.3 and Draft Code Section 13.9). The Area Planning framework would also be amended to reduce the maximum size of projects that could be reviewed and approved by other governments through a conforming Area Plan (Policy LU\_4.12 and Draft Code Section 13.7.3). In effect, the changes remove opportunities in Alternative 3to exempt additional activities from TRPA review and approval under a Conforming Area Plan. Instead, project review and approval could be delegated to other agencies for approval, but all decisions could be appealed to TRPA for final approval.

O16-227 The comment claims that there is insufficient information presented in the Draft EIS analysis to make a claim that increased night lighting in urban areas would not have a significant impact on night skies, despite the lighting standards contained in the Code to deflect upward light spills. The comment also states that Impact 3.9-1 identified a potentially significant scenic impact resulting from increased building height and mass, and therefore, how can development envisioned under the Draft Regional Plan Update meet scenic thresholds. Further, the comment states that other unidentified impacts are not analyzed in the Draft EIS including the overall effect on scenic quality if Area Plans are treated as plans rather than projects, and are therefore considered to be exempt from the regulatory standards set for projects. A third potential impact not addressed is the likely erosion of scenic quality due to improper review and implementation of project by local agencies.

Please see Response to Comment O16-221 and O16-226, above, and Master Response 7, Effects of Increased Allowable Height on Scenic Resources. Furthermore, as explained in Impact 3.9-3 of the Draft EIS, the intent of all alternatives is to set specific requirements for exterior lighting

location, height, and shielding to satisfy public safety requirements but minimize off-site spillage and, to the extent feasible, reduce light pollution coming from within the Region. Existing lighting standards currently require only that lights be directed downward and do not specifically require the use of cutoff shields. Changes to Chapter 36.8 of the Code of Ordinances to require the use of cutoff shields would apply to Alternatives 2, 3, and 4. As new development and redevelopment occur, these lighting standards would be implemented. As such, the impact of Alternatives 2, 3, and 5 was determined to be beneficial for nighttime views and dark skies.

As explained in O16-226 above, Area Plans are not exempt from environmental regulations. Rather, the Area Plans would be subject to environmental review and TRPA would be required to make threshold findings when making a finding of conformance related to Area Plans. The Area Plans would be required to conform to all provisions of the Regional Plan including the threshold standards and the Code unless replaced by a substitute standard that is found to conform to all provisions of the Regional Plan. Projects authorized under an Area Plan would also be subject to environmental review, with each review being more focused on more local or site-specific impacts. Additionally, as described in 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan framework would be amended to include an appeals process for all delegated projects (Policies LU-4.12 and IAP-1.3 and Draft Code Section 13.9). Annual monitoring and audits will be conducted by TRPA to ensure that projects are implemented consistent with the Area Plan and the Regional Plan.

It should be noted that local governments have been permitting projects through MOUs that delegate authority to them with no noticeable decline in scenic quality, even though each jurisdiction has adopted differing substitute standards.

O16-228 The commenter is concerned that Mitigation Measure 3.9-1a, which relies on application of existing standards, would merely defer consideration of impacts and mitigation until a future date and that mitigation will be deferred to the local lead agency. Therefore the measure would not be effective in mitigating any scenic impact. Please see Responses to Comments O16-221, O16-226, and O16-227, which address these concerns.

The comment is also concerned that Mitigation Measure 3.9-1b would only apply to structures that are above the tree canopy and not to all new proposed high rise structures, and therefore, would limit the effectiveness of the mitigation measure. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to limit the additional height of 197 feet to replacement of existing structures, provided the structures to be demolished and replaced are existing casino hotel buildings, with at least 8 stories or 85 feet of height as measured from the lowest point of natural grade. The Final Draft Plan would retain all of the requirements of Alternative 3, and would still require compliance with Mitigation measure 3.9-1b that would prohibit increasing the visual prominence of any casino hotel building that projects above the tree canopy when viewed from key scenic viewpoints (Section 13.7.7 Draft Code of Ordinances, page 37-18).

O16-229 The comment states that the cumulative scenic impact assessment adds nothing new to the impact analysis in the Draft EIS and the mitigation measure relies upon existing regulatory framework to mitigate impacts. Please see Response to Comment O16-221, above. Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of scenic resources, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The commenter offers no specific

information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

O16-230

The comment states that the impact description for Impact 3.9-1 of the Draft EIS was general, and provided little information on the exact nature and type of impact that is likely to result from project components. In addition, Mitigation Measure 3.9-1b defers mitigation to existing TRPA regulatory framework to avoid or reduce impacts.

Please see Response to Comment O16-221, above. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects. Mitigation Measures 3.9-1a, b, and c have been incorporated into the Final Draft Plan (see Section 13.7.16 and 13.7.17 on pages 37-17 through 37-18 of the Draft Code) and will apply to each relevant project and be implemented prior to project approval. Furthermore, see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

O16-231

The comment states that the Draft Regional Plan Update could result in significant scenic quality impacts if provisions for additional building height and mass are implemented. It would impair progress towards meeting scenic thresholds by encouraging intensive development without appropriate mitigation. The comment further commented that the environmental assessment identifies significant impacts on scenic quality and scenic resources, but failed to determine how such impact would be mitigated.

Please refer to Response to Comment O16-209 and Master Response 7, Effects of Increased Allowable Height on Scenic Resources.

O16-232

The comment opposes the 2011 Threshold Evaluation approach of applying coverage standards regionally rather than to smaller areas. The comment also implies that coverage policies in Regional Plan Update alternatives could result in increases in stormwater and pollutant loading near community centers. Please see Master Response 3, Programmatic Coverage Assessment, and Master Response 5, Effects of Concentrated Development on Water Quality, which addresses this topic.

The comment also raises concerns with use of the 2007 soil survey. As described in Method and Assumptions in Section 3.7.3 of the Draft EIS, New coverage scenarios were applied to both the Bailey Land Capability map (Table 3.7-8) and the 2007 NRCS soil survey (Table 3.7-9). The 1974 Bailey map is used to establish the level of significance of changes in coverage because it is both the map used initially by TRPA in land capability verifications and is the most conservative approach (i.e., the land district boundaries in the Bailey map provide for less coverage, when aggregated across the entire Region, than the 2007 soil survey). The 2007 soil survey is also used, because it provides higher resolution soils information based on extensive field verifications, which is considered to be the best available information to estimate the location

and extent of many LCDs. Coverage scenarios were estimated separately based on each map; this provides a range of coverage impacts and addresses some of the variability that could result from future site-specific land capability verifications. Further details on the methodology to estimate coverage due to the Regional Plan Update alternatives is provided in Appendix H of the Draft EIS.

The comment states that flooding is an overlooked hazard. Flood hazards are addressed in Section 3.14, Hazards and Public Safety, of the Draft EIS. Exhibit 3.14-2 illustrates the FEMA 100-year and 500-year flood zones. Impact 3.14-2 addresses the impacts of the Regional Plan Update Alternatives on flood hazards. As in that impact and on page 3.14-1, Natural Hazards Goal 1, Policy 2 prohibits construction, grading, and filling of lands within the 100-year flood plain and in the area of wave run-up except as necessary to implement the Goals and Policies of the Plan. Require all public utilities, transportation facilities, and other necessary public uses located in the 100-year flood plain and area of wave run-up to be constructed or maintained to prevent damage from flooding and to not cause flooding.” Therefore, all proposed Regional Plan Update alternatives would result in a less-than-significant impact related to flood hazards.

The comment also provides a summary of historical threshold evaluations and expresses opposition to the general direction of Regional Plan Update alternatives, and implies that the alternatives are inconsistent with the Compact. As stated in Section 2.1, Introduction, of Draft EIS Chapter 2, Regional Plan Update Alternatives, “the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards.” All five proposed alternatives, as analyzed in the Draft EIS, are designed to meet the intended purpose of the Regional Plan Update. The Draft EIS provides a comprehensive environmental analysis of 14 resource areas. The comment refers to the proposed provisions of the Regional Plan Update alternatives and the 2011 Threshold Evaluation Report and does not address the adequacy of the analysis presented in the Draft EIS. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- O16-233 The comment urges TRPA to require that all new projects contain, retain, and treat 90 percent of stormwater on-site. The comment recommends provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed.

The comment also references a portion of the analysis of the proposed partial coverage exemption for pervious pavement in Impact 3.8-4, Stormwater Runoff and Pollutant Loading, and correctly notes that the Draft EIS determined that the partial exemption as proposed in Alternatives 3 and 4 would result in a potentially significant impact. However, the Draft EIS includes Mitigation measure 3.8-4, Coverage Exemption Requirements, which would reduce this potential impact to a less-than-significant level.

- O16-234 The comment states that, in relation to soil conservation, it is not how much impervious surface coverage is acceptable, but the trophic status as a result of impervious cover. The comment further states the EIS failed to disclose or analyze the trophic status of the Lake in reference to the Impervious Cover threshold.



As stated in Section 2.1, Introduction, of Draft EIS Chapter 2, Regional Plan Update Alternatives, “the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards.” All five proposed alternatives, as analyzed in the Draft EIS, are designed to meet the intended purpose of the Regional Plan Update.

As stated on page 3.8-10 of the Draft EIS, under Pelagic Lake Tahoe Water Quality: Phytoplankton Primary Productivity, as well as on Exhibit 3.8-2, the status of Lake Tahoe’s phytoplankton primary productivity is considerably worse than the standard because the 2010 value is 3.7 times (373 percent) the TRPA threshold standard; see also figure ES-5 in the 2011 Threshold Evaluation, indicating that the Lake is retaining its status as ultra-oligotrophic (i.e., nutrient poor). The standard for primary productivity is significantly out of attainment; however, there are concerns that the standard may not be attainable and may no longer be meaningful because it was developed using an algal population that no longer dominates the Lake’s ecology. Specifically, the algal population in Lake Tahoe has shifted from dominance by large, non-motile species of phytoplankton in the 1960s to dominance by smaller, motile species of phytoplankton that have naturally higher rates of primary productivity (TRPA 2007: page 3-26).

As analyzed in Impact 3.8-2, the Regional Plan Update impact analysis of nutrient loading to surface water and groundwater is focused on 1) nutrient loading from the expanded use of treated municipal wastewater for fire suppression, 2) nutrient loading from fertilizer use, and 3) the proposed addition of a new water quality threshold standard for nearshore algae. This is because these are the three areas of proposed policy or standard change specific to nutrient loading proposed in one or more of the Regional Plan Update alternatives. Existing goals, policies, Code, and other regulations also address nutrient loading, but are not proposed for change and therefore, would not result in impacts on the environment. As discussed in detail in Impact 3.8-2, the proposed Regional Plan Update alternatives would result in less than significant or beneficial impacts related to nutrient loading to surface water and groundwater. Alternatives 2 through 5 of the Regional Plan Update also propose amendments to water quality threshold standards pertaining to Deep Water (Pelagic) Lake Tahoe Transparency and Aquatic Invasive Species. These standards are assessed in Impact 3.8-4, Stormwater Runoff and Pollutant Loads, and in Impact 3.10-5, Invasive Weeds and Aquatic Invasive Species, in Section 3.10, Biological Resources.

Impact 3.8-4 states that Alternatives 1, 2, and 5 present a less than significant impact to stormwater runoff and pollutant loading because they do not substantially change the existing policies related to: (1) the potential for proposed coverage transfer policies to reduce coverage impacts in low capability lands by transferring coverage that meets BMP requirements to high capability lands, and (2) the opportunity to retrofit existing development with BMPs through existing or revised policies. However, Alternative 3 proposes substantial incentives to transfer coverage, existing development, and development rights out of SEZ and other sensitive lands into community centers (see Section 2.6.3), which in and of themselves, would be more beneficial than other alternatives in terms of its potential for coverage removal, restoration, and environmentally-beneficial redevelopment. Alternatives 3 and 4 also propose exemptions of specific uses from coverage requirements, which have the potential to result in adverse water quality impacts. When policies across Alternatives 3 and 4 are considered in aggregate, the alternatives present a potentially significant impact to stormwater runoff and pollutant loading

given that proposed coverage exemptions could allow aggregate coverage in excess of currently allowable coverage limits as defined by the Bailey land capability system, which are considered necessary in the Region to protect water quality and preserve environmental balance at the individual parcel scale (Bailey 1974:page 24). Therefore, as described in Mitigation Measure 3.8-4, TRPA will implement coverage exemption requirements through Code amendments, TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments.

Furthermore, Section 3.7 discusses the status of Soil Conservation Threshold Standards (see Table 3.7-1) and Impact 3.7-1, Land Coverage, addresses the increase in coverage due to the proposed Regional Plan Update alternatives, which would be within the allowable coverage for the Region as determined by the Bailey System.

O16-235 The comment states that the EIS is inadequate due to lack of disclosure of the relationship of tributary standards to stream quality and then to the quality of the nearshore of Lake Tahoe, the potential for coverage transfers to more urban centers to result in increased volume and velocity of stormwater runoff and greater impacts to receiving waters, and the costs of treating stormwater runoff in densely covered areas. The comment also states that the EIS has failed to analyze the runoff impacts of allowing transfer of non-conforming cover.

Please refer to Response to Comment O16-31, Response to Comment O16-153, and Master Response 5, Effects of Concentrated Development on Water Quality, which addresses the concerns raised in this comment. The cost of specific stormwater treatment projects is inherently a project-level concern. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

O16-236 The comment states that the EIS does not provide evidence that soft coverage results in a similar environmental impact as hard coverage. Please refer to Response to Comment O16-3, which addresses this issue.

O16-237 The comment states that the EIS failed to analyze the adequacy of the 1-inch storm standard in relation to the increased coverage allowed by the Plan.

Draft EIS Impact 3.8-4 analyzes impacts from all five proposed Regional Plan Update alternatives related to stormwater runoff and pollutant loads. This impact specifically discloses (and then analyzes the impacts of), "All Regional Plan Update alternatives would: (1) result in additional development and associated impervious coverage, the level of which is dependent upon the number of new authorized allocations; (2) permit higher levels of allowable impervious coverage (either 50 percent or 70 percent, or a combination thereof) on high capability land within certain community centers, than on lands outside those areas; (3) allow coverage transfers within the Region under different proposed rules and transfer ratios; and (4) continue or modify

requirements for BMP retrofit of existing development. Additionally, Alternatives 3 and 4 propose new policies that would allow for specific coverage exemptions.”

The area required to construct infiltration BMPs to mitigate surface runoff and associated pollutant loads generated by the current levels of coverage in the designated Community Plan areas was calculated on a per acre basis and is presented in Table 3.8-7. While many different design criteria and BMPs could be used on a specific site to meet regulatory requirements, the following assumptions and methods representing a typical infiltration BMP design for the Region were used to support the analysis and calculations shown in Table 3.8-7:

- ▲ 1 acre parcel at LCD 4 or greater
- ▲ Infiltration BMPs used to meet current regulatory standard (i.e., storage of 20-year, one hour storm, equivalent to 1 inch per hour of runoff from all impervious surfaces on the parcel)
- ▲ Storage depth of runoff in infiltration BMPs averages 0.5 feet
- ▲ Infiltration rate averages 1 inch/hour
- ▲ Values in Table 3.8-7 were calculated using the algorithms developed for the NRCS BMP Volume Sizing worksheet developed for the Tahoe Region

Table 3.8-7 provides a calculation of the minimum surface area that would be necessary to site infiltration BMPs to meet current regulatory requirements using the assumptions above. As shown in Table 3.8-7, a parcel with LCD 4 or greater and either 50 percent or 70 percent land coverage could accommodate infiltration BMPs sized to meet current regulatory requirements, assuming the physical attributes of a specific parcel (e.g., utilities, rock outcrops) would not conflict with the siting of adequately sized BMPs.

Table 3.8-7 demonstrates that high capability land with 50 percent or 70 percent coverage could accommodate the design and construction of BMPs of sufficient size to mitigate the impacts of the impervious coverage. Furthermore, exiting regulations require a project to incorporate stormwater BMPs into the project design to meet TRPA stormwater and infiltration requirements and to maintain BMPs to ensure continued effectiveness (TRPA 2012b: Section 60.4).

The comment also states that the EIS should analyze whether the 1-hour storm design standard is appropriate throughout the Region. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O16-238

The comment states that the Regional Plan Update proposes radical revision to the Bailey program (assessing total coverage at the Region scale) and that the EIS should be revised to reconsider this change. The comment also asserts that TRPA’s use of updated land capability data (2007 NRCS compared to 1974 Bailey) would result in a doubling of the amount of allowable coverage. Section 3.7, Geology, Soils, Land Capability, and Coverage, of the Draft EIS (specifically Impact 3.7-1) discloses the increases in coverage that would result from each of the proposed alternatives. Please refer to Master Response 3, Programmatic Coverage Assessment, which addresses this comment.

O16-239 The comment states that the EIS does not disclose or analyze earthquake and fault hazards in the Tahoe Region. Draft EIS Section 3.7, Geology, Soils, Land Capability, and Coverage, discloses existing conditions in the Lake Tahoe Region related to geologic conditions, topography, seismic setting, faults and fault rapture, ground failure/liquefaction, subsidence, and slope stability (among other soil, coverage, and geologic conditions) (see Section 3.7.2, pages 3.7-13 to 3.7-16). Table 3.7-7 on page 3.7-15 of the Draft EIS lists the faults found within the Lake Tahoe Region that have been sources of magnitude >6 earthquakes during the Quaternary period (past 1.6 million years). None of the faults or fault zones listed in Table 3.7-7 are located in an Alquist-Priolo Earthquake Fault Zone (see page 3.7-14 of the Draft EIS). Impact 3.7-3 of the Draft EIS (pages 3.7-48 to 3.7-51) analyzes the potential impacts of the Regional Plan Update Alternatives in relation to seismic hazards.

As stated in Impact 3.7-3, potentially active faults in and close to the Tahoe Basin may subject new development and infrastructure projects associated with each of the proposed alternatives to seismic hazards, including strong ground shaking. Through adherence to existing laws and regulations, development associated with each alternative would be required to undergo site-specific geotechnical analysis (Code Section 33.4) and, if applicable, employ design standards that consider seismically active areas and comply with current building codes and local jurisdiction seismic standards. Adherence to these laws and regulations would ensure impacts would be less than significant.

Furthermore, Impact 3.7-4 of the Draft EIS (see pages 3.7-51 to 3.7-53) discloses that development and infrastructure projects associated with each of the four proposed action alternatives may be constructed on areas of unstable soils or geologic units (susceptible to lateral spreading, subsidence, or collapse), thereby increasing the risk to people and structures. Through adherence to existing laws and regulations, new development, redevelopment, and infrastructure projects would be required to undergo site-specific environmental review and, as appropriate, geotechnical analysis (Code Section 33.4) to determine the design, grading, and construction practices required to avoid or reduce other geologic hazards, including those associated with unstable soils and slope failure. Furthermore, site designs would be reviewed and approved by permitting agencies, as appropriate. Adherence to existing laws and regulations would ensure there would be no substantial increased risk to people and facilities from other geologic hazards and impacts would be less than significant.

O16-240 The comment states that TRPA will find it necessary to approve buildings in the 100-year flood plain and that the EIS does not analyze water quality impacts of additional structures in the floodplain. As stated in Impact 3.14-2 in Section 3.14, Hazards and Public Safety:

[T]he 1987 Regional Plan prohibits additional development, grading, and filling of lands within the 100-year flood plain and in the area of wave run-up (Natural Hazards, Goal 1, Policy 2), and no changes to this policy are proposed. This policy also requires all public utilities, transportation facilities, and other necessary public uses located in the 100-year flood plain and wave run-up areas to be constructed and maintained to prevent damage from flooding and to not cause flooding. This policy would be preserved in the Regional Plan under all proposed alternatives. Therefore, Regional Plan Update Alternatives 1 through 5 would not allow for development activities that would result in new flooding issues or allow for the exacerbation of existing flooding issues that would expose occupants and/or structures to flood hazards.

Furthermore, Section 3.8, Hydrology and Water Quality, of the Draft EIS analyzes the potential water quality impacts associated with each of the Regional Plan Update alternatives.

O16-241

The comment suggests that the Regional Plan Update EIS does not mention the public safety issue associated with seiche in the Region. Seiche is addressed in Section 3.7 of the Draft EIS. Specifically, see page 3-7.16 for a definition of seiche and Impact 3.7-3, Seismic Hazards addresses the potential Regional Plan Update alternatives potential impacts related to seiche. As stated on pages 3.7-49 and 3.7-50, while there is known risk of inundation from a tsunami or seiche triggered by a seismic event at Lake Tahoe, Goal 1, Policy 2, of the Natural Hazards Subelement addresses such risks by prohibiting construction, grading, and filling of lands within the 100-year floodplain and in the area of wave run-up except as necessary to implement the Goals and Policies of the Plan. This Subelement also requires all public utilities, transportation facilities, and other necessary public uses located in the 100-year floodplain and area of wave run-up to be constructed or maintained to prevent damage from flooding and to not cause flooding. Furthermore, projects in the Tahoe Region must meet multiple requirements and regulations of the TRPA, LRWQCB (California), NDEP (Nevada), and federal and local (city and county) agencies. Further, development would be required to undergo site-specific geotechnical analysis (Code Section 33.4), and, if applicable, employ design standards that consider seismically active areas and comply with current building codes and local jurisdiction seismic standards. Adherence to these laws and regulations would ensure impacts related to seismic hazards under all Regional Plan Update Alternatives would be less than significant.

O16-242

The comment notes discrepancies between the Code and Bailey Land Capability map definitions of Stream Environment Zone and claims that TRPA is attempting to reduce the amount of countable acres of SEZ in the Region to appear closer to attainment. The comment also states that the updated SEZ Policy 1.1 fails to adopt policies that will achieve and maintain the Threshold Standard and that the EIS failed to analyze the change in definition and interpretation of the SEZ threshold in terms of a comparison between a less restrictive version focused on acres and a more inclusion version focused on restoration. With adoption of the current Regional Plan (1987), the definition of SEZ became more refined than the definition used in the Bailey System (1974). Code Section 90.2 points to the definition of SEZ used in "TRPA's Water Quality Management Plan for the Lake Tahoe Region, Volume III, SEZ Protection and Restoration Program, dated November 1988." This definition is not proposed for revision in any of the Regional Plan Update Alternatives.

The Water Quality Management Plan states that SEZ is "a term used to denote the major and minor streams, intermittent streams, drainage ways, meadows and marshes, and other areas of water influence within the Lake Tahoe Region. The term applies equally to areas where surface and subsurface waters are involved." The Water Quality Management Plan details both the "Background on SEZs" (Section III) and the "Identification of SEZs" (Section IV), including Table 2, "SEZ Identification Factors," which includes 100-year flood plains as a SEZ identification factor. As defined in detail in the Water Quality Management Plan and reflected in the description of SEZ on page 3.7-9 of the Draft EIS, "SEZ areas generally possess the following characteristics: riparian or hydric (wet site) vegetation; alluvial, hydric soils; and the presence of surface water or near-surface groundwater at least part of the year."

TRPA has not attempted to reduce the amount of countable acres of SEZ in the Region. On the contrary, TRPA has stated that protecting and restoring SEZs is essential for improving and maintaining the environmental amenities of the Lake Tahoe Region and for achieving

environmental threshold standards for water quality, vegetation preservation, and soil conservation. In the Conservation Element, Goal 1 of the Stream Environment Zone Subelement provides for the long-term preservation and restoration of SEZ and includes policies that limit uses and permanent land disturbance in SEZ, and promote public acquisition and the restoration of 25 percent of disturbed SEZ lands. Additionally, Goal 2 under the Vegetation Subelement provides for the maintenance and restoration of SEZ vegetation. SEZ is also one of TRPA's soil conservation threshold indicator reporting categories:

"Stream environment zone (SEZ) Threshold Standard to restore 25 percent of the SEZ lands that have been identified as disturbed, developed, or subdivided to attain a 5-percent increase in the area of naturally functioning SEZ lands."

Furthermore, the Bailey System limits the amount of allowable impervious surface coverage, especially on lands with high erosion hazard and in SEZs. As such, no changes to the definition of SEZ are proposed in any of the Regional Plan Update Alternatives, and all projects would still require site-specific field verification of land capability in order to determine their allowable coverage.

The comment states that the updated SEZ Policy 1.1 fails to adopt policies that will achieve and maintain the Threshold Standard. Policy 1.1 is proposed to be modified as follows:

RESTORE ALL DISTURBED STREAM ENVIRONMENT ZONE LANDS IN UNDEVELOPED, UNSUBDIVIDED LANDS, AND RESTORE 25 PERCENT OF THE SEZ LANDS THAT HAVE BEEN DISTURBED, DEVELOPED, OR SUBDIVIDED.

Many acres of SEZ lands ~~have been~~ were modified or disturbed before adoption of the Regional Plan. Considerable progress has been made to restore disturbed SEZ lands. TRPA shall continue to monitor the status of SEZ lands and identify restoration priorities and activities through actions and programs including the Environmental Improvement Program. ~~identify the number of acres to be restored and prepare a list of projects to achieve the environmental threshold carrying capacity for stream environment zones. TRPA shall develop an implementation program to restore the necessary acreage, and establish an annual tracking program. The implementation program shall provide for restoration over a twenty year period, with 90 percent of the acreage to be restored within the first fifteen years.~~

This updated policy language indicates a continuation of existing plans and programs, and is thus in compliance with Compact Article V(C).

The EIS provides an analysis of the Regional Plan Update Alternatives' potential impacts on SEZ. Tables 3.7-5 and 3.7-6 of the Draft EIS show estimates of SEZ and coverage based on two different regional land capability maps. SEZ (LCD 1b) in the Region is afforded 1 percent allowable coverage and is shown to be over-covered. Impact 3.7-1 of the Draft EIS determines that all alternatives would reduce coverage within SEZ (LCD 1b) and would increase coverage in higher capability lands (LCD 4–7) due to the coverage coefficients and transfer ratios, which would intensify development within community centers and incentivize removal of coverage from sensitive lands, particularly SEZ.

The comment also provides a series of comments on the 2011 Threshold Evaluation, stating that it fails to consider wet cycles that could bring massive flooding and should commit to more

restoration of SEZ. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
017**

**Carol Chaplin  
Lake Tahoe Visitors Authority  
4/26/2012**

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O17-1 The comment addresses the importance of completing the Regional Plan Update process in the context of improving Lake Tahoe's tourist industry. The comment is noted for consideration during the review of the merits of the alternatives.

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**Response  
018**

**Carol Chaplin  
Lake Tahoe Visitors Authority  
6/28/2012**

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O18-1 The comment stresses the importance of restoring Lake clarity and creating livable and walkable communities, as defined through the Pathway 2007 process. The comment also emphasizes the importance of improving infrastructure and transportation to benefit tourism. The comment is noted for consideration during the review of the merits of the alternatives.

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**Response  
019**

**Sandy Evans-Hall  
North Lake Tahoe Chamber and Resort Association  
6/27/2012**

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O19-1 The comment encourages adoption of Alternative 3 along with added incentives to develop tourism-based commercial uses in North Lake Tahoe. Suggested modifications to the Plan are provided, including addressing issues in North Lake Tahoe as well as South Lake Tahoe, testing and modifying the incentive system, and flexibility with coverage requirements. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
020**

**Sandy Evans-Hall  
North Lake Tahoe Chamber and Resort Association  
4/25/2012**

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O20-1 The comment supports a 60-day public comment period for the Regional Plan Update package. Please see Master Response 2, Duration of Public Comment Period.

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**Response  
021**

**Sandy Evans-Hall  
North Lake Tahoe Chamber and Resort Association  
6/22/2012**

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O21-1 The comment provides introductory information about the North Lake Tahoe Chamber/CVB/Resort Association.

O21-2	The comment provides suggested modifications to Alternative 3 and the Code to include more incentives to redevelop tourism-based commercial in North Lake Tahoe. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response 022</b>	<b>Joy M. Doyle North Tahoe Business Association 6/21/2012</b>
O22-1	The comment indicates support for Alternative 3 and lists reasons for that support. The comment is noted for consideration during the review of the merits of the alternatives.
O22-2	The comment addresses the Regional Transportation Plan and the associated transportation and air quality aspects of Alternative 3. The comment of support is noted for consideration during the review of the merits of the alternatives.
O22-3	The comment notes that North Lake Tahoe does not have the same “excess level” of TAUs that the South Shore does, and raises concerns about the lack of new TAUs in Alternative 3. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and where comments on plan provisions are addressed.
O22-4	The comment notes that the North Tahoe Business Association (NTBA) will closely monitor the proposed level of service (LOS) mitigation on California State Route 28 in Kings Beach related to phased release of land use allocations to ensure that the goals and objectives of the economy, environment, and community are not adversely affected. The comment is noted for consideration during the review of the merits of the alternatives.
O22-5	Two aspects of Alternative 4 are identified for inclusion in Alternative 3: the extended time for air quality mitigation fee basis and prioritization of coverage reduction strategies. The former provision has been added to Alternative 3, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan. With regard to prioritization of coverage reduction strategies, please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
O22-6	To address the concern identified in comment O22-3 about “excess” TAUs, the comment suggests that the Regional Plan Update include incentives for the sending jurisdiction. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.



Response 023	David McClure North Tahoe Citizen Action Alliance 6/27/2012
O23-1	<p>The comment indicates that, in addition to the comments submitted here, NTCAA wishes to incorporate all comments submitted by Friends of Tahoe Vista, Tahoe Area Sierra Club, North Tahoe Preservation Alliance, Friends of the West Shore, Friends of Lake Tahoe, League to Save Lake Tahoe, Joy Dalgren, Friends of Crystal Bay/Brockway, Tony Kalbfus, and Michael Lozeau. Responses to those additional comments are provided elsewhere in the Final EIS.</p> <p>The comment also states that the time allowed for review of the Draft EIS does not correspond to the extent of proposed changes and documents. Please see Master Response 2, Duration of Public Comment Period.</p>
O23-2	<p>The comment lists information that is perceived as missing from the Draft EIS. Responses to each item are numbered to correspond to the list in the comment letter.</p> <ol style="list-style-type: none"> <li>1. Penalties or sanctions for failure to achieve or maintain thresholds – The intent of each Regional Plan Update alternative is to accelerate attainment of threshold standards. TRPA evaluates the status of threshold standards at least every 5 years and identifies changes necessary to ensure attainment of threshold standards. Code Section 4.4.1 requires findings to be made that the plan would not cause the environmental threshold carrying capacities to be exceeded. This is the basis for land use decision-making in the Region. The determination of whether a project or plan would cause exceedance of an environmental threshold standard is based upon a good faith effort, examining the best available information. Developing penalties or sanctions related to failure to achieve or maintain environmental threshold standards are not within the scope of the Regional Plan Update.</li> <li>2. Measures proposed to limit population growth to the projected levels – Population growth in the Region is guided by limitations on land use. As discussed on page 2-9 of the Draft EIS, “TRPA awards residential allocations to local jurisdictions annually. The number awarded is based on the performance of each jurisdiction in implementing EIP projects, achieving compliance with Best Management Proactive retrofit requirements, monitoring project permit conditions, and increasing transit levels of service.” The EIS is required to consider the effects of the Plan, based upon a good faith effort that considers the best available information. The effects of each alternative on population levels are described in the Draft EIS in Section 3.12, Population, Employment, and Housing. This comment does not provide any evidence to indicate that the approach taken in the EIS is insufficient or inadequate.</li> <li>3. Population increases due to second homeowners becoming full-time residents, including sensitivity analysis – Population increases discussed in Section 3.12, Population, Employment, and Housing describe the proportions of permanent and seasonal residents, and present estimates of full-time residents likely to occur under each alternative. As discussed in more detail in the Response to Comment O23-4 below, the travel demand modeling accounts for both full-time and part-time residents and incorporates local census data on the proportion of each resident type within specific areas of the Region. The transportation modeling assumed the same proportion of occupied (by either owner or renter) versus seasonally/occasionally used units in 2035 as exists in 2010 because no data are available to support adjustments to this ratio.</li> </ol>

The comment does not raise environmental impacts that could be associated with the population increases due to second homeowners becoming full-time residents, nor does it provide evidence that the analysis in the Draft EIS is inaccurate. Please refer to Response to Comment O26-2, regarding secondary homes and visitors.

4. Assumption that tourist accommodation units do not produce population increases – As used in Draft EIS Section 3.12, “population” in the context of the environmental analysis commonly refers to full-time residents. Thus, Section 3.12 focuses on U.S. Census data that report the number of people living in the Region. The impact of TAUs and associated increases in tourists are accounted for in each of the 14 resource areas analyzed in Chapter 3 of the Draft EIS, the cumulative impacts of which are addressed in Chapter 4, Cumulative Impacts. For Instance as described on pages 3.3-28 to 3.3-39, Draft EIS Section 3.3, Transportation, evaluates the effects of residential, commercial, and tourist accommodation uses on traffic levels throughout the Region. Similar approaches are used to evaluate the impact of tourists and TAUs on air quality (Draft EIS Section 3.4), GHG emissions (Draft EIS Section 3.5), noise (Draft EIS Section 3.6), recreation (Draft EIS Section 3.11), land use (Draft EIS Section 3.2), and public services and utilities (Draft EIS Section 3.13). The effects of constructing and operating additional TAUs are also analyzed throughout Chapter 3 including impacts on noise (Draft EIS Section 3.6), geology and soils (Draft EIS Section 3.7), water quality (Draft EIS Section 3.8), scenic resources (Draft EIS Section 3.9), biological resources (Draft EIS section 3.10), and cultural impacts (Draft EIS Section 3.15). Please refer to Response to Comment O26-2, regarding secondary homes and visitors.
5. Inherent conflict of interest of local jurisdictions and the policies of the TRPA (e.g., conformance) – This comment refers to the Goals and Policies and Code of Ordinances, and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
6. Conflict of achieving several thresholds, advancing some to the detriment of others – The purpose of the EIS is to address environmental impacts of the proposed Plan alternatives. Code Section 4.4.1 requires findings to be made that the plan would not cause the environmental threshold carrying capacities to be exceeded.
7. Local jurisdiction implementation of the EIPs – Implementation of the EIP would remain the same under the proposed Regional Plan Update as under the existing Regional Plan Update. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
8. Financing options for monitoring the thresholds and evaluation – The level of funding for monitoring is not considered to be an environmental effect. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
9. Areawide BMPs – As stated on page 3.8-48 in Draft EIS Section 3.8, Hydrology and Water Quality, under “BMP Retrofit Requirements”:

“Under Alternative 3, a proposed revision to TRPA policy would highlight the use of areawide water quality treatment facilities and funding mechanisms as an alternative to meeting regulatory requirements with site-, parcel-, or project-specific BMPs when

areawide treatment facilities can be shown to provide equal or greater water quality benefits relative to parcel-specific BMP implementation... In general, areawide water quality treatment facilities are expected to be more cost effective for large projects in community centers to implement, inspect, and maintain because the strategy allows for greater flexibility in siting and designing treatment systems and may lead to more efficient maintenance practices relative to conducting the maintenance activities on many smaller and widely distributed individual parcels and sites.”

As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects. In the case of areawide BMPs, these would be designed by the local jurisdiction in compliance with the TMDL and TRPA requirements. Also, as stated in the response to item 8 above, funding is not an environmental impact.

This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

10. List of entitlements held by local jurisdictions and government agencies – Please see Master Response 9, Consideration of Banked Commodities, for information about development rights and banked commodities. Please note that the development rights inventory table on page II-3 of the Goals and Policies (Draft EIS Appendix A) has been revised using newly available data. Detailed information on “Hard”, “Soft” and “Potential” coverage held by Land Banks is provided in Table 16 of Appendix H, Coverage Information (Draft EIS page H-12).
11. Existing urban pipes dumping stormwater into Lake Tahoe – The purpose of the EIS is to address policy-level issues associated with the Regional Plan Update. The Regional Plan Update EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities or to provide a detailed catalog of all stormwater conveyance pipes and proposed water quality improvement projects. The effects of each alternative on water quality are described in Draft EIS Section 3.8, Water Quality. Please see the response to item 9 above regarding the appropriate level of analysis in the EIS. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.
12. Upzoning of Town Centers to four stories and 40 units per acre – The existing Regional Plan (Code Section 31.3.2) already allows 40 units per acre density for TAUs if less than 10 percent of the units have kitchens and allows 25 units per acre for multi-person dwellings, nursing and personal care, and residential care units. However, it is important to note that increased density in Town Centers does not necessarily require or even allow for increased number of units in the Region. The number of potential new units is limited by land use

commodity allocations under TRPA's growth management system, not by maximum allowable height and density. Please refer to Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.

13. Transfer of development program and sensitivity analysis – The comment offers no evidence to support the assertion that TDR program would need to increase transfer ratios. Any change to ratios would require separate environmental review and a separate discretionary action by the TRPA Governing Board. The feasibility of the proposed transferable development incentive program is described in Master Response 8; an independent economic review found that “In general, the proposed TDR ratios do create feasible development scenarios and can be made to achieve the objective of retiring sensitive land in distant locations.” Moreover, the Final Draft Plan includes a priority project to review the efficacy of the development transfer ratios after adoption of the Regional Plan. The comment is requesting analysis of a new alternative with different ratios; however, the Regional Plan Update EIS already analyzes a reasonable range of alternatives. It is not necessary to assess project components other than those included in the alternatives.
14. Possibility that Nevada pulls out of TRPA – SB 271 provides for withdrawal of the State of Nevada from the Tahoe Regional Planning Compact if certain circumstances are not met. Under current conditions, the State of Nevada is subject to the Compact. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.
15. Documentation to support the mountain resort development model as representing “smart growth principles” – The Regional Plan Update EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. See the response to item 9 above regarding the appropriate level of analysis in the EIS. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.
16. Differing commercial needs between year-round residents and visitors – As discussed on page 2-11 under “Commercial Floor Area,” CFA is distributed to the local jurisdictions for projects subject to the respective agency's approval. The Regional Plan Update EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. See the response to item 9 above regarding the appropriate level of analysis in the EIS. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.
17. Sources of funding – No requirements existing in the Compact, Code, or Rules of Procedure that state that an EIS must include detailed sources of funding for past or potential future projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

O23-3

The comment raises various questions relating to the “baseline” population number used in the Regional Plan Update Draft EIS and various inputs to the population numbers used in the Lake Tahoe Travel Demand Model (Part 7 in Appendix E of the Draft EIS and Appendix C of the RTP/SCS Draft EIR/EIS), which was used as the basis for trip and VMT calculations in both the Draft EIS and the RTP/SCS Draft EIR/EIS. The comment asks whether the baseline is the same for the land use modeling as for the modeling in the SGS [sic], whether the baseline only includes

permanent residents, and how the baseline incorporates approved but as yet un-built development such as the Convention Center, Boulder Bay, and Homewood.

It is important to clarify the difference between the two sources of information and the numbers provided there. As described in item 4 in Response to Comment O23-2 above, the term “population” as used in the environmental analysis commonly refers to full-time residents. TRPA relied on U.S. Census data for 2010 to obtain this number for the Region, which is used in analyzing environmental impacts related to availability of public services and utilities, employment, and housing, among other topics.

The transportation model, on the other hand, in both its baseline and forecasts for each of the alternatives, focused on calculating the number of trips and vehicle miles traveled (VMT) by individuals driving within the Region, into the Region, or out of the Region. For this reason, the transportation model incorporated the “other constituents of population” identified by the comment: employees and business owners who commute into the Region, part-time residents, overnight visitors, and day-use visitors, as well as permanent residents. All of these groups of people contribute vehicle trips to the Region and therefore are included in the transportation model. The analysis of forecasted VMT based the transportation modeling can be found in Impact 3.3-3, Vehicle Miles Traveled Threshold Standard, of the Regional Plan Draft EIS and Impact 3.3-3, Vehicle Miles of Travel (VMT) per Capita, of the RTP/SCS Draft EIR/EIS. Both the Regional Plan Update Draft EIS and the RTP/SCS Draft EIR/EIS used the same baseline for the transportation modeling. For more details on this calculation please see Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.

For details on how approved, but as yet un-built development, such as the Convention Center, is incorporated into the modeling, please see the Regional Plan Update Draft EIS Appendix E and RTP/SCS Draft EIR/EIS Appendix C (first three paragraphs on page C.7-3), and Response to Comments O16-176 and O16-144.

The comment also raises questions about the Regional Plan Update and the concepts of “livability” and “sustainable communities.” This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O23-4

The comment references Regional Plan Update Draft EIS Section 3.12-5 (Population, Employment, and Housing) and Appendix C of the RTP/SCS Draft EIR/EIS (Lake Tahoe Resident and Visitor Travel Demand Model Report), which correlates to Appendix E of the Regional Plan Update Draft EIS. The comment identifies a discrepancy in external workers from these two sources, with Section 3.12-5 stating that external workers represent a weighted average of 75 percent of all employees, whereas the TRPA model uses 25 percent external workers.

Page 12-1 of the *Lake Tahoe Resident and Visitor Model Report* (Parsons Brinckerhoff 2007) stated that 2000 U.S. Census data showed that 25 percent of all employment in the Tahoe Region was filled by persons residing outside of the Region. Since the model development report was prepared before the 2010 census was conducted, the 2000 census was the most recent available source of information. Page 12-3 of the report indicates that results from the Tahoe/Truckee Commute Survey were then used to determine the origins of workers based on

employer survey results. These data were then used to determine the number of external workers and their external origin/destination.

An error in interpreting data resulted in the inaccurate statement in the Draft EIS that 75 percent (weighted average) of jobs in the Region are external; however, no significance conclusions in the analysis are affected by this error. Page 3.12-6 of the Regional Plan Update Draft EIS incorrectly states that 87 percent of jobs on the North Shore and 62 percent of jobs on the South Shore are filled by persons living outside of the Tahoe Region. Further review of this data (from the U.S. Census Bureau OnTheMap Application and LEHD Origin-Destination Employment Statistics, In-Flow – Out-Flow Reports for California Census Designated Places) shows that the information categorizes workers as either living in North/South Shore or elsewhere. There was no further manipulation of data to determine what proportion of employees categorized as “elsewhere” live within or outside of the Region. For example, a person who works in Tahoe City but lives in Incline Village would be classified in the “elsewhere” category. By way of this response, it is recognized that the recommended clarifications are a part of the Final EIS. No significance conclusions in the analysis are affected by this clarification because the transportation modeling and all related analysis were based on the correct figure.

In conclusion, the *Lake Tahoe Resident and Visitor Model Report* (Parsons Brinckerhoff 2007) used in Appendix C/E is a more accurate source of external worker travel characteristics, and 25 percent external workers is the correct number. Although the comment identifies a technical inaccuracy in the EIS, it does not result in any changes in conclusions regarding the adequacy, accuracy, or completeness of the environmental document.

The comment requests clarification regarding the number of vacant and seasonally used housing units in 2010; requests further information on the effect of the growth projections for the alternatives, particularly changes in owner-occupied versus seasonally used units; and asks whether a 10-percent increase in owner-occupied units would cause the resident population to exceed all the growth projections in the Draft EIS alternatives (assuming two persons per home). Please refer to Response to Comment O26-2, Secondary Homes and Visitors, for a discussion regarding these questions.

The comment requests population data for visitors staying less than 30 days and day use visitors. Refer to Response to Comment O26-2, for information regarding day-use visitors. The travel demand model does not differentiate based on the number of days an overnight visitor stays in the Region. It is not necessary for the model to track this type of information because the model estimates traffic for a single day, rather than by week or month.

The comment suggests that the Draft EIS should produce this visitor information so that the public and decision-makers are fully informed about the population groups and how year-round residents are only a small portion. As described in item 4 in the Response to Comment O23-2, information on full-time resident population was provided in Section 3.12, Population, Employment, and Housing, of the Regional Plan Update Draft EIS and information on visitors was provided in Section 3.11, Recreation. Response to Comment O26-2 provides a summary of this information as well.

The comment asks how the population increases were derived for each alternative. The population increases associated with each alternative are based on (1) the number of new housing units; (2) the proportion of those units that are full-time occupied; and (3) the location

of those units, which has an effect on household size. The number of new housing units is based on the assumption that all new residential commodities will be developed. The proportion of units that are full-time occupied is based on occupancy rates from 2000 census data (2010 occupancy rates were not available at the time the 2010 base-year was developed). The travel demand model assumes a distribution of new development under each alternative (described above and in Regional Plan Update Draft EIS Appendix E, part 7, and RTP/SCS Draft EIR/EIS Appendix C, part 7). The model uses site-specific, neighborhood-scale data on household size from the 2000 census to assign household sizes to residential units based on their specific location. See also the Response to Comment O3-4.

O23-5 The comment asks how travel conditions, which are analyzed based on a summer day in August, are calibrated based on 2010 land use information and then validated against 2010 census data. Page 3.3-10 in Section 3.3, Transportation, of the RTP/SCS Draft EIR/EIS states that the TRPA base year traffic model was calibrated using 2010 land use information and then validated against 2010 census data (i.e., Tahoe Region population) and the summer 2010 traffic counts. This is a standard practice when new or updated versions of travel demand models are developed. The validation procedure measures the extent to which the model is able to predict traffic volumes to within an acceptable level of error when compared to existing measured counts. Appendix C, Part 3 of the RTP/SCS Draft EIR/EIS and Appendix E, Part 3 of the Regional Plan Update Draft EIS describe the model validation statistical tests, which led to the conclusion that the model is adequately validated to 2010 conditions.

O23-6 The first part of the comment addresses issues related to employment, including how factors other than employment affect traffic volumes; the effects of the Great Recession on employment and traffic reductions; and purchases of private property by local governments and agencies, resulting in removal of businesses and reduced employment. The purpose of the EIS is to assess the environmental effects associated with implementation of the Regional Plan Update Goals and Policies. Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. Attempts to determine all the causes of employment fluctuations would be speculative and do not provide a substantial amount of meaningful information to adequately assess environmental impacts.

The comment provides two quotations from an article by Ewing and Cervero referenced in the Draft EIS regarding per capita VMT. The quotations provided are in regards to how certain land use factors, such as development density, diversity, design, and regional accessibility (i.e. proximity to community center) can reduce per-capita VMT. The comment asks a question about the analysis conducted in the study. However, the comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

A follow-up comment asks whether the Ewing and Cervero article is based on year-round residents. Studies such as this are typically based on the travel characteristics of year-round residents in non-resort communities, though studies may also take into account the travel behavior of tourists (i.e., staying in hotels), visitors (to a major retail center), and students.

The comment asks whether this academic article's numbers and rationale can be applied to Lake Tahoe's high numbers of seasonal residents and visitors. Some relationships between the built environment and travel apply similarly to seasonal residents and visitors especially for trip

purposes such as shopping or eating. These types of activities tend to occur close to home for residents and close to rental accommodations for visitors. According to the Lake Tahoe Resident and Visitor Model, Model Description and Final Results, TRPA, August 2007 (pages 10-7 and 17-3), the trip length estimates for residents and visitors for common trip purposes (such as shopping) share similar patterns, with about 50 percent of these trips for both groups being less than 3 miles and more than 90 percent being less than 9 miles. Hence, the article's focus on concepts about built environment influencing travel behavior does apply. In particular, putting land uses in close proximity through increased density increases the possibility that trips could be made by walking, bicycling, or riding public transit. Further, the closer proximity of land uses to one another reduces the distance for trips being made by vehicles. These relationships have been clearly established through travel behavior research and would generally apply to resident and visitor populations for trips dependent on convenience such as shopping or eating. See also Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.

Finally, the comment asks what references can be cited that address the second homeowners, seasonal residents, and visitors that make up the context and circumstances in the Lake Tahoe Region. Please see Response to Comment O26-2 for more information regarding seasonal residents and visitors within the context of the Lake Tahoe Region.

O23-7

The comment lists several projects that are included in the transportation strategy packages and raises numerous questions about specific projects, project-level impact analyses, and site-specific traffic issues. The transportation model and analysis for the Regional Plan Update Alternatives incorporate an assortment of transportation projects, grouped into transportation strategy packages as described beginning on page 3.3-30 in Section 3.3, Transportation, and in more detail in Draft EIS Appendix C, Transportation Strategy Packages. These projects are analyzed at a program level as part of the suite of future projects and improvements, but they are not analyzed in the Draft EIS as specific projects that could be implemented without additional environmental review following adoption of the Regional Plan Update.

The Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.

The comment asks how the Draft EIS handles congestion created by already approved projects, such as Kings Beach Commercial Core, and Homewood Mountain Resort. The comment also asks whether densification would exacerbate already congested conditions. The travel demand model incorporates the new development planned for these projects, which then results in model outputs that can be analyzed for their impacts to roadway and intersection vehicle level-of-service. The travel demand model also incorporates changes to traffic due to land use policies proposed in each of the Regional Plan Update alternatives, including the transfer of development rights program described in Alternative 3 (see page 3.2-57 of the Draft EIS). Refer to the Regional Plan Update Draft EIS Appendix E and RTP/SCS Draft EIR/EIS Appendix C (first



three paragraphs on page C.7-3) or Response to Comments O16-176 and O16-141 for a description of how approved but not yet built development is incorporated into the travel model. Congestion impacts are analyzed in Impacts 3.3-1, Roadway Segment Operations, and 3.3-2, Intersection Operations.

O23-8

The comment asks why the travel demand model data were not used in the population projections under the 5 alternatives, and how the model's data are integrated with the RTP/SCS. The TRPA travel model was used in the Regional Plan Update and RTP/SCS transportation, noise, and air quality analyses, as well as in the analysis of population, employment, and housing. The model, including its population synthesizer, calculates population totals, visitation, and travel on all roadways. It forms the basis of the transportation analysis, impacts, and mitigation measures.

The comment asks how the model accounts for projects that have been approved but not yet constructed. These projects are accounted for in the travel demand model by incorporating the number and location of residential, tourist, and commercial units associated with those projects. Please see also Regional Plan Update Draft EIS Appendix E, Part 7 and RTP/SCS Draft EIR/EIS Appendix C, Part 7, and Responses to Comments O16-176, O16-141.

The comment asks how the model translates Regional Plan Update projections of year-round residential population. As described in Response to Comment O26-2, the travel demand model accounts for full-time residents as well as part-time residents and visitors. Full-time resident population estimates are explained in Regional Plan Update Draft EIS Section 3.12, Population, Employment, and Housing, and in RTP/SCS Draft EIR/EIS Section 3.12, Population, Employment, and Housing. See also Regional Plan Update Draft EIS Appendix E, Part 7 and RTP/SCS Draft EIR/EIS Appendix C, Part 7, for a description of how the travel model incorporates the land use assumptions of the Regional Plan Update alternatives.

The comment asks for the data source supporting why some visitors would use the shuttle if road user fees were adopted under Alternative 2. Page 3.3-40 of the RTP/SCS Draft EIR/EIS provides references demonstrating that reductions in travel have been observed as a result of similar pricing programs in other regions.

The comment asks for the quantity of visitors using the shuttle. Page 3.3-40 of the RTP/SCS Draft EIR/EIS provides an example of the quantity or amount of visitors traveling to/from the Tahoe Region via U.S. 50 at Echo Summit who may use the shuttle. Similar calculations could have been prepared for the other gateways. Because the focus of this part of the analysis was on quantifying how many vehicle trips would be eliminated by virtue of implementing the road user fee system, it was sufficient to account for the reductions in the TRIA tool, which is then applied to the TRPA travel demand model vehicle trip matrix. Regional Plan Update Draft EIS Appendix E, Part 2 and RTP/SCS Draft EIR/EIS Appendix C, Part 2, contain tables showing the estimated trip reduction percentages for the multi-modal transportation strategies, including the intercept lot with transit shuttle strategy, proposed in the draft RTP.

The comment asks for the technical basis for making "this claim" as opposed to wishful thinking, presumably referring to the level of private auto trip reduction achieved by the road user fee. Page 3.3-40 clearly describes the reduction in auto trips associated with 10 percent external gateway visitor use of the shuttle. The estimates are supported by real data (measured traffic levels on U.S. 50, travel surveys revealing visitor vs. resident splits, and typical bus sizes). The estimate of 10 percent visitor use of the shuttle is supported by the studies referenced on page

3.3-40 and can be enforced by TRPA through pricing strategies. See also Response to Comment I129-6 for more information on TRPA's ability to administer such a program.

O23-9

The comment asks which transportation system capacity increases are referenced at the bottom of page 3.3-44 in the Regional Plan Update Draft EIS and page 3.3-46 in the RTP/SCS Draft EIR/EIS. The transportation system capacity improvements include the roadway improvement projects listed in Strategies A, B, and C, as well as other potential multi-modal improvements (beyond those listed in the RTP project list) such as those listed on page 3.3-44 (Regional Plan Update Draft EIS) and 3.3-46 (RTP/SCS Draft EIR/EIS).

The comment asks where the analysis of those capacity increases can be found. Given the programmatic nature of this environmental document and the lack of certainty as to where actual projects may need to be implemented, a quantitative analysis of their effects, combined with transportation system capacity increases (beyond the RTP project list), would be speculative. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

The comment refers to the Impact 3.3-3 in the RTP/SCS EIR/EIS, Vehicle Miles of Travel (VMT) per Capita, noting the conclusion that VMT per capita would increase for all alternatives, except Alternatives 2 and 3, which is considered a beneficial impact in the document. The comment asks whether the conclusion is based on VMT per capita for only the California side of the Region in accordance with SB 375, and how the beneficial impact is derived for Alternatives 2 and 3. The VMT per capita estimate is based on Region-wide VMT, as this impact analyzes the effect of the full transportation program. VMT per capita is not a required standard, but is provided because it is an indicator for the achievement of GHG emissions goals. An increase in VMT per capita would interfere with achievement of California's GHG reduction goals, and the calculation of VMT per capita is necessary for determining consistency with SB 375 targets and AB 32 goals for the California portion of the Region. The impact conclusions for Alternatives 2 and 3 are considered beneficial, because VMT per capita is reduced, which would help in achieving GHG targets for the Lake Tahoe Region.

O23-10

The comment asks whether the travel demand model accounts for projects that have been approved but not yet built and development rights held by public agencies. As described in the Regional Plan Update Draft EIS Appendix E and RTP/SCS Draft EIR/EIS Appendix C (first three paragraphs on page C.7-3), all approved projects are considered and units are distributed based on the location of those projects. See also Response to Comments O16-176 and O16-141. See Master Response 9, Consideration of Banked Commodities, for a discussion of commodities held by public agencies.

O23-11

The comment requests additional information regarding the total development rights that exist and requested that the information be categorized by governmental entities, status of development rights that are currently being exercised but has not yet resulted in construction, and number of development rights by category that are being acquired by individual governmental jurisdictions such as Placer County. Please see Master Response 9, Consideration of Banked Commodities, for information regarding this issue.

TRPA does not track the purchase of development rights or units of use by local jurisdiction unless a request is made to bank or transfer the right or units as part of a project approval. This

comment relates to an administrative issue that does not relate to environmental impact or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

The comment requests an analysis of the consequences of transferring across all jurisdictional boundaries for all development rights as commodities. The Regional Plan Update Draft EIS analyzes the transfer of development throughout Chapter 3, including in Impact 3.2-1, which addresses the development pattern and land use compatibility. The Draft EIS concludes that the transfer provisions and increased transfer ratio incentives would result in a beneficial impact (Draft EIS pages 3.2-57 through 3.2-58). With the exception of the proposed changes for TAU transfers, which are analyzed in Impact 3.2-1, the provisions for transfers of development rights, units of use, and allocations across jurisdictional boundaries are not proposed for change and are not analyzed in the Draft EIS.

The comment addresses the proposed modification to the Marketable Rights Program and questions how it will continue to “minimize impacts to sensitive lands.” The Draft EIS addresses this issue throughout Chapter 3, including in Impact 3.2-1, which addresses the development pattern and land use compatibility. The Draft EIS concludes that the transfer provisions and increased transfer incentives, which focus the greatest benefits on transfers from SEZ and sensitive lands, would result in a beneficial impact (see pages 3.2-57 through 3.2-58).

The comment requests that the EIS provide “a full credible accounting” of development rights and existing units of use held by the local governments and the two land banks. Furthermore, the comment raises concerns with the impact to communities such as Kings Beach and Tahoe Vista as a result of government acquisition of land, such as the recent purchase of the TNT plant by Placer County in Tahoe Vista. Please see Master Response 9, Consideration of Banked Commodities, for detailed information about this issue. As described in the Draft EIS (page 3.2-7-4), public acquisition of lands by local or state governments, such as the California Tahoe Conservancy and Nevada Division of State Lands, are generally done to preserve, protect, and enhance the natural environment of Lake Tahoe by acquiring and restoring sensitive lands. Where appropriate, lands are also purchased to promote recreation and lake access for the Region’s population and visitors alike. These acquisitions are consistent with existing and proposed plan policies that encourage removal of coverage from sensitive lands to attain the water quality, SEZ, and soils threshold standards.

The comment requests a technical reconciliation of the estimated commercial floor area remaining in the Region between TRPA’s estimated number in the Draft EIS and the Solimar report (June 2007) and the City of South Lake Tahoe Retail Market Analysis, (December 2005) by RRC Associates.

The RRC Associates report, which estimated CFA within the City of South Lake Tahoe at 1.3 million square feet as opposed to TRPA’s analysis of 2.8 million square feet, states that it does not account for all the commercial uses within the City. RRC’s accounting included only “pure” retail and professional office spaces and did not include industrial space, auto dealers, service stations, theaters, and commercial recreation and therefore is not a full accounting of existing CFA. (page 31 of the RRC Associates report). See Master Response 9, Consideration of Banked Commodities, for detailed information on accounting of CFA.

O23-12

The comment suggests that the Regional Plan Update Draft EIS misinterprets the Pruetz and Standridge 2009 reference related to Transfer of Development Rights programs (TDRs) in the

analysis of the location and distribution of population, employment, and housing. The EIS analyzes the effects of each alternative on the location and distribution of population, employment, and housing in the Region under Impact 3.12-1 (Draft EIS pages 3.12-8 through 3.12-13). Related effects associated with the development pattern and land use compatibility are addressed under Impact 3.2-1 (Draft EIS pages 3.2-11 through 3.2-67).

Impact 3.12-1 considers many factors, including each alternative's land use planning system, projected population, number of housing units, number of employment opportunities, and effects of any proposed TDR program on the distribution of employment and housing. The analysis summarizes key factors affecting TDR programs and cites two references.

The comment asserts that the Draft EIS must individually address each specific topic addressed within the Preutz and Standridge 2009 reference. The summary included in the Draft EIS is not intended to individually address each detailed topic in the reference; rather, it summarizes the key points of both Preutz and Standridge 2009 and Preutz 1993. More detailed consideration of individual factors in the reference is not relevant to the impact analysis, since the reference was summarized for informational purposes and does not form the basis of assumptions used in the analysis. Assumptions related to TDR use are based on observations of the effectiveness of similar programs in the Region and are described in Draft EIS Appendix E, Part 7. Please also see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program for additional information on the feasibility of the proposed TDR program.

The comment also poses a series of questions regarding the effect of TDR programs on traffic at specific locations. The effect of each alternative on roadway segment operations is addressed in Impact 3.3-1 (Regional Plan Update Draft EIS pages 3.3-40 through 3.3-44), and the effect of each alternative on intersection operations is addressed in Impact 3.3-2 (Regional Plan Update Draft EIS pages 3.3-44 through 3.3-46). The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

O23-13

The comment includes a series of questions on conversion of use, transfers of development and development allocations and bonus units. The comment questions the potential effects of the conversion provisions in the Code and how can future development be controlled given the ability of units to be converted that would have differing levels of impacts. The comment further asks if the Draft EIS acknowledges or analyzes the lack of limits on allowed conversions of use and its effect on projected population estimates. This comment relates to an existing provision of the Code that permits the conversions of existing units of use. This provision of the Code only applies to existing units and therefore has no impact on projected growth estimates which is driven by development rights and allocations. All conversions require a project level environmental analysis and potential impacts that result from the conversion are required to be fully mitigated.

The comment questions how bonus units are accounted for in the growth limitations given that allocations would not be required and enhanced transfer ratios would be employed when they are allocated as part of a transfer of a residential development rights to town centers, the regional center, and the high density tourist district. The comment further asks what the limits to the enhancement incentives are if the program does not work. As described in the Draft EIS (page 3.2-47) and depicted in Table 3.2-13, New Development Potential under Alternative 3, an additional 600 residential bonus units are proposed for Alternative 3 and are accounted for in

the development potential for the Region. The potential impact of existing and additional bonus units on land use compatibility and population are analyzed in Impacts 3.2-1 and 3.12-1. The Draft EIS concluded that enhanced transfer ratios would provide more restoration opportunities and more open space in appropriate areas while creating an economic incentive to transfer development from outlying areas; and that the land use distribution and density of growth in the Region as a result of new allocations and residential bonus units would result in a more compact, walkable mixed-use communities when compared to existing conditions, with greater improvements to walkability and access to other alternative transportation modes that this impact would be beneficial (Draft EIS page 3.12-12). Transfer ratio incentives are limited by the number of existing and proposed residential bonus units that are available for use in Plan. In Alternative 3, 1,474 residential bonus units (874 existing and 600 new bonus units) are available as incentives for transfers. Furthermore, the Final Draft Plan includes a priority task for TRPA to review the efficacy of development transfer ratio after adoption of the Final Regional Plan (Attachment 5 of the Final Draft Goals and Policies) any future revisions to transfer ratios would be subject to a separate discretionary action and environmental analysis.

The comment expresses concern that the Draft Plan included a provision that would require the TRPA Governing Board to maintain an “unlimited pool of development allocations and bonus units.” As described above, each alternative would authorize a finite number of development commodities. Please refer to Chapter 3.2, Land Use in the Draft EIS. Tables 3.2-6, 3.2-11, 3.2-13, 3.2-16, and 3.2-17 show the total number of development commodities proposed under each alternative. The comment relates to Land Use Policies 3.6 and 3.7 of the Draft Plan regarding development allocations. As shown in the Final Draft Goals and Policies, these two policies have been edited to clarify their meaning. These comments refer to proposed provisions of the Regional Plan Update and 2011 Threshold Evaluation Report and do not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O23-14 The comment includes a series of questions on an economic analysis of the transfer incentives included in Alternative 3, which was cited as a reference in the Regional Plan Update Draft EIS. The economic analysis by BAE was prepared to verify that the TDR ratios in the Draft Plan were realistic. The Draft EIS includes the economic analysis as one piece of information considered but does not rely on the economic analysis as the basis for any impact determination. The TDR assumptions used in the Draft EIS are based on a comprehensive review of best available information, including years of public input, documented use of the sensitive lot retirement program. The BAE report was created by experienced professionals, using standard approaches. The report incorporates local information and costs and was cited in the Draft EIS because it is the best available information. Please also refer to Master Response 8, Feasibility of the Proposed Transferrable Development Incentive Program. Furthermore, the Final Draft Plan includes a priority task for TRPA to review the efficacy of development transfer ratios. After adoption of the Final Regional Plan (Attachment 5 of the Final Draft Goals and Policies) any future revisions to transfer ratios would be subject to a separate discretionary action and environmental analysis. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

O23-15 The comment addresses several issues related to cumulative impacts. The comment requests calculations of population increases based on the list of cumulative projects. The population projections relied on in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS are those

provided in Section 3.12, Table 3.12-1, in the Regional Plan Update Draft EIS and are based on U.S. Census data and factors provided by the transportation model. All development anticipated in the Region during the lifetime of the Regional Plan Update would be controlled by the number of development commodities proposed in the Regional Plan alternatives. No plan or project in the list of cumulative impacts would contribute additionally to population growth.

The comment questions the need for a doubling of power capacity with the CalPeco electrical line upgrade project based on the Draft EIS's estimates of population increase on the North Shore. This comment does not address the Regional Plan Update, RTP/SCS, or either of the respective environmental documents. No further response is necessary.

The comment requests information regarding the effect of cumulative impacts on the threshold standards. The Plan's effect on the threshold standards will be addressed in the Findings (Code Chapter 4). This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
024**

**David McClure**  
**North Tahoe Citizen Action Alliance**  
**4/25/2012**

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O24-1      Comment O24-1 provides general comments on the background of transportation planning in the Region and associated funding. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document.

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**Response  
025**

**David McClure**  
**North Tahoe Citizen Action Alliance**  
**5/23/2012**

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O25-1      The comment states that SB 375 gives the choice of using a Sustainable Communities Strategy (SCS) or using an Alternative Planning Strategy (APS) which would be a substitute for intensification of development. The comment expresses support for an APS as a more appropriate route for the Lake Tahoe Region.

SB 375 requires that the TMPO adopt an SCS that meets the regional greenhouse gas reduction targets approved by the California Air Resources Board. If it is not feasible to achieve the reduction targets with the SCS, the TMPO would submit the APS, which would include additional actions to meet the targets. Based on the analysis in the RTP/SCS EIR/EIS, Alternatives 2 and 3, as well as the Final Draft Plan, which is a modification of Alternative 3, would meet the regional GHG reduction targets. This comment refers to proposed provisions of the Regional Transportation Plan, specifically the use of an SCS, and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the plan review and adoption process and how comments on plan provisions are addressed.

Response 026	Ann Nichols, et. al. North Tahoe Preservation Alliance and Mountain Area Preservation Foundation 6/12/2012
O26-1	The comment provides background on the commenting organizations then provides a list of the topics that will be addressed in the letter. Please see the detailed responses provided below.
O26-2	<p>The comment addresses population levels and raises several questions regarding assumptions behind permanent population increases, and how visitors were incorporated into the growth and travel forecasts. The comments are described and addressed with more specificity in the paragraphs below.</p> <p>The comment states the opinion that population levels are underestimated because visitors are not part of the projected population, and asks how this underestimation complies with the Compact's mandate to develop carrying capacities.</p> <p>Population growth in and of itself is not an environmental impact. Environmental impacts resulting from population relate to transportation, air quality, noise, and GHGs, and are addressed in Chapters 3.3 (Transportation), 3.4 (Air Quality), and 3.5 (Greenhouse Gases and Climate Change) of the Regional Plan Update Draft EIS. The analysis of these topics utilized assumptions from the TRPA travel model, which accounts for part-time (seasonal) residents and visitors, including overnight and day visitors. Other significance criteria associated with population are listed on page 3.12-8 of the Regional Plan Update Draft EIS.</p> <p>Visitors to the Tahoe Region are classified in the travel demand model as either day use visitors, overnight visitors, or through visitors. Chapter 13 of the <i>Lake Tahoe Resident and Visitor Model Report</i> (Parsons Brinckerhoff, 2007) provides an overview of these visitor types. The report acknowledges that modeling visitors to the Region is difficult because data collection is challenging and the number of visitors varies widely depending on the day. The Draft EIS utilized best available information to estimate the number of future visits to the Region.</p> <p>Day use visitors enter the Tahoe Region from an external source (e.g., Reno, Placerville, etc.), stay for the day, and then return to their origin of travel that same day. The TRPA Travel Demand Model estimated that in 2010 the Tahoe Region accommodated 37,247 day use visitors during a peak summer weekday. Visitation in 2035 is expected to increase to 41,661 day use visitors in Alternative 3, a 12 percent increase. As described in Chapter 13 of the <i>Lake Tahoe Resident and Visitor Model Report</i> (Parsons Brinckerhoff, 2007), day use visitors are estimated based on day visitor travel survey records. External station cordon counts were used to calibrate the day use population size, which was then indexed to overnight visitor population (i.e., if a given alternative increases the overnight visitor population, the day visitor population would also increase).</p> <p>Overnight visitors may consist of persons staying in TAUs, seasonal/occasional use homes, and campgrounds. The model estimates that in 2010 there were 49,093 overnight visitors in the Tahoe Region during a peak summer weekday. This result is based on known occupancy rates for each category.</p> <p>Table 3-29, below, provides estimates of 2035 overnight visitor levels for each alternative. By 2035, overnight visitor levels are expected to increase due to a small number of additional</p>

tourist units and a more significant number of additional housing units (some of which would be used by overnight visitors). The 2035 overnight visitor totals range from 50,112 under Alternative 1 to 53,003 under Alternative 5, which corresponds to a 2 percent to 8 percent range of increases over 2010 conditions.

**Table 3-29. Tahoe Region Overnight Visitors**

Category	2010	2035				
		Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Total TAUs	12,399	12,741	12,741	12,741	12,941	13,141
Increase in TAUs	-	342	342	342	542	742
Increase in Overnight Visitors Staying in TAUs	-	389	389	389	617	845
Total Housing Units	47,392	48,352	50,952	51,552	52,352	52,357
Increase in Total Housing Units	-	960	3,560	4,160	4,960	4,965
Increase in Occupied Units	-	408	1,623	1,904	2,278	2,280
Increase in Non-Occupied Units	-	552	1,937	2,256	2,682	2,685
Increase in Overnight Visitors Staying in Non-Occupied Units	-	630	2,211	2,575	3,061	3,065
Total Overnight Visitors	49,093	50,112	51,693	52,057	52,771	53,003
Data Sources and Analysis Methods: - Total TAUs and housing units based on Tables 3.3-6 and 3.3-7 of RTP/SCS DEIR/DEIS. - Increase in overnight visitors in TAUs calculated based on 49.5 percent room occupancy (i.e., historical regional occupancy of hotel/motel rooms) and 2.3 persons per unit. - Increase in overnight visitors in non-occupied housing units calculated based on 43.9 percent of these units being occupied by overnight visitors and 2.6 persons per unit. These occupancy rates and persons per unit are based on the 2000 Census and the Tahoe Regional Transportation Survey (TRTS). TAU = Tourist Accommodation Units						

The comment asks how TRPA can claim to be controlling population growth, when the same growth controls have been in place since 1987, and yet the population has fluctuated during this time. The comment also asks how increases in population of 10,000, 15,000, or 20,000 would affect the environmental analysis. TRPA does not directly control population growth, but it does meter the rate of development allocations released over time. Residential units and tourist accommodation units play a significant role in the number of people that are living in or visiting the Lake Tahoe Region at one time. As discussed above, TRPA bases population projections on the amount of available residential units, and the residential occupancy rate in individual traffic analysis zones, which is based on census data. As shown in Regional Plan Update Draft EIS Chapter 3.12, Population, Employment, and Housing, the greatest population increase is projected under Alternative 3. This increase is 5,900 more people than the 2010 population of 54,473, an 11 percent increase. Since TRPA will not release more residential allocations than described under Alternative 3, there is no rationale for studying population increases of 10,000 – 20,000 people over the life of the Plan. In fact, the analysis as presented is conservative, because it assumes that all housing allowed under the Plan will be built.

The comment states that second home ownership has decreased over the past 10 years and questions the assumption that the ratio would remain the same in the future. The comment indicates that either second homeownership could increase, or the percentage of housing that is occupied by permanent residents could increase. In the modeling forecasts for Alternatives 1-5, the percentage of existing housing units in seasonal/occasional use was assumed to remain



unchanged from the base year because there are no forecasts available to indicate whether residential occupancy rates or second homeownership will increase or decrease in the future. Census data shows that the proportion of total housing units that are in seasonal use or vacant has fluctuated slightly, from 51 percent in 1990, to 45 percent in 2000, and back up to 51 percent in 2010. However, at the time that the 2010 base year model was developed, only the 2000 occupancy rates were available from the census. Thus, the travel model assumes that only 45 percent of housing is in seasonal use or vacant, and that 55 percent of housing is permanently occupied. This would result in a possible overestimation of VMT, because permanently occupied housing generates more trips per day than seasonal or vacant housing. This is because on average, only 43.9 percent of seasonal or vacant housing is assumed to be occupied on a peak day in August, the timeframe for the travel model analysis, as cited in Table 1, above.

The comment requests inventories of fractional hotels/condominiums, timeshare units, short-term rentals, and the associated trends, and states that fractional and timeshare units are used more frequently than vacation homes. All existing and proposed TAUs and residential units are incorporated into the analysis, and the percentages of these units that are assumed to be occupied are also incorporated. Occupancy rates for hotel/motel (which includes fractional ownership) and seasonal units vary by traffic analysis zone. The occupancy rates assumed for each traffic analysis zone are based on census block data. Therefore, different occupancy rates due to a higher proportion of fractional units in the casino core, for instance, are captured. Beyond this analysis, an inventory of fractional hotels/condominiums, timeshare units, or short-term rentals, and changes to the proportion of these units over time do not constitute environmental impacts and do not affect the analysis of other impacts.

The comment states that annual visitor data should be included and analyzed in the Regional Plan Update EIS, and asks what the effects of returning to the high visitor levels of 2004-2005 would be. Environmental impacts resulting from visitor use are based upon modeling efforts that used the best available information. Transportation conditions were analyzed for the peak month of the year which is August. Summer-based VMT estimates and forecasts that are extrapolated to annual conditions represent conservative values because summer traffic volumes are approximately 30 percent higher than annual average traffic volumes. Please see response to comment O16-141 for a graphic showing August traffic volumes as compared to annual average traffic volumes. As noted above, in the TRPA travel model, visitor rates are based on the amount of available overnight accommodations for visitors. This model has been calibrated to existing traffic conditions and has been shown to accurately predict VMT. As shown in Part 3 of Appendix E of the Regional Plan Update Draft EIS and Appendix C of the RTP/SCS Draft EIR/EIS, the model passed all validation tests required by the Caltrans *2010 RTP Guidelines*. Other methods for predicting increases in the visitor population would be speculative.

- O26-3      The comment addresses development commodities. The commenter asks how impacts can be analyzed if commodities can be recharged as needed, so that there is no limit to development. Each alternative includes a finite number of development commodities, which are analyzed in the Regional Plan Update Draft EIS. Tables 3.2-6, 3.2-11, 3.2-13, 3.2-16, and 3.2-17 show the total number of development commodities proposed under each alternative. In the Final Draft Plan, the maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032 is outlined in Policy DP- 2.2 in the Implementation Element of the Final Draft Goals and Policies. No additional

commodities may be released beyond what the TRPA Governing Board approves when they approve the Regional Plan.

The comment further asks to have an inventory of commodities included and evaluated, including those that have been demolished, but not rebuilt; and asks how the sale of local agency lands, coverage and entitlements will impact the thresholds. Please see Master Response 9, Consideration of Banked Commodities.

O26-4 The comment requests additional analysis on the effects of zoning changes and new allowable uses within recreation districts, including Van Sickle Bi-State Park and other sites. Please see Master Response 10, Development on Recreation-Designated Lands, which provides detailed information on this topic.

The comment also asks how proposed changes would benefit the environment or affect environmental thresholds. Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

O26-5 The comment states that traffic impacts are severely underestimated, which in turn affect the analyses of other resource topics, including water, air, and noise. Please refer to response to comment O26-10.

O26-6 The comment questions the effectiveness and feasibility of the Transfer of Development Program included in the Draft Plan, particularly from the perspective of a homeowner. Please see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.

The comment also asks what assumptions are being made to get demand to exceed supply. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

The comment also asks on what basis economic troubles in Lake Tahoe are attributed to the current regulatory environment versus the nationwide recession. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

O26-7 The comment questions the use of PAOTs to determine recreation use and capacity. The comment further questions the credibility of the Recreation Threshold Evaluation methodology and the determination of attainment status. These comments refer to proposed provisions of the Regional Plan Update and 2011 Threshold Evaluation Report and do not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment further questions the less-than-significant determination for recreation impacts, including impacts to forest lands. Specifically, the commenter states that Alternative 3 allows

single family residential, commercial, and tourist accommodation unit development on forest land, which would be a significant impact. Recreation impacts are addressed in the Draft EIS beginning on page 3.11-16. Impact 3.11-2 (beginning on page 3.11-21) addresses compatibility with existing or currently proposed recreation uses. Furthermore, since closure of the public review period, the Final Draft Plan has been revised to address development in recreation-designated districts. For a complete discussion of the revisions and subsequent reduction in environmental impacts, see Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS) and Master Response 10, Development on Recreation-Designated Lands.

The comment questions the validity of a USFS recreation survey, stating it only accounts for 75 percent of the Region, and further asks how many yearly visitors come to the entire Region. Please see Response to Comment O26-2, above.

O26-8      The comment states that the Regional Plan Update must achieve and maintain the adopted environmental threshold carrying capacities, according to Article V(c) of the Compact. The comment correctly states the requirements of the Compact. As described in Section 1.1 (page 1-1) of the Draft EIS, “The Tahoe Regional Planning Compact charged TRPA with identifying Environmental Threshold Carrying Capacities (i.e., standards necessary to achieve certain environmental and other values) and required TRPA to prepare and implement a Regional Plan to attain and maintain those threshold standards.” The Regional Plan Update considers five alternatives as different strategies to achieve this vision.

The comment then asks how the threshold standards will be achieved by allowing height increases, allowing coverage increases and coverage transfers across HRAs, and increasing development densities. Regarding coverage across HRAs, see Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS. Regarding coverage increases and water quality see Master Response 5, Effects of Concentrated Development on Water Quality. Regarding height and densities see Master Response 6, Effects of Revised Height and Density Allowances on Development Potential and Master Response 7, Effects of Increased Allowable Height on Scenic Resources.

The comment further questions the validity of considering Lake Tahoe to be a metropolitan area that will benefit from concentrating development. The comment offers no specific information or evidence that the analysis presented in the environmental document is inadequate; therefore, no further response can be provided.

O26-9      The comment asks for a description of specific standards and findings that will be required for Area Plans to be determined in conformance with the Regional Plan. The comment asks if local codes will be required to achieve and maintain threshold standards. The comment further asks if Area Plans will be required to undergo environmental analysis. As described on page 2-33 of the Regional Plan Update Draft EIS, Area Plans would be subject to “environmental review requirements of TRPA (and the California Environmental Quality Act [CEQA], for plans in California...” Prior to approving an Area Plan, TRPA would be required to make all applicable findings described in Chapter 4 of the Code of Ordinances. Please refer to Chapter 13 of the Final Draft Code for details on Area Plan requirements, and Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS for a description of revisions to Area Plan requirements proposed in the Draft Plan.

O26-10

The comment notes several concerns with the transportation analysis and VMT estimates, and suggested that VMT is overstated. These included:

- ▲ Concern that the traffic analysis did not include winter ski weekend conditions or other seasonal differences;
- ▲ Concern that the traffic analysis did not take into account the depressed state of the economy, and therefore, larger VMT increases could occur in the future than predicted by the model due to an economic rebound;
- ▲ Concern that the transportation modeling did not properly account for visitors and seasonal residents;
- ▲ Concern that the transportation modeling did not properly account for goods movement and construction traffic;
- ▲ Concern that the Trip Reduction Impact Analysis (TRIA) model was incorrectly applied and developed, plus several other questions about the TRIA outputs;

In response to comments, the Regional Plan Update Draft EIS analysis was carefully reviewed and is determined to be adequate as presented. The Draft EIS evaluated the VMT impacts of the different development scenarios proposed in Alternatives 1-5 through the use of the TRPA Travel Demand Model and the TRIA model. The TRIA was used as a post-processor modeling tool to the travel model, because the travel model was not designed to capture the travel impacts of specific improvements that encourage the use of non-auto modes, such as transit, bicycle and pedestrian improvements, and other transportation strategies such as parking management, employer trip reduction programs, or real-time transit information. As a “post-processor” modeling tool, the TRIA adjusts certain model outputs. The TRIA is intended to provide planning-level, order of magnitude, comparative estimates of the quantitative impacts on auto trips of the continuation of existing policies and programs compared to the impacts of implementing new policies and programs.

The results of this analysis are presented in Impact 3.3-3, Vehicle Miles Traveled Threshold Standard in the Regional Plan Update EIS, and Impact 3.3-3, Vehicle Miles Traveled per Capita in the RTP/SCS EIR/EIS. The analysis concluded that by 2035 all alternatives have the potential to exceed the VMT Threshold Standard. Alternatives 1, 2 and 3 are projected to need less than 4 percent additional reduction to meet the standard, while Alternatives 4 and 5 would need over 7 percent in additional reductions. Mitigation Measure 3.3-3 (Implement Additional VMT Reduction) is recommended to mitigate this impact.

Mitigation Measure 3.3-3 is implemented together with Mitigation Measure 3.3-1 (Phased Release of Allocations / LOS Monitoring / Travel Demand Management) in Final Draft Code Sections 50.4.2 and 50.4.3, putting into place a four-year process to evaluate LOS and VMT and to restrict the release of allocations in the case that LOS or VMT would otherwise exceed adopted standards. Concurrently, installation of pedestrian, bicycle and transit facilities would be prioritized. Applicable code sections read:

*50.4.2. 2013 Additional Allocations*

*TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.*

#### 50.4.3. LOS and VMT Monitoring

*Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.*

The TRPA Travel Demand Model and TRIA Model were developed using best available methodologies and data. The travel demand model is an activity-based model, developed by Parsons Brinckerhoff in August of 2007. Activity-based models are considered to be more robust than the four-step, trip-based models which are commonly used in rural areas like Lake Tahoe (Parsons Brinckerhoff 2007). The model uses the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The model underwent peer-review (TRPA 2006) and static and dynamic validation tests during its development (Regional Plan Update Draft EIS Appendix E, part 3, Memo #2 and RTP/SCS Draft EIR/EIS, Appendix C, part 3, Memo #2) and was found to meet all requirements of the California Transportation Commission's 2010 RTP Guidelines for Model Group "B" (pp 38 – 41 of the 2010 RTP Guidelines [California Transportation Commission 2010]). The TRIA model was developed by Nelson Nygaard Transportation Consultants in 2011, and is based on local data sources, when available, and data from other areas, including a library of best practice case studies, when local data was not available. The TRIA tool has been used in several other jurisdictions, and was vetted with Nelson Nygaard content experts on the various travel modes used in the tool (Nelson, pers. comm., October 17, 2012). The TRPA and TMPO also compared the TRIA to overall VMT reduction estimates for individual RTP strategies planned for the Region (LSC Transportation Consultants 2012) and to trip reductions that have been realized in comparable regions (Tahoe Region Modal Split and TRIA Review memorandum prepared by Fehr & Peers in April, 2012 [Part 4 of Appendix E]), confirming that the results were comparable.

The TRPA engages in on-going research to keep its modeling tools up-to-date with the best available information. Page 22-1 of the *Lake Tahoe Resident and Visitor Model Report* notes several ways that the model could be enhanced. To address some of these suggestions, the TMPO conducted a license plate survey in August of 2011 (RSG Transportation, Inc. 2012). The purpose of the survey was to provide data on the percentages of day visitors, overnight visitors, and permanent residents entering the Region, and to update and re-calibrate the model with this new information. After updating and re-calibrating, the 2010 base-year model was re-run in May 2012. The new 2010 base-year VMT estimate was 1,891,180 for the 2010 Base Year. In comparison to the previous 2010 model results shown on page 3.3-20 of the Regional Plan Update Draft EIS of 1,984,600; this is a reduction of 96,614 VMT or a 4.7 percent decrease compared to the previous estimate. These updates will continue in the future as new, relevant information becomes available to keep the modeling predictions current. Any future updates will be incorporated into future model runs to provide the most accurate and up-to-date VMT estimates feasible.

Please also refer to Master Response 11, Relationship between Phased Allocations and Level of Service Significance Criteria, and Master Response 12, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT.

Responses to the comment's specific questions are addressed in the paragraphs below. As the responses describe, the modeling protocol and data used are found to be adequate, well-supported, and provide data useful in predicting impacts evaluated in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. As described below, the comment's concern that VMT is greatly understated is not supported. Furthermore, since VMT impacts are considered by the Draft EIS and Draft EIR/EIS to be significant for all alternatives, the concern is nevertheless fully addressed by Mitigation Measure 3.3 and new code provisions 50.4.2 and 50.4.3. The comment includes additional questions that are not directly related to the transportation modeling discussion above, and these questions are included at the end of the response.

### Transportation Modeling Responses

The comment states that the traffic analysis should have also included winter ski weekend conditions, which the comment indicates may have steeper peak hours and more delay. TMPO tracks Region-wide average annual daily traffic (AADT) counts, peak month counts, and winter traffic volumes. AADT data shows that August is the peak month in the Region (2010 Transportation Monitoring Program, TRPA/TMPO, page 22). This data provides evidence confirming that the analysis of August peak periods in the Draft EIS and Draft EIR/EIS is adequate. During the peak month of August, conditions are often busiest during Friday afternoons as visitors and part-time residents travel into the Region. Therefore, study intersections and roadways were analyzed for the August Friday PM peak hour to account for Region-wide peak conditions. The commenter's statement that winter ski weekends may have steeper peaks is acknowledged, although it is also worth noting that these peak-hour conditions are not normally used for designing a transportation system because it can lead to over-designed facilities.

The comment states that the traffic analysis should take into account the depressed state of the economy in 2010. The traffic analysis considers economic conditions present in 2010 by collecting traffic counts in 2010, and calibrating the travel demand model to achieve acceptable levels of validation to 2010 conditions. The year 2010 is the proper baseline upon which the significance conclusion is based, because it is the best available, comprehensive traffic information that reflects current conditions at the initiation of environmental review. Other environmental review guidelines (e.g., CEQA Guidelines 15125, Environmental Setting) and court decisions on the subject of baseline have determined that the proper baseline against which a project's impacts should be compared is existing conditions at the time of the NOP or at the time the analysis is commenced unless special circumstances warrant a modified baseline. There are no special circumstances related to transportation modeling in the case of the proposed project that warrant a modified baseline. Thus, use of conditions existing in 2010 as baseline is appropriate. As noted above, TRPA oversaw required static and dynamic validation tests to determine whether the model accurately reflects 2010 baseline conditions and reasonably responds to changes. The tests found that the model satisfied requirements in the *2010 RTP Guidelines* (RTP/SCS Draft EIR/EIS, Appendix C, part 3, Memo #2). Please refer to response to comment O16-141 for more discussion on this topic and additional information regarding potential causes of decreases in VMT that have occurred over the past decades.

The commenter states that even without additional development, visitation to the Region is likely to increase as economic conditions improve. The TRPA travel demand model assumes a 12 percent increase in day-use visitors between 2010 and 2035 (37,247 visitors in 2010 and 41,661 visitors in 2035). Overnight visitor levels also increase for each alternative, with the degree of increase commensurate with the level of additional housing and tourist accommodation units.

Despite these projected increases, historical evidence indicates that visitor and traffic levels have declined even during more robust economic times according to *Mobility 2030: Transportation Monitoring Program* (TMPO 2010a). Some example data from this report are shown in the charts below, which track multiple year declines that in some cases extend back to the 1980s (Exhibit 3-6) . The assumption of a 12-percent increase in day-use visitors is reasonable and appropriate in light of the data.

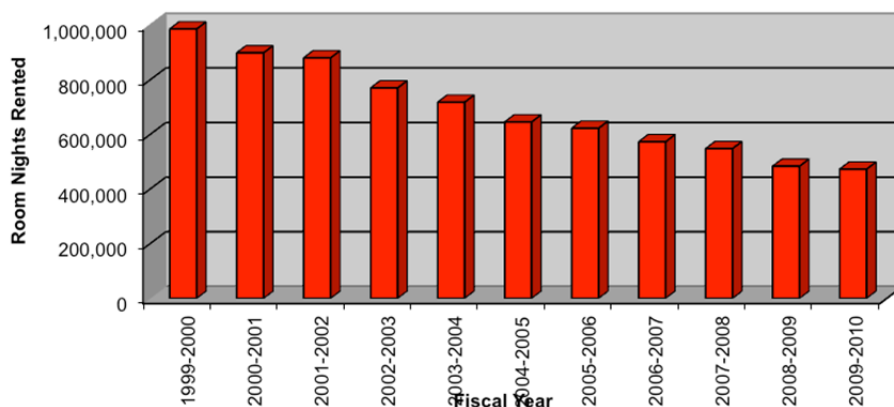
The comment states that a key weakness of the TRPA traffic model is the number of visitors and seasonal residents it assumes. The comment also states that data is available regarding full-time resident characteristics, but that data regarding seasonal residents and visitors is more limited. Please see response to comment O26-2, for details regarding visitor levels in the TRPA model, and visitor and seasonal resident data.

The comment states that TRPA should undertake research to determine the number of people in the Region during various times of the year including full-time residents, seasonal residents, and visitors. Please see the discussion above for new research that was conducted in 2011.

The comment states that more traffic counts are needed throughout the basin at various times of the year to better understand the travel patterns of visitors versus residents. The transportation analysis consisted of 24 study roadway segments and seven critical intersections located throughout the Tahoe Region under existing and 2035 conditions for five alternatives. The selection of study roadway segments was based on available traffic data, logical segment start/end points, facilities with known operational deficiencies, and other considerations (see “Roadway Network” Section on page 3.3-10 of the Regional Plan Update Draft EIS). The selection of intersections focused on those critical nodes that interconnect the state highways that form the backbone roadway infrastructure in the Tahoe Region. Use of traffic volumes collected during other times of the year would have likely resulted in reduced traffic volumes and improved operating conditions because the analysis was conducted for the busiest month of the year (August). Also, see the discussion above on the update to the travel model.

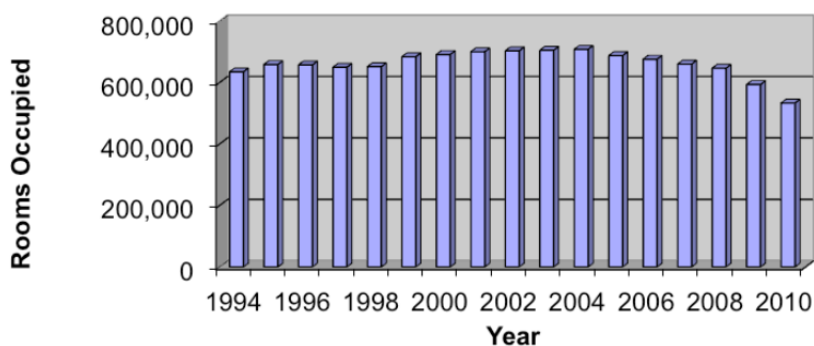
The comment states that the TRPA travel demand model does not appear to capture trips and traffic due to goods movement and construction. The existing conditions analysis of intersections and roadways accounts for trips associated with goods movement and construction by virtue of using traffic data collected in the field that include heavy vehicles. Future year conditions roadway and intersection level-of-service analysis continues to account for these types of trips by virtue of applying the difference method forecasting technique. This method adds the projected growth in traffic between the base and future year versions of the traffic model to the existing (measured) volume to obtain future year roadway and intersection volumes. According to page 19-1 of the *Lake Tahoe Resident and Visitor Model Report* (Parsons Brinckerhoff 2007), through visitors include not only recreational travel, but also commercial traffic. Part 4 of Appendix E shows that under 2035 conditions, the TRPA travel demand model estimates an additional 1,900 miles of travel per day associated with “through trips” for Alternative 3 versus Alternative 1. A portion of this travel includes movement of goods.

City of South Lake Tahoe Room Nights Rented (1999-2009)



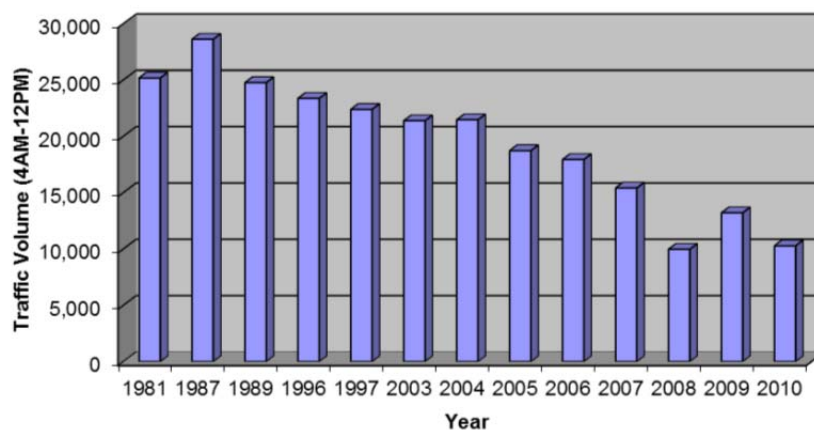
Source: City of South Lake Tahoe, Nevada Commission on Tourism

Stateline Nevada Hotel Rooms Occupied (1994-2010)



Source: Nevada Gaming Abstracts

Saturday of Presidents Day Holiday - U.S. Highway 50 at Park Avenue (1981-2010)



## Exhibit 3-6

## Changes in Visitation in Communities of the Tahoe Region



The TRPA model considers through truck trips that pass entirely through the Region without stopping. Trucks that have an origin and/or destination within the Region are not explicitly modeled. However, as noted on page 2 of the September 20, 2011 model validation memo (found in Part 3 of Regional Plan Update Draft EIS Appendix E and RTP/SCS Draft EIR/EIS Appendix C), the base year model over-predicts daily traffic levels at the Region's seven gateways by 2 percent, and over-predicts daily traffic levels at all 24 validation road segments by 7 percent. Thus, through slight over-estimations in other sub-models (e.g., resident or day use visitor models), the overall level of traffic predicted by the model slightly exceeds the observed counts despite not explicitly including a goods movement sub-model. Vehicle classification tube counts were placed at all seven gateways to the Tahoe Region on Friday, August 19, 2011. During this day, 3 percent of all vehicles were observed to be trucks (defined as having three or more axles). Data regarding trucking levels and travel patterns within the Tahoe Region is more difficult to quantify, making a goods movement sub-model difficult to develop to within an acceptable level of error tolerance. As described above, development of a goods movement sub-model is not necessary to comprehensively account for regional traffic impacts because the overall level of traffic predicted by the model exceeds the observed counts by 7 percent, and trucks are estimated to account for only 3 percent of vehicles entering the Region. Thus, the overestimation of the model balances out the lack of a goods-movement sub-model.

The comment states that if the VMT for goods movement and construction were considered, Alternative 3 would generate even more VMT than Alternative 1. Table 3.3-7 shows that Alternative 3 has a development potential of 4,160 housing units, 342 TAUs, and 583,600 square feet of commercial floor area. This absorption would occur over 25 years, which translates into an average annual absorption of 166 housing units, 14 TAUs, and 23,344 square feet of commercial. Using the numbers in Table 3.3-7 and the same methodology, Alternative 1 would have an average annual absorption of 38 housing units, 14 TAUs, and 15,344 square feet of commercial. Alternative 3 would generate additional construction trips beyond Alternative 1 associated with 128 additional housing units and 8,000 additional square feet of commercial floor area per year. This development would be spread throughout the Tahoe Region and would occur throughout the construction season. Both sets of absorption rates would result in a relatively modest level of construction travel on a daily basis when compared with all other trips. Therefore, there is no evidence to suggest that construction trips would significantly alter the VMT estimates for the RTP/SCS alternatives.

The comment states that the traffic counts for calibrating the model are limited (accompanying footnote references the monitoring location on US 50 at Park Avenue and 20 Caltrans count locations). The base year TRPA travel demand model was validated against existing (2010) traffic counts at 24 different locations throughout the Tahoe Region, including both California and Nevada count stations. The validation locations include highways that provide access to the Tahoe Region, and highways/streets within the Region that are key travel routes (including highways on all sides of the lake). Part 3 of Appendix E includes the detailed model validation results, which concluded that the model met all applicable validation tests. The comment concluded that "even with these weaknesses, the model should provide a reasonable basis for comparing the effects of alternative development strategies." The validation tests confirmed that the model is appropriate and provides a reasonable basis for comparing the effects of alternative development strategies.

The comment provides several comments or questions related to the analysis of vehicle trip reductions from bicycle and pedestrian facilities, transit, and other trip reduction that is

captured in the Trip Reduction Impact Assessment (TRIA) model. These are listed below and addressed in order.

- ▲ More research is needed to determine the extent to which bicycle and pedestrian path trips actually replace vehicle trips.
- ▲ VMT estimates are not reasonable because the adjustments using the TRIA spreadsheet are unnecessary, arbitrary, and indefensible.
- ▲ TRIA reductions are greatly overstated and should not be used because they are applied to vehicle trips rather than person trips via vehicle.
- ▲ TRIA reductions are not related to current mode shares based on an August 2010 mode share survey at 52 locations around the lake.
- ▲ Part 7 of Appendix E/C mentions a library of best practice case studies and a literature review supporting the trip reduction percentages for the various strategies, but does not cite a single source.
- ▲ TRIA assigns a bigger effect to transit trip planning and timed transfers than to operational changes, which does not make sense.
- ▲ VMT is based on summer trips, so snow removal on bike paths should not be included in the trip reductions.
- ▲ Trip reduction percentages for transit are unreasonably high compared to biking, walking and existing transit mode share.

The comment, *“More research is needed to determine the extent to which bicycle and pedestrian path trips actually replace vehicle trips,”* is addressed as follows. The TRPA travel demand model provides bicycle and pedestrian mode splits, but does not explicitly model the presence or absence of bicycle or pedestrian facilities. Therefore, it was necessary to incorporate into the TRIA model the types of bike and pedestrian facilities associated with a particular alternative. The TRIA model calculates reductions in different vehicle trip types ranging from 0.2 percent to 1.0 percent due to bicycle/pedestrian enhancements for a given alternative. The percentages vary by alternative, horizon year, and trip type. The reduction percentages are based on an analysis conducted using the Lake Tahoe Bicycle and Pedestrian Use Model, and documented in the Environmental, Economic, and Public Health Impacts of Shared Use Paths in Lake Tahoe, prepared for the TMPO by (Alta Planning and Design and LSC Transportation Consultants in December 2009). This analysis takes into account trips reduced by bicycle and pedestrian facilities, as well as trips generated by these facilities. The TRIA model used the overall VMT reduction generated in this report as the basis for its trip reduction assumptions. Although there are several bicycle facilities included in the analysis that are not in the RTP, these are rural facilities that are projected to generate vehicle trips due to their distance from community centers. This results in a conservative analysis, because it serves to lower the overall trip reduction percentage assumed by the TRIA. The Bicycle and Pedestrian Use Model analysis is based on actual counts on Lake Tahoe bicycle and pedestrian trails, and can be found on the TMPO web page, [http://www.tahoemp.org/bike\\_trail\\_model.aspx?SelectedIndex=3](http://www.tahoemp.org/bike_trail_model.aspx?SelectedIndex=3) (LSC Transportation Consultants, Inc. 2009). Additional research is not necessary because the existing information is reliable and provides a sufficient level of detail for this programmatic level of analysis. Because this analysis is conducted at a plan stage of review, it is premature to evaluate specific trails or projects.

The comment, *“VMT estimates are not reasonable because the adjustments using the TRIA spreadsheet are unnecessary, arbitrary, and indefensible,”* is addressed as follows. The use of

TRIA adjustments was necessary because evaluations of the travel demand model determined that it was not sensitive to transit system expansion, bicycle and parking investments, parking policy changes, and transportation demand management strategies. To capture the effects of the many transit, bicycle, pedestrian, and other non-auto projects and policies proposed by the Regional Plan Update and Regional Transportation Plan alternatives, it was necessary to develop a model that could augment the VMT estimate provided by the travel model. See the discussion at the beginning of this response about how the TRIA tool has been used in other areas, as well as in the Tahoe Region. The TRIA reductions used in the EIS and EIR/EIS analysis are based on studies specific to the Tahoe Region, in the case of transit, bicycle, and parking reductions, and a robust literature review for the remaining strategies. Part 7 of Appendix E in the Regional Plan Update Draft EIS and Appendix C of the Regional Transportation Plan Draft EIR/EIS, Methodology for Estimating VMT and GHG Emissions, provides significant detail on how these studies were used in the TRIA. Part 7 of Appendix E/C, as well as text later in this response also describe the actual Lake Tahoe studies used as references.

The TRIA reductions were applied in a manner that acknowledges that they will have differing levels of effectiveness in community centers versus other areas. Most TRIA programs have no effect for trips that have either an external origin or destination, and thus the TRIA reductions were not applied to those types of trips. For a given alternative, Table 3.3-13 of the Draft EIR/EIS shows three different percentages for these areas, which were then applied to the origin-destination pairs. Table 3-30, below, shows how the TRIA adjustments affect the calculation of VMT for the Tahoe Region for each alternative under 2035 conditions. According to this table, Alternatives 1 and 5 (consisting of Transportation Strategy Package A) have the least amount of VMT reduction, while Alternative 2 (consisting of Transportation Strategy Package B) has the greatest amount of VMT reduction.

Table 3-30. Pre- and Post-TRIA VMT Estimates						
Measure	Existing (2010) Conditions	2035				
		Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
Pre-TRIA VMT	1,984,600	2,169,100	2,181,400	2,175,500	2,288,800	2,353,600
(Percent Increase Over Existing Conditions)	--	9.30%	9.92%	9.62%	15.33%	18.59%
Post-TRIA VMT	1,984,600	2,141,100	2,094,300	2,131,000	2,244,800	2,321,100
(Percent Increase Over Existing Conditions)	--	7.89%	5.53%	7.38%	13.11%	16.96%
Reduction in VMT	--	28,000	87,100	44,500	44,000	32,500
Percent VMT Reduction due to TRIA		1.4%	4.4%	2.2%	2.2%	1.6%
Notes: - TRIA adjustments not applicable to existing (2010) conditions. - VMT includes all vehicle travel in Tahoe Region. Source: TRPA, 2012 and RTP/SCS Draft EIR/EIS and Regional Plan Update Draft EIS.						

The table above shows that while individual strategies may have as much as a 1.8 percent trip reduction potential in an urban area, once applied to the VMT for trips in urban areas this trip reduction is diminished. Table 3-30 above shows that the total trip reduction assumed due to the TRIA strategies in Alternative 3 is only 2.2 percent, even though the combined TRIA strategies were shown to have as much as a 4.3 percent reduction in community centers. See

the discussion below on additional adjustments that were made to the TRIA based on observations in this comment.

The comment, *“TRIA reductions are greatly overstated and should not be used because they are applied to vehicle trips rather than person trips via vehicle,”* is addressed as follows. The TRIA tool was designed to calculate a certain reduction in vehicle trips (regardless of occupancy) for all strategies, programs, and improvements. Each TRIA strategy calculates a percentage reduction in vehicle trips for three different types of trips: trips made within, to, or from community center areas; trips made completely within non-town center areas; and trips with either an external origin or destination. Trip reductions from each strategy were then applied to all trips in the appropriate trip category or categories. Part 7 of Appendix E of the Regional Plan Update Draft EIS and Appendix C of the RTP/SCS Draft EIR/EIS incorrectly referred to the vehicle trip reductions as being made to single-occupancy vehicle (SOV) trips. This has been corrected in the final document and is presented in Chapter 4 of the Regional Plan Update Final EIS and RTP/SCS Final EIR/EIS. The TRIA trip reductions are correctly applied to both single occupant and multi-occupant vehicles in the trip table.

In a footnote, the comment notes that the TRIA model assumes that 95 percent of projected transit ridership would come from existing [vehicle] trips, and questions whether this is a reasonable assumption, and whether the same is true for bicycle trips. The bicycle and pedestrian trip reduction estimate assumed that between 12 and 27 percent of new bicycle and pedestrian trips would be shifted from driving (depending on the location). These figures were based on bicycle trail user surveys conducted by the Tahoe Coalition of Recreation Providers for TRPA in 2007 (Lake Tahoe Basin Bike Trail Survey) (Tahoe Coalition of Recreation Providers 2007). The transit reductions assumed that 95 percent of projected transit ridership would come from existing vehicle trips based on the fact that almost all of the new routes proposed provide service for distances that are generally too long to be carried out by foot or by bicycle (i.e., inter-regional services, services from Incline Village to Sand Harbor). While some of the travel on these services could be induced travel (i.e., new trips that would not otherwise have been made), this percentage is likely low. The Lake Tahoe Waterborne Transit Analysis (Tahoe Transportation District February 1996), cites an induced travel percentage of 10 percent. Waterborne transit would likely have high appeal as a tourist attraction and, therefore, is likely to have a greater level of induced travel than other transit services, indicating that a 5 percent estimate for average induced travel is reasonable.

The comment, *“TRIA reductions are not related to current mode shares based on an August 2010 mode share survey at 52 locations around the lake,”* is addressed below. As mentioned previously, the TRIA reductions were developed to be applied as reductions to vehicle trips, and are applied only to the drive-alone and shared-drive trip tables. While mode share data collected in August 2010 provides important indicator data that is used to track success in shifting people from automobile travel modes to non-auto travel modes over time, it does not provide vehicle trip data. The proper way of implementing the TRIA adjustments into the traffic forecasting is to apply the percentage reductions directly to those trips that would be affected by the particular program, strategy, or improvement. TRIA reductions were not developed based on current mode shares, but instead were based on the actual trip reductions for each mode demonstrated through ridership and usage studies.

The comment, *“Part 7 of Appendix E/C mentions a library of best practice case studies and a literature review supporting the trip reduction percentages for the various strategies, but does not cite a single source,”* is addressed as follows.

Sources that are a part of the best-practice cases are listed below.

#### **Bike and Pedestrian Facilities**

- 1) LSC Transportation Consultants, Inc. 2009. Bicycle and Pedestrian Use Model. Prepared with assistance from Alta Planning + Design for the TMPO. September 2009. Available: [http://www.tahoempo.org/bike\\_trail\\_model.aspx?SelectedIndex=3](http://www.tahoempo.org/bike_trail_model.aspx?SelectedIndex=3)
- 2) Alta Planning + Design and LSC Transportation Consultants. 2009. Environmental, Economic and Public Health Impacts of Shared Use Paths in Lake Tahoe. Prepared for the TMPO. December 2009.

#### **Transit Services and Facilities**

- 3) LSC Transportation Consultants, Inc. 2005. Tahoe Area Regional Transit Systems Plan Study. prepared for TRPA. March 2005. Available: [http://www.trpa.org/documents/docdwnlds/tart\\_execsumm.pdf](http://www.trpa.org/documents/docdwnlds/tart_execsumm.pdf)
- 4) LSC Transportation Consultants, Inc. 2006. Tahoe Interregional/Intraregional Transit Study. Prepared for TRPA. June 2006. Available: <http://www.trpa.org/documents/docdwnlds/Inter%20Intra%20Final%20Report%206,6,06.pdf>

#### **Parking Management**

- 5) Kimley, Horn and Associates, Inc. 2010. City of South Lake Tahoe Parking Solutions Study Project. Prepared for the City of South Lake Tahoe. 2010
- 6) LSC Transportation Consultants, Inc. 1996. Nevada State Route 28 Recreational Traffic Management Study, Technical Memorandum, No 1, prepared for TRPA. 1996.
- 7) AECOM and Alta Planning + Design. 2010. Public Draft Nevada Stateline-to-Stateline Bikeway Project Feasibility Study Report. Prepared for the Tahoe Transportation District. December 2010.
- 8) South Lake Tahoe Parking Strategies Study, Final Report, prepared for the Tahoe Regional Planning Agency, by LSC & Associates, 1998
- 9) Leigh, Scott & Cleary (LSC), Inc. 1993 (July 23). Tahoe Regional Planning Agency Parking Management Standards Study, Technical Memorandum—Existing Tahoe Basin Parking Conditions and Standards, and Peer Community Parking Standards. Truckee, CA.
- 10) LSC Transportation Consultants, Inc. 2006 (May 4). Tahoe/Placer County Parking Improvement District Study—Public Draft Report. Prepared for the Placer County Redevelopment Agency. Tahoe City, CA.

### **Improved Transit Coordination/Real-Time Transit Information**

- 11) In the four months following our initial press coverage of Google Transit, ridership jumped 20.08 percent from the previous year. (NOTE: this was 2007 - 2008, so gas prices will have played a role too)

Trillium Transit. 2009 (April 27). Google Transit: Some numbers from Missoula, Montana (Trillium Solutions blog posting). Available at: <http://www.trilliumtransit.com/blog/2009/04/27/google-transit-some-numbers-from-missoula-montana/>. Downloaded October 20, 2012.

- 12) Bus ridership in Duluth, Minnesota, increased 12 percent since the Google system was added to its Web site last year, said Tom Elwell, marketing director for the local transit authority.

Dolmetsch, C., and A. Levy. 2007 (August 24). "Google May Start New York Transit Guide to Boost Adds (Update 2)." Available at: <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=asIR2A2kKcuY> Downloaded October 20, 2012.

- 13) User surveys in Brussels, Belgium indicate 90 percent satisfaction, resulting in a 6 percent public transport ridership increase on the lines equipped with these displays.

Victoria Transport Policy Institute. 2011 (November 24). Valuing Transit Service Quality Improvements: Considering Comfort and Convenience in Transport Project Evaluation. Available at: <http://www.vtpi.org/traveltime.pdf> . Downloaded on October 20, 2012. Page 20.

- 14) "Summertime parking and traffic problems at the resort town of Rehoboth Beach, Delaware, are addressed with seasonal Beach Bus service. Electronic signs at bus stops provide scrolling text messages and bus arrival time predictions. In the season following installation, "ridership increased over 13 percent from the year before. No additional service hours or miles were operated..."

- 15) Victoria Transport Policy Institute. 2011 (November 24). Valuing Transit Service Quality Improvements: Considering Comfort and Convenience in Transport Project Evaluation. Available at: <http://www.vtpi.org/traveltime.pdf> . Downloaded on October 20, 2012. Page 22.

- 16) Bus users attach a penalty time-equivalent value of 21 minutes to bus transfers, and rail users 37 minutes to transfers. This transfer penalty is in addition to, and independent of, actual waiting time. It arises from the additional stress/worry of having to do a transfer.

Balcombe, R., R. Mackett, N. Pauly, J. Preston, J. Shires, H. Titheridge, M. Wardman, and P. White. 2004. The Demand for Public Transport: a Practical Guide. TRL report, TRL593. Available at: [http://www.DemandForPublicTransport.co.uk, or http://eprints.ucl.ac.uk/1349/1/2004\\_42.pdf](http://www.DemandForPublicTransport.co.uk, or http://eprints.ucl.ac.uk/1349/1/2004_42.pdf) Accessed September 9, 2011.

**Dynamic Ridesharing**

- 17) The MIT "Real-Time" Rideshare Research program estimates a 2 percent reduction in VMT or 1 percent reduction in trips, if a ridesharing program were applied at a regional level.

MIT Department of Civil & Environmental Engineering. 2009 (February 2). MIT "Real-Time" Rideshare Research: Rideshare at MIT. Available at:  
<<http://ridesharechoices.scripts.mit.edu/home/ridesharemit/>>. Downloaded on October 20, 2012.

- 18) Todd Litman has tables of reduction in commute trips from ridesharing. For \$0 rideshare subsidy and \$0 parking charge, the trip reduction is 0 percent. Subsidy only needs to increase to \$1.30 subsidy per person per day - but still no parking charge - to result in trip reductions of 5.6 percent for a mode-neutral low density suburb. Activity centers might see reductions of 10.5 percent.

Victoria Transport Policy Institute. 2011 (January). Online TDM Encyclopedia. Available at:  
<[www.vtpi.org/tdm/](http://www.vtpi.org/tdm/)>. Downloaded October 20, 2011.

- 19) ULI, "Moving Cooler", 2009, <http://tinyurl.com/3buhldk>. Their modeling suggested that ridesharing was an attractive non-pricing strategy to reduce GHG emissions and could account for 0.5 – 2.0 percent fuel savings nationwide, depending on the level of deployment.

Cambridge Systematics, Inc. 2009 (July). Moving Cooler: An Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions. Urban Land Institute, Washington, DC.

The comment, *"VMT is based on summer trips, so snow removal on bike paths should not be included in the trip reductions, and transit trip reduction percentages are unrealistically high compared to biking, walking and existing transit mode share,* is discussed below.

As part of its continuing transportation planning efforts, TRPA re-examined the TRIA model and adjusted it by eliminating the factor for snow plowing of bike paths, which removed less than 0.1 percent of the modeled trip reduction; correcting a small mathematical error in the denominator used in the transit calculations; and appropriately grouping transit trip strategies by the location where they are anticipated to have the most impact – in urban areas, Region-wide, or to internal-external trips. Previously all transit strategies had been considered as a group and trip reduction factors were applied Region-wide, as described in Appendix E/C of the Regional Plan Update EIS and RTP/SCS EIR/EIS.

Transit trip reduction percentages are lessened to a small degree when these changes are made, compared to modeling results in the Regional Plan Update Draft EIS and RTP/SCS Draft EIR/EIS. In addition, certain transit strategies were added in the recalculation, because they are contained in the financially constrained project list, but were omitted from the previous TRIA model run. The revised model run included all of the transit operational strategies from the constrained project list; however, it did not include increased headways on US 50 transit service, because this data was not readily available. Adding the missing transit strategies improved the trip reduction. Overall, this recalculation of trip reduction indicated that the predicted VMT resulting from the original model run could be low by approximately 1.5 percent, considering all the revisions that both lessened and improved trip reductions. This difference would not be

large enough to result in a change in any of the significance findings or mitigation for any of the impacts related to VMT (including air quality, transportation, and greenhouse gas), because of one of two reasons: 1) there was already a finding of significant effect for all alternatives and the revised VMT would not be sufficient to make the impact substantially more severe or require additional mitigation; or 2) for impacts with a less-than-significant finding for one or more alternatives, impacts are either improving (as in the case of air quality), or the recalculated VMT estimates are not sufficiently different to cross the applicable significance criteria, so the significance finding does not change.

Other data do not support the conclusion that the TRIA over-estimates overall VMT reductions, however. There are sources indicating that the percentage trip reductions from bicycling and walking assumed in the TRIA model are conservative. The Center for Clean Air Policy *Transportation Emission Guidebook* (2012) attributes a 1 percent to 5 percent area-wide reduction in VMT due to the use of bicycles, which reflects the assumption that their use is typically for shorter trips. Also, in an independent review, Fehr and Peers found that the bicycling and pedestrian mode shares in other similar mountain communities, many of which have implemented bicycle- and walk-friendly strategies, are slightly higher than predicted in the Lake Tahoe Region. Part 8 of Appendix E in the Regional Plan Update Draft EIS and Appendix C of the RTP/SCS Draft EIR/EIS includes the memo by Fehr & Peers, which shows a range of between 1 and 17 percent bicycle mode share and between 3 and 25 percent walk mode share for similar mountain communities. This contrasts to the approximately 5 percent bike mode share and 12 percent walk mode share predicted in Alternative 3 from the TRPA Travel Demand Model, adjusted by the TRIA.

*The TRIA predicts more trip reduction from transit trip planning and timed transfers than from operational changes; however,* the TRIA spreadsheet presented in the Draft EIS and Draft EIR/EIS did not assign a larger trip percentage reduction to transit trip planning and timed transfers than to operational changes. The total percentage reduction assigned to transit trip planning and timed transfers in Alternative 3 in 2035, which realizes the greatest reduction from these strategies of all the alternatives, is 1.1 percent, applied only in community centers. Transit operational changes in Alternative 3 provide a reduction of 0.8 percent Region-wide and 1 percent to internal-external trips. When the trip planning and timed transfer percent reduction is applied to trips to and from the town centers, which make up less than 40 percent of all trips, the total trip percent reduction equates to approximately 0.4 percent. Region-wide transit operations reductions (0.8 percent) are applied to 75 percent of trips, and the internal-external transit operations percentage (1 percent) is applied to 25 percent of trips. This equates to an approximately 0.9 percent trip reduction. When the revisions to the TRIA that are discussed in the paragraph above are made, transit operational changes provide an 0.4 percent trip reduction and trip planning and timed transfers provide an 0.2 percent reduction.

The commenter suggests that the TRPA travel demand model should ideally account directly for transit, bicycle, and pedestrian improvements, and TDM strategies. While this would be ideal, few if any travel demand models are capable of accurately estimating changes in mode split due to these types of programs. These inherent limitations in models are explicitly noted in the *2010 Regional Transportation Plan Guidelines* (see pages 3.3-38 and 3.3-39 of Draft EIS).

Regarding other comments that do not directly relate to the overall VMT estimates, the following responses are provided.



The commenter suggests that speed data should be collected in locations where congestion is recurring, and asks whether there is sufficient data to determine that there are no other bottlenecks on the West Shore. This comment appears to focus on SR 28 along the West Shore of the lake. Page 3.3-14 of the RTP/SCS Draft EIS/EIR describes the lengthy vehicle queues that develop on the northbound SR 28 approach to the SR 28/SR 89 intersection in Tahoe City. In its comment letter dated June 28, 2012, Caltrans acknowledged that congestion on this segment of SR 28 is due to the pedestrian signal located at Fanny Bridge. Page 3.3-14 of the Draft EIS notes other areas within the Region that can experience congestion during certain peak periods including portions of US 50 in South Shore and the US 50/SR 89 (South Y) intersection. While there may be other, localized bottlenecks on the West Shore or in other parts of the Region, the Draft EIS analyzed the major roadway segments and intersections, which is in line with the regional-scale, plan-level analysis. Individual projects will analyze and mitigate for congestion effects at other intersections and road segments, in accordance with existing Code.

The commenter suggests that the Kings Beach commercial core improvement project might have the unintended consequence of diverting traffic to residential side streets, and that additional data on trip origin and purpose by time of day be collected in order to assess the potential for shifts from cars to bicycle or transit. The Kings Beach Commercial Core Improvement Project was studied and analyzed through a separate EIR/EIS. The project-specific effects that the comment references are not appropriate to examine in this Regional Plan EIS, but instead would have been addressed in the Kings Beach Commercial Core Improvement Project EIR/EIS.

The comment makes several observations about transit, including information about the types of people who use transit, what kinds of transit are effective, relative emissions from buses versus cars, and potential impacts from the ferry service. The comment states that the Regional Plan Update, RTP/SCS, Regional Plan Update EIS, and RTP/SCS EIR/EIS are overly optimistic about the circumstances under which transit can be effective. These comments offer no specific information or evidence that the analysis presented in the environmental document is inadequate; therefore, no further response can be provided. More specific comments on the analysis are addressed above. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, which describes how comments on the Plans are addressed.

The comment states that the ferry would directly impact the lake with potential fuel spills, shore damage from wave action, and construction of piers. These impacts are also project-specific and would depend on the type of vessel, speed of travel, and location and design of piers and fueling infrastructure. These impacts are not appropriate to address in a plan-level document, but will be addressed in a project-specific environmental review.

The comment states that the RTP's focus on VMT is misplaced, and that VMT estimates may be required for compliance with SB 375, but are not useful for determining delay or emissions. The comment is correct in that VMT is not used to calculate congestion or delay. However, VMT is the primary input into the calculation of greenhouse gas emissions. VMT is also used by TRPA as a Region-wide measure of travel, and because the amount of travel influences air quality, TRPA uses VMT as one of its Air Quality Threshold Standards. For these reasons, the Draft EIR/EIS includes a thorough investigation of existing VMT and future year VMT associated with each RTP/SCS alternative.

The comment states that careful analysis of basin traffic is needed to identify congested locations, the causes of congestion, and means to reduce it. The transportation analysis used state-of-the-practice analytical techniques to analyze roadways and intersections. The analysis quantified operations at 24 roadways and seven intersections. As part of the analysis, those facilities not operating at the applicable service levels were identified. Page 3.3-18 of the Draft EIS identified four roadway segments that currently do not meet the applicable TRPA LOS standards. The cause(s) of congestion may include a combination of factors including the physical configuration (number of lanes, grade, type of traffic controls, etc.) of the particular road and the volume of traffic (composed of a mix of visitors, seasonal residents, external workers, through travelers, and permanent residents). For those alternatives that identified that additional facilities would be affected, mitigation measures were proposed.

The comment states that the effects of bicycle, pedestrian, and transit programs are uncertain and raises follow-up questions regarding their operations, effectiveness, enforcement, and feasibility. These types of questions are reasonable to pose as part of a project-level study or environmental review (e.g., a proposed bike lane addition, a new transit service, etc.). While the comment is correct that it is not possible to know with certainty the effectiveness of these programs, the relative or potential effectiveness at a Region-wide level can be ascertained through localized studies, and studies based on other areas, which is what the TRPA travel demand model and TRIA model are based on. As in all cases with estimation and standards that must be achieved, on-going monitoring is necessary to ascertain whether programs are working as intended. The TRPA and the TMPO have on-going monitoring programs and report on standards and indicators frequently. Current status of threshold indicators can be found in the 2011 Threshold Evaluation Report. Additional detail on transportation indicators can be found in the 2010 Transportation Monitoring Program (TMPO 2010a). In Chapter 3 of the Regional Plan Update Draft EIS and the RTP/SCS Draft EIR/EIS, mitigation measures are established for the cases where potentially significant impacts may occur to transportation standards.

The comment states that the VMT per permanent resident measure is not indicative of Region travel, because the numbers of visitors and seasonal residents is large relative to the number of permanent residents. VMT per capita is analyzed in Impact 3.3-3 of the RTP/SCS Draft EIR/EIS only. As described on page 3.3-4, the California Air Resources Board established GHG reduction targets, which are expressed on a “per capita” basis, which is based on permanent residents. The VMT per capita measure is used in the analysis of compliance with the SB 375 GHG reduction targets for automobile and light/medium truck travel in California. It is also used to provide an indication of the relative efficiency of the combination of transportation and land use policies in each of the alternatives. While overall VMT increases in each alternative, VMT per capita does not, demonstrating that some alternatives provide better transportation efficiency than others. It is true that the VMT per capita measure does not include visitors and seasonal residents in the overall population used as the denominator. If it did include permanent residents, seasonal residents, and tourist visitors, VMT per capita would be lower. However, to evaluate whether transportation efficiency is improving over time, dividing overall VMT (including VMT contributed by visitors and seasonal residents) by the permanent population still provides useful information about the progress of the Region as a whole and a valid comparison between alternatives.

<b>Response 027</b>	<b>Ann Nichols North Tahoe Preservation Alliance 6/1/2012</b>
O27-1	The comment provides a hypothetical scenario to describe a potential homeowner utilizing the Transfer Development Incentive Program and asks numerous questions regarding the feasibility of this program and details of the process. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program, and Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response 028</b>	<b>Ann Nichols North Tahoe Preservation Alliance 6/1/2012</b>
O28-1	The comment expresses concerns with land use changes in the Regional Plan Update, including up-zoning of recreational uses, density increases, height increases, replenishing entitlements, and coverage transfers. The comment further expresses a desire to have a Plan that enforces completion of BMPs, encourages redevelopment instead of additive development, increases open space, and maintains the community character and quality of life. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, for a description of the changes to Alternative 3 since publication of the Draft EIS. In addition, see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as Master Response 10, Development on Recreation-Designated Lands.
<b>Response 029</b>	<b>Nevada Conservation League, Friends of Lake Tahoe, Friends of the West Shore, Tahoe Area Sierra Club Group, North Tahoe Preservation Alliance, League to Save Lake Tahoe, North Tahoe Citizen Action Alliance, and Sierra Club (Toiyabe Chapter) 6/1/2012</b>
O29-1	<p>The comment expresses concern that TRPA is reversing crucial regulations in the Compact and urges the Governing Board to exercise prudence in maintaining the environmental thresholds.</p> <p>As stated in Section 2.1, Introduction, of Draft EIS Chapter 2, Regional Plan Update Alternatives, “the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards.” All five proposed alternatives, as analyzed in the Draft EIS, are designed to meet the intended purpose of the Regional Plan Update.</p> <p>This comment does not raise environmental issues or specific concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.</p>

Please also see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, which addresses comments on plan provisions.

**Response  
030**

**Ann Nichols  
North Tahoe Preservation Alliance  
4/25/2012**

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O30-1 The comment expresses opposition to the approval process associated with a specific previously approved project, as well as opposition to specific height allowances associated with the previously approved project. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of the Regional Plan Update EIS, which is an environmental analysis of a regional-scale plan. No further response is necessary.

**Response  
031**

**Ann Nichols  
North Tahoe Preservation Alliance  
6/27/2012**

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O31-1 The comment expresses concern related to the marketable rights accounting methods used to establish baseline in the Draft EIS. TRPA used the best available information to develop estimates of existing development, banked commodities, and coverage in the Region. Information contained in the Draft EIS identifies pre-1986 development and development allocations released under the 1987 Regional Plan (Table 3.2-2). Tables 3.2-3 through 3.2-5 provide information related to the accounting and distribution of the remaining residential bonus units, CFA, and TAUs. Chapter 2 of the Regional Plan Update EIS, Regional Plan Update Alternatives, includes the level of proposed allocation under each alternative. The development potential under each alternative is described in Impact 3.2-1, Development Pattern and Land Use Compatibility in the Draft EIS. Accounting of existing development and discussions related to anticipated development patterns in the Draft EIS represent a good faith effort by TRPA to provide meaningful information to decision-makers and the general public.

Additionally, in response to the recent availability of updated information, estimates for banked commodities and existing development have been revised (see Master Response 9, Consideration of Banked Commodities for more information). The comment states that the population numbers are underestimated because they are from the Census Bureau and do not consider second home-owners or visitors. This oral comment is the same as written Comment O26-2 provided by the same commenter. See Response to Comment O26-2, above.

**Response  
032**

**Ann Nichols  
North Tahoe Preservation Alliance  
5/23/2012**

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O32-1 The comment asks for clarification regarding from which pool the development right transfers will originate. The comment further provides a hypothetical scenario to describe a homeowner utilizing the Transfer Development Incentive Program, and asks numerous questions regarding the feasibility of this program and details of the process. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. However, as explained in Attachment 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of transfer

incentives and the resulting restoration and/or retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would require a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements. Please see also Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program, as well as Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

**Response  
033**

**Ann Nichols  
North Tahoe Preservation Alliance  
5/23/2012**

O33-1

The comment asks for clarification of specific aspects of the Regional Plan Update, including the number of acres being converted to the recreation designation, specific planning for the recreation designation, and the number and allowable types of uses for bonus units. Please see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, and Master Response 10, Development on Recreation-Designated Land, for important changes to this policy since release of the Draft EIS. See also Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment further questions the effectiveness and feasibility of the Transfer of Development Rights Program included in the Draft Plan, particularly from the perspective of a homeowner. As explained in Attachment 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of transfer incentives and the resulting restoration and/or retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would require a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements. In addition, please see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.

**Response  
034**

**Greg Jones  
Sierra Business Council  
6/27/2012**

O34-1

The comment expresses support for Regional Plan Update Alternative 3. The comment of support is noted for consideration during project review.

**Response  
035**

**Bob Rowen and Forrest McCarthy  
Snowlands Network and Winter Wildlands Alliance  
6/27/2012**

O35-1

The comment introduces Snowlands, states that they participated in Pathway 2007 and 2010, and states that they are submitting comments on the Draft Regional Plan and Draft EIS. It also states that Winter Wildlands Alliance joins in Snowlands' comments. The comment then proposes editorial revisions to Regional Plan policies (AQ-1.3A, WQ-3.8, R-2.1), as well as new policies related to noise and recreation, all of which relate to low-impact winter recreation opportunities (backcountry skiing, Nordic skate skiing, and snowshoeing) and the loss of such opportunities to motorized recreation and closure of Nordic ski areas. The comment also urges TRPA to ban carbureted two-stroke snowmobiles from the Lake Tahoe Region.

This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions are addressed. This comment's proposals are noted for consideration during the review of the merits of the alternatives.

O35-2 The comment states that existing federal, state, and local restrictions on snowmobile noise are inadequate to preserve the Lake Tahoe recreational experience and that snowmobile use has not been confined to appropriately designated areas. The comment calls for a new noise policy to address limiting noise in wilderness and backcountry environments to address this issue. These comments refer to proposed provisions of the Regional Plan Update and do not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions are addressed. This comment's proposals are noted for consideration during the review of the merits of the alternatives.

O35-3 The comment states that TRPA should be concerned about the impact of snowmobiles on Lake Tahoe clarity, specifically calling out soil compaction and air pollutant emissions, and again urges TRPA to ban two-stroke engines.

The request to consider a ban on two-stroke snowmobile engines is noted, but is outside of the scope of this Regional Plan Update. The comment pertains to policies included (or not included) in the Plan and not to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions are addressed. This comment's proposals are noted for consideration during the review of the merits of the alternatives.

O35-4 The comment states that snowmobiles are a major contributor of pollution in the Lake Tahoe Region and that on heavy recreation days, snowmobile use could (by itself) cause TRPA's air pollution threshold to be exceeded.

As stated in Section 1.4 of the Draft EIS, the purpose of the EIS is identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts. The Regional Plan Update alternatives, as summarized side-by-side in Table S-1 of the Draft EIS, do not propose policies that would change snowmobile usage in the Region. Because there is no evidence suggesting that snowmobile usage (or aircraft or boating activity) will increase substantially under the Regional Plan Update alternatives, emissions from these sources are not specifically analyzed.

Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions are addressed. This comment's proposals are noted for consideration during the review of the merits of the alternatives.

O35-5 The comment states that multi-use recreation areas are dominated by motorized uses and are therefore not available for human-powered recreation. The comment further states that cross-country skiing, backcountry skiing, and snowshoeing should all be encouraged, even at the cost of displacing motorized winter sports.

This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions are addressed. This comment's proposals are noted for consideration during the review of the merits of the alternatives.

With regard to the details of the issues provided in Exhibit A, as explained in the Response to Comment O35-4 for the air quality analysis, the purpose of the EIS is to identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts. The Regional Plan Update alternatives, as summarized side-by-side in Table S-1 of the Draft EIS, do not propose policies that would change snowmobile usage in the Region. Because there is no evidence suggesting that snowmobile usage (or aircraft or boating activity) will change substantially under the Regional Plan Update alternatives, impacts specifically related to snowmobile usage are beyond the scope of this EIS.

Specific projects related to snowmobile usage in the Region would be subject to individual environmental review and would be analyzed at the project level. The purpose of the Regional Plan Update is not to analyze every possible type of project that may occur during the planning horizon. As explained in Section 1.4, Purpose of the Draft EIS, on page 1-5, "the broad geography and long timeframe to which the Regional Plan applies, and the policy-oriented nature of its guidance, is such that the Draft EIS environmental impact analysis is prepared at a policy level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. As such, the Draft EIS focuses on the potential effects of policies, which—because they are to be implemented through as-yet-undefined projects over the duration of the Plan—are inherently less precise. The Draft EIS is not intended to take the place of project-specific environmental documentation that will be needed to implement actions anticipated to occur following approval of the Regional Plan, nor does it contain sufficient analytical detail for TRPA to approve site-specific projects that may be proposed in the future consistent with the Plan."

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**Response  
036**

**The South Tahoe Association of Realtors®  
6/4/2012**

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O36-1

The comment expresses support for Regional Plan Update Alternative 3. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.

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**Response  
037**

**Hayley Williamson  
South Tahoe Association of Realtors  
5/24/2012**

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O37-1

The comment expresses support for Regional Plan Update Alternative 3 and recommends against point-of-sale mandate for BMPs in Alternatives 2 and 5. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the

environmental document. The comment is noted for consideration during project review. No further response is necessary.

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**Response  
038**

**Jacquie Chandler  
Sustainable Tahoe  
6/25/2012**

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O38-1 The comment expresses concerns regarding TRPA funding being associated with permit fees and recommends an annual fee based on property square footage. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on plan provisions are addressed.

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**Response  
039**

**Jaquie Chandler  
Sustainable Tahoe  
6/27/2012**

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O39-1 Comment O39-1 provides information related to Sustainable Tahoe. No response is necessary.

O39-2 The comment suggests an impact fee. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.

O39-3 The comment suggests reward programs for environmental stewardship. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.

O39-4 The comment suggests methods to retire SEZ coverage. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.

O39-5 The comment suggests that existing and new buildings are required to incorporate green building and energy-efficient design. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.



- O39-6 The comment addresses the approach to Area Plans. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. In addition, please see Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, for a description of importation changes to Alternative 3 since publication of the Draft EIS, including revisions related to Area Plans.
- O39-7 The comment suggests ferry transportation. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.
- O39-8 The comment suggests that geotourism be encouraged. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.
- O39-9 The comment suggests a watershed approach to gain environmental benefits. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.
- O39-10 The comment suggests that TRPA and TMPO take a greater leadership role in promoting green design, energy efficiency, innovations in transit technology, and geotourism. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.

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**Response  
040**

**Jaquie Chandler  
Sustainable Tahoe  
6/27/2012**

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- O40-1 This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.

<b>Response 041</b>	<b>Laurel Ames Tahoe Area Sierra Club 6/27/2012</b>
O41-1	This comment includes suggestions for revisions to the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.
<b>Response 042</b>	<b>Laurel Ames Tahoe Area Sierra Club 4/26/2012</b>
O42-1	The comment includes recommendations on the Regional Plan Update associated with coverage and stormwater infiltration. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's proposal is noted for consideration during the review of the merits of the alternatives.
<b>Response 043</b>	<b>Bob Anderson Tahoe Area Sierra Club 6/28/2012</b>
O43-1	<p>The comment expresses the general opinion that the environmental documents are not adequate and do not disclose impacts of the alternatives or satisfy environmental review requirements. The comment raises concerns about the nearshore of Lake Tahoe. The comment indicates that a comment letter will be submitted, and requests that the deadline for comments be extended.</p> <p>The comment offers no specific information or evidence that the analyses presented in the Regional Plan Update Draft EIS or the RTP/SCS Draft EIS/EIR are inadequate; therefore, no further response can be provided. Please see also Master Response 2, Duration of Public Comment Period.</p>
<b>Response 044</b>	<b>Gary Davis Gary Davis Group 6/27/2012</b>
O44-1	The comment raises issues associated with the distribution of TAUs and the adequacy of incentives. Please refer to the Responses to Comments I26-2 and I26-3, which address issues related to TAUs. No issues related to adequacy of the analyses in the EIS are raised. The comment supports the bike trail exemptions and Area Plans, but objects to the notion that LOS is a good metric to use for successful transportation. Comments that provide support or raise opposition to provisions of the Plan will be considered during project approval processes.

<b>Response 045</b>	<b>John Falk Tahoe Sierra Board of Realtors 4/26/2012</b>
O45-1	This comment includes several suggestions pertaining to the Plan. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed. This comment's suggestions are noted for consideration during the review of the merits of the alternatives.
<b>Response 046</b>	<b>Casey Blann Lake Tahoe South Shore Chamber of Commerce 6/28/2012</b>
O46-1	The comment includes prefatory remarks to comment letter O46. No response is necessary.
O46-2	The comment expresses support for many components of Alternative 3 of the Regional Plan Update and RTP/SCS. The comment of support is noted.
O46-3	The comment recommends that the air quality mitigation fee basis be extended and requests that an analysis of how air quality mitigation fees improve air quality be included in the EIS. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include this proposal. As discussed in Chapter 2, the air quality impacts of the Final Draft Plan would be less than significant (even with the extension of time for air quality mitigation fees) and, therefore, no mitigation is required.
O46-4	This comment recommends that the ADA-Compliant Access coverage exemption be incorporated into Alternative 3. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include this proposal.
O46-5	This comment recommends that the coverage reductions strategies of Alternative 4 be adopted. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. This comment's recommendation is noted for consideration during the review of the merits of the alternatives.
O46-6	The comment questions whether local jurisdictions can object to, or attach conditions to, the export of development resources from sensitive lands or outside of urban areas to another jurisdiction. This comment does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, where comments on Plan provisions are addressed.
<b>Response 047</b>	<b>B. Gorman Tahoe Prosperity Center and Lake Tahoe South Shore Chamber of Commerce 4/26/2012</b>
O47-1	This comment expresses general support for the progress on the Regional Plan Update. The comment of support is noted.

<b>Response 048</b>	<b>B. Gorman Lake Tahoe South Shore Chamber of Commerce 5/24/2012</b>
O48-1	The comment expresses general support for the Regional Plan Update and RTP/SCS. The comment of support is noted.
<b>Response 049</b>	<b>Gary Davis, P.E. Tahoe City Downtown Association 5/21/2012</b>
O49-1	The comment provides an introduction to the letter and expresses support for Alternative 3. The comment of support is noted.
O49-2	The comment expresses support for many components of Alternative 3 of the Regional Plan Update. This comment will be considered during discussions of the merits of the Plan.
O49-3	The comment expresses support for many components of Alternative 3 of the RTP/SCS. This comment will be considered during discussions of the merits of the Plan.
O49-4	The comment expresses concern that no new TAU allocations are proposed under Alternative 3. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
O49-5	The comment states that LOS is not an appropriate metric for impacts on roadway segments and defeats the purpose of getting people out of their cars. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria.
O49-6	The comment recommends that the air quality mitigation fee basis be extended. See Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan. This policy recommendation of Alternative 4 has been added to Alternative 3 in the Final Draft Plan.
O49-7	The comment supports the prioritization of coverage reduction strategies, as defined in Alternative 4. This comment of support will be considered during project approval processes.
O49-8	The comment recommends incentives to encourage the transfer of TAUs across jurisdictional boundaries. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as the Response to Comment I26-2.
<b>Response 050</b>	<b>Nicole Gergans League to Save Lake Tahoe 6/28/2012</b>
O50-1	This comment provides corrections to Comment Letter O16 and does not address issues pertaining to the Regional Plan Update or EIS.

<b>Response 051</b>	<b>Shannon Eckmeyer League to Save Lake Tahoe 5/16/2012</b>
O51-1	The comment requests an extension of the public comment period. Please see Master Response 2, Duration of Public Comment Period.
<b>Response 052</b>	<b>Darcie Collins League to Save Lake Tahoe 6/27/2012</b>
O52-1	The comment states that a comment letter will be submitted. No response is necessary.
<b>Response 053</b>	<b>League to Save Lake Tahoe Shannon Eckmeyer 5/23/2012</b>
O53-1	The comment expresses concerns related to the extension of the urban boundary and the allowance of development in the recreation districts. None of the Regional Plan Alternatives propose extension of the urban boundary. The proposal associated with development in recreation-designated lands under Alternative 3 has been modified as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan. Also, please see Master Response 10, Development on Recreation-Designated Land.
<b>Response 054</b>	<b>Tahoe Prosperity Center Thomas Greene 5/24/2012</b>
O54-1	This comment expresses support for Regional Plan Update Alternative 3. The comment of support is noted.

**I: INDIVIDUALS**

<b>Response I1</b>	<b>Derrek Aaron 6/25/2012</b>
I1-1	The comment requests that future development projects focus on areas that are in the worst condition, also known as “Site Repair,” before developing on intact sites. As a Regional Plan, the purpose of the action is to establish policy to create a comprehensive blueprint for the sustainable future of the Tahoe Region. Selection of specific sites for development or redevelopment is beyond the scope the Regional Plan. The comment is noted.
I1-2	The comment requests that the parking garage proposed in Kings Beach be set back and not visible from North Lake Boulevard and suggests using other buildings, natural walls, shops, and houses to hide the structure. The EIS addresses a Regional-scale, policy-level plan and it is not feasible to address site-specific projects or activities. As described in the Draft EIS on page 1-8, “the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based.” The comment is noted.
I1-3	The comment provides suggestions regarding the design of the South Shore Casino District, including building height requirements and building connections. Alternative 3 proposes specific height limitations and other design features that, coupled with existing regulations, are intended to improve the scenic quality of the High Density Tourist District. Section 3.9, Scenic Resources, of the Draft EIS contains a thorough analysis of the scenic impacts resulting from each of the alternatives under consideration.
<b>Response I2</b>	<b>Don Acolino 4/26/2012</b>
I2-1	The comment expresses overall support for the Regional Plan Update and the need for an alternative that mitigates regulatory barriers to environmental redevelopment, reduces automobile dependency, supports growth control and open space preservation, and creates a seamless permitting process. This comment expresses support for the Regional Plan Update. The comment is noted for consideration during the review of the merits of the alternatives. The commenter also supports a 60-day review process. See Master Response 2, Duration of Public Comment Period.
<b>Response I3</b>	<b>Dominic Acolino 5/24/2012</b>
I3-1	The comment expresses support for Regional Plan Update Alternative 3, in particular the rerouting of U.S. 50 in the South Shore Casino Core District. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I4</b>	<b>Mike Allen 6/28/2012</b>
I4-1	The comment requests that the South Lake Tahoe entrance and U.S. 50 corridor be addressed more thoroughly in the Plan. This comment refers to proposed provisions of the Regional Plan

Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. Furthermore, please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I5**


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**Mindi Befu  
6/18/2012**


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- I5-1 The comment expresses general support for Regional Plan Update Alternative 3, noting the integration of ideas from the Pathway Forum, Place-Based planning, and public input as benefits to this alternative. The comment of support is noted.

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**Response  
I6**


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**Mindi Befu  
5/24/2012**


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- I6-1 The comment expresses support for adopting the Regional Plan Update rapidly and opposes extending the public review period. See Master Response 2, Duration of Public Comment Period.
- The comment expresses general support for Regional Plan Update Alternative 3, noting the integration of economic revitalization and environmental restoration as benefits to this alternative. The comment of support is noted.

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**Response  
I7**


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**Larry Benoit  
6/26/2012**


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- I7-1 The comment offers introductory remarks regarding the commenter's professional background and qualifications in relation to water quality.
- I7-2 The comment states that improved roadway operations and TMDL should be included in all Regional Plan alternatives and that these types of programs should be considered baseline requirements for the Regional Plan Update rather than mitigation measures for particular alternatives. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I7-3 The comment asserts that the Watershed Model is inadequate to analyze the impacts of transferred and concentrated impervious coverage, and that restoration of hard coverage in areas of land capability 1a and 1c has limited success and should not be counted as complete mitigation for coverage transfers. Additionally, the comment raises concerns that proposed

regulations will concentrate coverage in community centers to levels difficult to mitigate using current parcel-based infiltration requirements and therefore proposed coverage policies could result in water quality impacts.

The following bullets respond to each separate issue raised in the comment:

- ▲ Effect of transferred and concentrated coverage: Please refer to Master Response 5, Effects of Concentrated Development on Water Quality, regarding the effects of concentrated development in community centers, which includes a supplemental analysis of relative water quality impacts from proposed coverage policies in community centers on pollutant loading.
- ▲ Restoration of land capability 1a and 1c: As summarized in Table 3.7-3 of the Draft EIS, land capability 1a and 1c are classified as high hazard lands, which include little to no soil mantle and very steep slopes with shallow soils. Consequently, the comment is correct to point out that successful restoration of these lands can be challenging. However, also by definition, these lands are not suitable for development. Removal of coverage and restoration of these lands, even if initial restoration cannot completely restore all desired functions of the land, will provide environmental benefits. Additionally, the TRPA BMP Handbook is a living document intended to be updated with new and more effective BMP and restoration techniques as ongoing and future research allows.
- ▲ Constraints associated with parcel-based infiltration systems in areas of concentrated development: Project proposals will still require site-specific analysis and BMP design to meet regulatory requirements. The Code of Ordinances requires that constrained parcels must treat stormwater runoff to TRPA concentration-based discharge standards prior to stormwater runoff leaving the parcel (Final Draft Code of Ordinances Section 60.4.8). Furthermore, the Final Draft Plan places more emphasis on the use of area-wide treatment systems, which will provide additional options for constrained parcels to meet water quality requirements.

The Watershed Model represents the best available information and the most recent and comprehensive tool to look at Basin-wide effects of build-out. The Watershed Model provides a conservative analysis through the assumption that all coverage is connected, though much of the Basin's coverage is not connected. No alternative tool or methodology to perform the associated analyses was suggested. No changes to the document are required.

17-4

The comment suggests that, prior to approval of proposed coverage policies, each proposed community center should develop a water quality analysis and plan that determines if parcel-based infiltration requirements are feasible and, if deemed infeasible, establish a plan for area-wide treatment facilities. See the Response to Comment 17-3 regarding constraints associated with parcel-based infiltration systems in areas of concentrated development. Future project-specific analyses may or may not involve an analysis at the community center scale, but site- and project-specific analyses would be required to determine appropriate site design, acceptable levels of coverage, and appropriate BMP design, installation, and maintenance to ensure applicable water quality standards are met.



<b>Response I8</b>	<b>Larry Benoit 5/24/2012</b>
I8-1	The comment states that it was not clear that the 60-day public comment period was for the Draft EIS only. The comment states that Chapter 60 of the Draft Code of Ordinances (Water Quality) is inadequate to represent the promise of the Regional Plan Update and to implement it. The comment states that the Code only represents the Regional Plan Update “No Project” alternative. The comment is incorrect; the Code represents Alternative 3, which (as modified) is the Final Draft Plan. The comment pertains to the Code of Ordinances and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I9</b>	<b>Brian Bigley 6/25/2012</b>
I9-1	The comment states that the current Plan is flawed and that there must be a better way to balance business and livelihood with preservation in the Region. This comment refers to proposed provisions of the Regional Plan Update and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, regarding the Plan review and adoption process and where comments on plan provisions are addressed.
<b>Response I10</b>	<b>Shannon Birkholm 4/25/2012</b>
I10-1	The comment expresses support for Alternative 3, specifically incentives for business owners to transfer development rights, modifying land coverage regulations, and improving the economic vitality and living conditions in the Region. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I11</b>	<b>Casey Blann 5/24/2012</b>
I11-1	The comment supports the ideas and approaches contained in a modified Alternative 3. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I12</b>	<b>Mike Bradford 6/28/2012</b>
I12-1	The comment expresses general support for Alternative 3 of the Regional Plan Update, stating that it supports the long-term vision of the South Shore regarding outdoor recreational use and creation of urbanized areas that are environmentally sensitive. The comment of support is noted.

<b>Response I13</b>	<b>Lorie Chapman 5/1/2012</b>
I13-1	The comment raises concerns with enforcement of BMPs on bank-owned homes. TRPA employs the same enforcement practices to bank-owned homes as other homes. If the party responsible for the bank-owned home is unresponsive, the property is flagged as under enforcement in the TRPA database. The property will not be able to obtain any future TRPA permits until the enforcement issue is resolved. Chapter 2, Revisions to Alternative 3: Final Draft Plan, in this Final EIS includes a priority task to create a BMP Subcommittee of the Governing Board to address BMP compliance issues. This topic falls under the purview of that committee. Please see Attachment 5 of the Final Draft Goals and Policies. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. The comment is noted for consideration during project review.
<b>Response I14</b>	<b>Natalie Collin 5/24/2012</b>
I14-1	The comment expresses the desire to see a downtown area that supports a community feeling, as well as being targeted or centered around recreation. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I15</b>	<b>Jason Collin (per Heidi Hill Drum) 6/28/2012</b>
I15-1	The comment expresses support for the Regional Plan's broad look at environmentally sustainability via economic and social infrastructure projects. The comment is noted for consideration during discussions related to the merits of the Plan.
<b>Response I16</b>	<b>Jon Copeland 6/27/2012</b>
I16-1	The comment expresses support for the overall goals of the Regional Plan and the Regional Transportation Mobility 2035 Plan, more specifically Transportation Strategy Package B. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I17</b>	<b>Cathy, Tom &amp; Will Crumpton 6/26/2012</b>
I17-1	The comment states that the current rules should be followed and that the Regional Plan Update would allow for too much growth and not enough protection for Lake Tahoe. The comment offers no specific information or evidence that the analysis presented in the environmental document is inadequate; therefore, no further response can be provided.

<b>Response I18</b>	<b>Jessica Cunningham 6/28/2012</b>
I18-1	The comment expresses support for Alternative 3 of the Regional Plan Update and RTP/SCS. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I19</b>	<b>Mary Cushing 5/14/2012</b>
I19-1	The comment requests an additional 90 days to review the Plan. See Master Response 2, Duration of Public Comment Period. The comment also expresses opposition to urban sprawl and high density development. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.
<b>Response I20</b>	<b>Joy Dahlgren 6/17/2012</b>
I20-1	<p>The comment asks if the TRPA travel demand model was run by TRPA staff or a consultant. The model is maintained and operated by TRPA staff. Inputs and output from the model runs including vehicle trip tables, loaded (model generated volumes onto roadways) roadway networks, and socioeconomic/land use spreadsheets were developed by TRPA staff. The results of modeling were provided to the transportation consultant (Fehr &amp; Peers) on the EIS and EIR/EIS team for use in preparing environmental analysis.</p> <p>The comment asks if the model includes effects of bike/pedestrian travel time or safety in the mode choice parameters. The model does include the effects of bicycle and pedestrian travel time in the mode choice parameters, but not the effects of safety. According to the <i>Lake Tahoe Resident and Visitor Model Report</i>, which provides the documentation for how the model works, (Parsons Brinckerhoff, 2007, p. 6-24), travel time is the primary component in the model for all modes of travel, including non-motorized transport. Safety is not a variable in the mode choice equation.</p> <p>The comment asks if the model includes the effects of transit wait times and travel time in the mode choice parameters. As noted above, travel time is the primary component for all modes of travel, including transit. According to page 20-3 of the <i>Lake Tahoe Resident and Visitor Model Report</i>, the transit wait time is included in the travel time estimate. A "Value of Time" variable is also included in the mode choice equation to account for the cost of transit fares.</p> <p>The comment asks if the TRIA tool was developed by TRPA or a consultant. The TRIA tool was developed by Nelson/Nygaard in consultation with TRPA staff.</p> <p>The comment asks how the TMPO Bicycle Trail User model was used in developing the TRIA tool. The TMPO Bicycle Trail User model was used to develop VMT reduction/increase estimates for proposed trail corridors around the Lake Tahoe Region, based on user counts and surveys from studies conducted by the Tahoe Coalition of Recreation Providers, TMPO, and Tahoe City Public Utility District. Depending on the location and type of trail, some trails may generate trips, while others reduce trips. However, in aggregate, the full network of the bicycle trails</p>

planned by the TRPA and TMPO is estimated to result in an overall VMT reduction, as shown by the Bicycle Trail User model and documented in the Environmental, Economic, and Public Health Impacts of Shared Use Paths in Lake Tahoe, prepared for the TMPO by Alta Planning and Design and LSC Transportation Consultants in December, 2009 (LSC Transportation Consultants 2009). This VMT reduction was converted into total trip reduction for the TRIA tool.

The comment asks exactly what bicycle trails, transit projects, and operational changes were assumed in the travel demand model and TRIA. Please see Response to Comment O26-10.

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**Response  
I21**

**Joy Dahlgren  
6/17/2012**

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I21-1

The comment asks how the TRIA reductions are applied to the daily zone-to-zone vehicle trip matrix as part of the VMT calculations. The TRIA reductions were applied in a manner that acknowledges that they will have differing levels of effectiveness in Town/Community Centers versus other areas. Most TRIA programs have no effect for trips that have either an external origin or destination, and thus the modest TRIA reductions were applied to those types of trips. For a given alternative, Table 3.3-13 of the Draft EIR/EIS shows three different percentages for these areas, which were then applied to the origin-destination pairs. Trip reduction percentages for Town/Community Centers were applied to all trips that had either an origin or a destination in a town center. Trip reduction percentages for "Other areas" were applied to all trips that had origins and destinations outside of Town/Community Centers, but within the Tahoe Region. Trip reduction percentages for Internal/External trips were applied to all trips with either an origin or a destination outside the Region. See Response to Comment O26-10 for a discussion of revisions made to the TRIA reductions.

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**Response  
I22**

**Joy Dahlgren  
6/26/2012**

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I22-1

The comment states that TRPA has been unsuccessful in stopping runaway development and the clarity of the Lake has declined. This comment does not raise specific environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

I22-2

The comment suggests that the focus of the Regional Plan Update should be lake clarity and expresses a view that new development, redevelopment, and features that reduce VMT will not improve the condition of the Lake. The comment states the exercise in VMT reduction is a diversion from the central issue of which development scenario would best protect the Lake. Lake clarity is a major area of focus of the Regional Plan Update. As stated in Section 2.1 of the Draft EIS, the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental Threshold Standards. These environmental Threshold Standards include water quality standards. VMT is also one of the Threshold Standards that the Region must meet and maintain, and therefore a focus on VMT is appropriate for the EIS. As described in the paragraph below, VMT has impacts on water quality.

The existing Regional Plan was adopted by the Tahoe Regional Planning Agency (TRPA) in 1987, although amendments to elements of the Plan have been adopted over time, the Plan still reflects the issues that were most important at that time: rampant growth and the threat of irreparable environmental damage from inappropriate development. To make the Regional Plan more relevant for contemporary challenges in the Region, the Regional Plan Update contains modified goals, policies, and implementation measures to expedite Threshold Standard attainment and better address the major issues of today, including water quality, environmental redevelopment, and community sustainability. Water quality for Lake Tahoe pelagic (deep) waters and Lake Tahoe littoral (nearshore) waters are Threshold Standards that the Region must meet and maintain. Impact 3.4-7 in the EIS and EIR/EIS addresses deposition of nitrogen and phosphorous from the atmosphere into Lake Tahoe and determined that implementation of the Regional Plan Update and the RTP/SCS would support achievement of the TRPA Threshold Standard for atmospheric nitrogen deposition.

The comment also expresses concern regarding how VMT is estimated, particularly for Alternatives 1 and 3, but concludes that “these differences are well within the range of error given the way VMT is estimated.” Please see Response to Comment O26-10.

The comment further states that densification of town centers and all the proposed transportation measures will not make much difference in VMT. Please refer to Master Response 11, Effectiveness of Town Centers in Reducing VMT, regarding the effects of built environmental variables on travel.

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**Response  
I23**

**Joy Dahlgren  
6/27/2012**

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I23-1

The comment suggests that the focus of the Regional Plan Update should be Lake clarity and expresses a view that new development, redevelopment, and features that reduce VMT will not improve the condition of the Lake.

Please see the Response to Comment I22-2, which addresses the same concerns raised in this comment.

The comment also questions how Alternative 3, which encourages more development in urban areas that are closer to the Lake, can increase Lake clarity. Please see Master Response 5, Effects of Concentrated Development on Water Quality, for a discussion of the impacts of transferring development to Town Centers.

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**Response  
I24**

**Susan Daniels  
6/28/2012**

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I24-1

The comment expresses concern with turning over review processes to local governments.

The comment is apparently referring to Area Plans proposed under Regional Plan Update Alternative 3 and, as revised, in the Final Draft Plan. As explained in Draft EIS Chapter 2, Regional Plan Update Alternatives, of the Draft EIS (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review. Approval of regionally significant projects would not be delegated through Area Plans, and TRPA would retain review

authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, the Draft Plan has been revised as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS and in Final Draft Code of Ordinances Section 13.9, Appeals, to include an appeals process for all delegated projects. Inclusion of the appeals process as proposed would provide the public with the right to appeal whether a decision by a lead agency is in accordance with an approved conforming Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.

- I24-2      The comment expresses concern about the intent of TRPA, implying that it is focused on development. The purpose and role of TRPA are defined in the Compact.
- I24-3      The comment expresses strong opinions that the fundamental strategies of the Regional Plan Update are inadequate to protect Lake Tahoe. As stated in Section 2.1 of the Draft EIS, the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact, to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards. The existing Regional Plan was adopted by TRPA in 1987, and although amendments to elements of the Plan have been adopted over time, the Plan still reflects the issues that were most important at that time: rampant growth and the threat of irreparable environmental damage from inappropriate development. To make the Regional Plan more relevant for contemporary challenges in the Region, the Regional Plan Update contains modified goals, policies, and implementation measures to expedite threshold standard attainment and better address the major issues of today, including water quality, environmental redevelopment and community sustainability. The comment offers no specific information or evidence that the analysis in the Draft EIS is inadequate.
- I24-4      The comment expresses strong opinions that TRPA is not enforcing the TMDL, allowing local governments to decide how to remedy the water quality problem.
- The Lake Tahoe TMDL is discussed in Section 3.8 of the Draft EIS (see pages 3.8-6 through 3.8-7). The TMDL is not under TRPA's authority; rather, it lies with the States of California and Nevada. As explained in the Draft EIS, because California and Nevada must comply with, administer, and enforce their own state laws and policies, each state has developed its own Lake Tahoe TMDL and implementation strategy to address the impairment of Lake Tahoe as addressed in each state's Section 303(d) filings with EPA (page 3.8-7). Nonetheless, TRPA will play a supportive role to local jurisdictions to help meet their TMDL load reductions, such as enforcement in areas that will achieve the greatest load reductions in coordination with local government load reduction plans and facilitating implementation of area wide stormwater treatment. See also Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- The comment is concerned that transfers of one development right from sensitive land that allows two to three development rights in other areas will increase traffic and pollutant loads. Please see the Response to Comment O16-15, which addresses this concern. In addition, please see Master Response 5, Effects of Concentrated Development on Water Quality.

The comment also raises concerns that fines imposed by Lahontan RWQCB for not meeting the TMDL will increase the cost of development, requiring more incentives, which will only increase traffic. The comment addresses economic, social, or administrative issues that do not relate to environmental impacts. The comment is noted for consideration.

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**Response  
I25**

**Susan Daniels  
6/27/2012**

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I25-1

The comment asks that TRPA keep standards high and states that passing the TMDL loads to Lahontan RWQCB and local agencies to administer means that the only enforcement is tied to fines and questions whether those fines will benefit the Lake.

The Lake Tahoe TMDL is discussed in Section 3.8 of the Draft EIS (see pages 3.8-6 through 3.8-7). The TMDL is not under TRPA's authority; rather, it lies with the States of California and Nevada. As explained in the Draft EIS, California and Nevada must comply with, administer, and enforce their own state laws and policies. Each state has developed its own Lake Tahoe TMDL to address the impairment of Lake Tahoe as addressed in the respective state's Section 303(d) filings with EPA (Draft EIS page 3.8-7). TRPA will play a supportive role to local jurisdictions to help meet their TMDL load reductions, such as enforcement in areas that will achieve the greatest load reductions in coordination with local government load reduction plans and facilitating implementation of area-wide stormwater treatment.

The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided. The comment is noted for consideration during project review. No further response is necessary.

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**Response  
I26**

**Feldman, McLaughlin Thiel on behalf of Edgewood Companies  
Lewis S. Feldman  
6/28/2012**

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I26-1

The comment states that the letter is submitted on behalf of the Edgewood Companies and Heavenly Mountain Resort, and provides support for TRPA's efforts, in particular with respect to Alternative 3. The comment of support is noted.

I26-2

The comment discusses key concerns regarding the excess of TAU inventory in the Region, supports no increase in TAUs, and states that the EIS should analyze the environmental and economic benefits resulting from the retirement of excess TAUs.

The comment provides a number of specific points of concern related to TAU inventory over the past 10 years in the Region, as well as recommendations for the management of TAUs. The comment indicates that economic and environmental benefits can be created by establishing funding programs for purchase and retirement of excess TAUs and development rights on sensitive lands. Other recommendations are made regarding TAU and development right transfers.

The comment states that the proposed mitigation for mixed-used development, which requires TAU transfer from outside urban areas, artificially inflates the value of the commodity, perpetuating the status quo and defeating environmental gain both in and outside of Town Centers. The comment is apparently addressing Mitigation Measure 3.2-2, which was developed

to apply to Recreation Districts. Please see Master Response 10, Development on Recreation-Designated Lands. The new limitations on Resort Recreation Districts in the Final Draft Plan and Final Draft Code of Ordinances require transfer from outside the area designated as Resort Recreation and do not require transfers from outside the urban area. Said transfers must also result in retirement of development.

Described in Chapter 2 of this Final EIS, Revisions to Alternative 3, the Final Draft Plan would place size limits on transferred TAUs by defining a sending TAU as one 1,200-square-foot receiving unit or one 1,800-square-foot/3-bedroom receiving unit, if the units make up less than 20 percent of a project. The Final Draft Plan retains these same size limits for some transferred TAUs, reduces the size limits for other transferred TAUs, and places additional requirements on transfers of TAUs, as described in Draft Code Section 51.5.2.K.

The new requirements will provide additional safeguards to limit the impact of transferred TAUs and help to ensure that transfers do not have unintended consequences. The Plan revisions would not increase the size limits in Alternative 3 and would place greater restrictions on the transfer of TAUs. This revision would be environmentally advantageous compared to the TAU transfer policy analyzed in Alternative 3. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new significant environmental impacts, nor would they increase the severity of any previously identified significant impacts associated with Alternative 3.

TRPA agrees with the premise of the comment to increase the incentive for TAU transfer because of its economic and environmental benefits. As described in Draft Code Section 51.5.2.K, in general, incentives to transfer TAUs would be increased for all existing development:

- ▲ SEZ (LCD 1b) 1:3
- ▲ Sensitive (LCD 1a, 1c, 2, 3) 1:2
- ▲ Non-sensitive (LCD 4-7) 1:1

For residential development rights:

- ▲ SEZ (LCD 1b) 1:1.5
- ▲ Sensitive (LCD 1a, 1c, 2, 3) 1:1.25
- ▲ Non-sensitive (LCD 4-7) 1:1

Additional benefit for residential with distance from target area:

- ▲ Less than ¼ mile or Lakeward of primary transit routes, 1:1
- ▲ ¼ to ½ mile, 1:1.25
- ▲ ½ to 1 mile, 1:1.5
- ▲ 1 to 1½ mile, 1:1.75
- ▲ Greater than 1½ mile, 1:2

The comment proposes that TRPA permit conversion of TAU to a residential unit of use (ERU) provided the ERU is reused for condominium product within Town Centers, the Regional Center, the High Density Tourist District, or Recreation Districts eligible for transfer of development. As discussed in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3



has been revised to include a pilot program allowing the conversion of a limited number of TAUs to ERUs for multi-unit projects. Each TAU can be used for a maximum of 1,250 square feet of residential floor area on the same parcel.

I26-3 The comment proposes that TRPA permit conversion of TAU to an ERU provided it is reused for condominium product within Town Centers, the Regional Center, the High Density Tourist District, or Recreation Districts eligible for transfer of development. As discussed in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS, the Draft Plan has been revised to include a pilot program allowing the conversion of a limited number of TAUs to ERUs for multi-unit projects. Each TAU can be used for a maximum of 1,250 square feet of residential floor area on the same parcel.

Please also see the Response to Comment I26-2 regarding analysis of environmental and economic benefits of TAU retirement and transfers to recreation areas.

I26-4 The comment supports the allowance of coverage transfers and expenditure of excess coverage fees across HRAs. The comment of support is noted. However, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS, Alternative 3 has been revised to no longer include coverage transfers across HRA boundaries. The proposal to allow expenditure of excess coverage mitigation fees across HRA boundaries is still included, however.

I26-5 The comment questions the appropriateness of the land coverage retirement ratios in Table 3.2-15. This comment on the substance of the Draft Plan is noted. Please see Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Please also refer to Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.

I26-6 The comment suggests that Mitigation Measure 3.2-2, which addresses impacts from the Alternative 3 proposal to allow additional uses in Recreation areas, does not account for the beneficial effects of the new allowable uses and imposes unnecessary restrictions. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, and Master Response 10, Development on Recreation-Designated Lands, Alternative 3 has been revised to create the Resort Recreation District designation for two specific areas and incorporate specific limitations on new uses within those areas. The new limitations in the Final Draft Plan would prevent the potential impacts identified in the Draft EIS and would make Mitigation Measure 3.2-2 unnecessary. As a result, Mitigation Measure 3.2-2 has been removed and the comment is no longer relevant.

I26-7 The comment questions whether local jurisdictions will be able to object or attach conditions to transfers of development rights from their jurisdiction to another jurisdiction. The comment also questions whether a program to allow transfer ratios from remote single-family development rights to urban centers is a real incentive. These questions and comments are related to the provisions of the Draft Plan and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

I26-8 The comment expresses support for Area Plans and additional permissible height within Town Centers, the Regional Center, and the High Density Tourist District. The comment of support is noted.

The comment requests that the checklist for Area Plan compliance be included and analyzed in the EIS and states that a proposed schedule of expected time saved by Area Plans should also be included. The Final Draft Code of Ordinances, Section 13.6.5, Findings of Conformance with the Regional Plan, lists the specific review standards that must be met to make a finding of conformance for an Area Plan. As of this time, it is unknown which local agencies will propose Area Plans, nor which projects would be proposed under an Area Plan; therefore, it would be speculative to estimate time saved in relation to the streamlining of Area Plans. This comment does not raise environmental issues or concerns that are applicable to the scope of the EIS.

- I26-9      The comment notes that Summary Table S-2 in the Draft EIS should accurately reflect the final Mitigation Measure 3.9-1b. Table S-2 does accurately reflect the recommended Mitigation Measure 3.9-1b of the Draft EIS.

The comment states that the term “visual prominence” in Mitigation Measure 3.9-1b is confusing and that the measure should reference “scenic quality” instead.

The term “visual prominence” is used specifically to refer to “building mass, contrast, location, articulation, color, materials, and architectural style; and the quality of the landscape features and views that are blocked or revealed as a result of the structure redevelopment.”

“Scenic quality” is a term that describes the overall quality of the viewshed, which includes the built and the natural environment. In evaluating development within the High Density Tourist District, the intent of the mitigation measure is to ensure that the scenic quality of the overall viewshed, as seen from key scenic viewpoints, is not affected by the visual prominence of a redeveloped structure.

- I26-10      The comment supports the additional designation of recreation areas. The comment specifically refers to a map revision depicted in the Conceptual Map identifying Heavenly Mountain Resort’s private lands in PAS 085 and encourages inclusion of the revision in Alternative 3. The comment of support is noted. See also Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS, which proposes to designate in the Final Draft Plan the referenced Heavenly Mountain Resort lands as Resort Recreation. The comment also states that the 22 acres of residential lands in PAS 085 that are stated as being owned by USFS are actually owned by Heavenly Valley Limited Partnership, not USFS, and are within the boundary of the current Ski Area Master Plan. The correct ownership of the 22 acres is acknowledged and, by way of this response, is noted in the Final EIS.

In addition, please see Master Response 10, Development on Recreation-Designated Lands.

- I26-11      The comment states that Alternative 3 should include the 5-year exemption for air quality mitigation fees contained in Alternative 4, as opposed to the 2-year look-back contained in the 1987 Regional Plan. Please see Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS, which proposes to include the noted provision in the Final Draft Plan. The comment also states that the EIS should disclose that the prior commercial uses mitigated their uses and that no further mitigation should be required. The environmental analysis considers the length of time that prior commercial uses may have been in operation and has incorporated this consideration into the proposed mitigation measure, as described in Mitigation Measure 3.4-9.

The comment also notes support for Alternative 3 and states that the environmental analysis should disclose decreases in greenhouse gas emissions resulting from the replacement of

	energy-inefficient older development with new, more efficient development. The California Emissions Estimator Model (CalEEMod), which was used to estimate greenhouse gases from building energy (i.e., electricity and natural gas) consumption in Draft EIS Impact 3.5-1, takes into account increased efficiency of new development associated with building code standards.
I26-12	The comment expresses support for Policy T-10.7 to encourage multi-modal amenities as mitigation for traffic impacts. The comment of support is noted.
I26-13	The comment supports the proposed coverage exemption for non-motorized trails. The comment of support is noted.
<b>Response I27</b>	<b>Nancy Dodge 6/27/2012</b>
I27-1	The comment disagrees that Tahoe should be considered one of 17 metropolitan areas for the purpose of high density development. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. The comment is noted for consideration; no further response is necessary.
I27-2	The comment states that proposed development at Homewood will be a scar on the landscape. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. The impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Appropriate environmental analyses would occur after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. No further response is necessary.
I27-3	This comment expresses concern related to light pollution that would diminish the darkness of the nighttime sky. Light pollution is addressed in Draft EIS Impact 3.9-3, Adversely Affect Nighttime Views in the Region, which states, "Outdoor lighting in developed areas is necessary for public safety and security. If not properly controlled, it has the potential to illuminate the night sky and adversely affect nighttime views." The impact of outdoor lighting on nighttime views is considered to be less than significant under Alternatives 1 and 5 and beneficial for Alternatives 2, 3, and 4 because specific measures to control stray light and minimize off-site spillage of light would be required under those alternatives.
I27-4	The comment raises concerns regarding increased traffic, diesel emissions, and noise. Regional Plan Update Draft EIS Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analyses of 14 resources areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. Potential impacts related to traffic, air quality, and noise are addressed in the Draft EIS. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

- I27-5 The comment states that there may not be enough water and that excavation for underground parking could be dangerous due to seismic concerns. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. No further response is necessary.
- I27-6 The comment states that waterborne transit would be just a tourist ride. This comment does not raise environmental issues or concerns regarding the adequacy or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.
- I27-7 The comment states that the public workshops and committees are run by people who will benefit and the planning process is manipulated for desired results. As explained in Section 1.10 of the Draft EIS, as well as in Master Response 2, Duration of Public Comment Period, the public review period for the draft environmental documents represents just one component of an extensive public input process on the Regional Plan Update and Regional Transportation Plan. Numerous public meetings and workshops have taken place around the Tahoe Region to create opportunities for the public to provide input, beginning with the Pathway and Place-based Planning processes (predecessors to the Regional Plan Update) and including public comments during preparation of the Draft Regional Plan Update, Draft Regional Transportation Plan, and accompanying environmental analyses. The public outreach has been an earnest effort by TRPA and it has informed the scope of the Regional Plan Update, the RTP/SCS, and the environmental analyses.

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**Response  
I28**
**Seana Doherty  
6/27/2012**


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- I28-1 The comment provides information related to TahoeFuture.org as a resource for getting more people involved in this process. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

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**Response  
I29**
**John Drum  
6/28/2012**


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- I29-1 The comment expresses the desire to see the creation, support, and enhancement of walkable and bikeable communities. This comment refers to proposed provisions of the Regional Plan Update and Regional Transportation Plan and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

<b>Response I30</b>	<b>Tee May Duggan 5/23/2012</b>
I30-1	The comment expresses thanks for the Kings Beach Core Project and Domus project and expresses general support for the Plan. The comment of support is noted.
<b>Response I31</b>	<b>Carol Endicott 6/12/2012</b>
I31-1	The comment suggests a program for the community on drought-tolerant and native landscaping, as well as workshops for residential landscaping and plant sales. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I32</b>	<b>Diana Evans 6/28/2012</b>
I32-1	The comment expresses support for the Goals and Policies of the Regional Plan Update and RTP and the technical adequacy of the environmental documents. The comment of support is noted.
<b>Response I33</b>	<b>Jerome Evans 5/24/2012</b>
I33-1	The comment provides prefatory remarks to introduce the remainder of the comment letter. No further response is necessary.
I33-2	The comment provides a citation from the Regional Plan Update regarding the need for additional tourist accommodation units and asks for evidence to support the statement. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I33-3	The comment provides a citation from the Regional Plan Update regarding the estimated need for additional commercial development in the Region and asks for evidence to support the statement. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I33-4	The comment provides a citation from the Regional Plan Update regarding provisions in the Recreation Element of the Regional Plan and questions the validity of the statement. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I33-5	The comment provides a citation from the Regional Plan Update regarding the need for additional outdoor recreation facilities to accommodate additional PAOTs and asks for

justification to support the statement. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- I33-6 The comment provides a citation from the Regional Plan Update regarding the estimated need for additional boat launching capacity on Lake Tahoe asks for evidence to support the statement. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I34** **Jerome Evans  
6/28/2012**

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- I34-1 The comment states that the RTP/SCS Draft EIR/EIS fails to address wakes that would be produced by waterborne transit watercraft. Impact 3.8-4 of the RTP/SCS Draft EIR/EIS, Potential for Lake Water Quality Effects of Waterborne Ferry Operations, addresses vessel wakes, noting that ferry operations could potentially increase vessel wakes disturbing the Lake shore and require temporary construction disturbance for pier improvements and related facilities. Recognizing that normal vessel nearshore speed limits retard wakes, the potential water quality impacts of ferry operation would be less than significant for Alternatives 1, 3, 4, and 5. No impact would occur for Alternative 2, which does not include the Lake Tahoe Waterborne Transit Project. The project-specific environmental document for the Lake Tahoe Waterborne Transit Project will evaluate the location-specific impacts of candidate terminal sites and consider the route's effect on small craft on the Lake.

- I34-2 The comment states that relying on private investment to make progress with respect to the Water Quality threshold has not been analyzed for efficacy. The comment further states that, without private investment, progress toward attaining the Water Quality threshold is questionable. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I35** **Diana Evans (per Carol Chaplin)  
6/28/2012**

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- I35-1 The comment expresses support for the Goals and Policies of the Regional Plan Update and RTP. The comment of support is noted.

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**Response  
I36** **Nicholas D. Exline  
6/27/2012**

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- I36-1 The comment expresses support for the Regional Plan Update with amended Alternative 3 as presented and analyzed in the Draft EIS and notes the importance of maintaining the balance between environmental protections and economic wellbeing. The comment of support is noted for consideration during the review of the merits of the alternatives.

<b>Response I37</b>	<b>Nick Exline 4/26/2012</b>
I37-1	The comment expresses support for the progress of the Regional Plan Update. The comment of support is noted.
<b>Response I38</b>	<b>Randall Faccinto 6/8/2012</b>
I38-1	The comment asks that TRPA consider amending the Code of Ordinances to include a small property exemption from the definition of a regulated timeshare project. The comment pertains to the Code of Ordinances and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I39</b>	<b>Carl Fair 6/21/2012</b>
I39-1	The comment requests that alfresco dining be allowed outside of the CFA guidelines. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I40</b>	<b>Lew Feldman 4/26/2012</b>
I40-1	The comment expresses general support for Alternative 3 of the Regional Plan Update. The comment of support is noted. The comment further states that the existing level of development and coverage is not sustainable and should be reduced through TAU retirement. Please refer to the Response to Comment I26-2, which addresses this concern and suggestion.
<b>Response I41</b>	<b>Lew Feldman 6/13/2012</b>
I41-1	The comment addresses transfers across jurisdictions, asking if the policy in the Regional Plan Update can only be implemented with the cooperation of local jurisdictions. If so, the comment states, this limitation should be disclosed in the document. Please refer to the Responses to Comments I26-4 through I26-7, which address a number of concerns related to transfers of coverage and development rights.
<b>Response I42</b>	<b>Lew Feldman 6/28/2012</b>
I42-1	The comment expresses general support for Alternative 3 of the Regional Plan Update. The comment of support is noted. The comment further states that the degree of development in the Region is not sustainable and that the transition from gaming to an outdoor recreation-based economy is vital to the environmental and economic survival of the area. The comment

further suggests that Alternative 3 incorporate a retirement program for TAUs to reduce pollutant loading. Please refer to the Response to Comment I26-2, which addresses this concern and suggestion. .

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**Response  
I43**

**Dave Ferrari  
5/21/2012**

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- I43-1 The comment expresses general support for the Regional Plan Update. The comment further expresses concerns regarding percentage-based coverage and requests consideration of driveway variances for Kings Beach properties. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I44**

**Dave Ferrari  
6/27/2012**

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- I44-1 The comment provides a description of overall building age and the high cost of redevelopment in Kings Beach. The comment further expresses concerns regarding coverage allowances and requests consideration of driveway variances for Kings Beach properties. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I44-2 The comment states that it is time to redevelop Kings Beach and expresses hope that the new Regional Plan allows more redevelopment. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I44-3 The comment expresses positive views about Lake clarity. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

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**Response  
I45**

**Elise Fett  
5/23/2012**

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- I45-1 The comment requests that bike paths be made a priority of the RTP/SCS and suggests several design considerations. The comment further states that increased bike path widths are less important to bicyclists than addition of new paths. This comment refers to proposed provisions of the Regional Transportation Plan and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I46**

**Joe Filipko  
5/24/2012**

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- I46-1 The comment expresses general support for Alternative 3 of the Regional Plan Update. The comment further states that BMPs should not be required to be enforced at the point of sale. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to



	Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I46-2	The comment expresses general support for roadway roundabouts in the RTP/SCS. This comment refers to proposed provisions of the Regional Transportation Plan and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I46-3	The comment expresses general support for lighting restrictions that eliminate upward lighting while still providing safety lighting at night. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I47</b>	<b>Tom Fortune 6/28/2012</b>
I47-1	The comment expresses general support for the Regional Plan Update and specific support for redevelopment and transportation improvements (including non-motorized paths). The comment of support is noted.
<b>Response I48</b>	<b>John Friedrich 6/28/2012</b>
I48-1	The comments focus on the proposed land coverage and transfer systems. The comment requests an improved alternative that meets the criteria listed in comments I48-2 through I48-6 (below).
I48-2	The comment recommends provisions that restrict coverage transfers from sensitive and outlying areas to designated community centers and cautions against loopholes and misuse in ways that do not benefit the Lake. The concern is acknowledged. Coverage transfer policies proposed in the Final Draft Plan are clear and explicit, as included in the Final Draft Goals and Policies, attached hereto as Appendix A. Similarly, Code provisions implementing the letter and intent of the policies are included in the Final Draft Code of Ordinances, attached hereto as Appendix B.
I48-3	The comment requests an incentive structure for coverage transfers that results in hard coverage reduction, particularly in sensitive lands. A fundamental purpose of the Regional Plan Update is to implement policies that accelerate threshold attainment, including soil and water quality standards, both related to, and affected by coverage in the Region. The Draft EIS evaluates five alternatives, each with various coverage policies designed to achieve the goal. The policies of the Final Draft Plan, including those related to coverage removal from sensitive lands, concentration of coverage in community centers, excess coverage mitigation requirements, comprehensive coverage management in the context of Area Plans, alternative transfer ratios for transfer from Stream Restoration Plan Areas, and other coverage proposals are considered the most effective assemblage of policies to incentivize meaningful, environmentally beneficial coverage transfer. Please see the Draft EIS, Section 3.7, Geology, Soils, Land Capability and

- Coverage; Final EIS, Chapter 2, Revisions to Alternative 3: Final Draft Plan; Final Draft Goals and Policies (Appendix A); and Final Draft Code of Ordinances (Appendix B).
- I48-4 The comment requests a provision that requires restoration of sending parcels before coverage can be transferred. Although timing is not specified, the Final Draft Plan requires restoration of sending parcels. The suggestion is noted for consideration. See Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I48-5 The comment suggests elimination of the excess coverage mitigation program for new construction or housing on lands outside of community centers and requests Plan incentives that produce homes that better fit the scale of Tahoe neighborhoods. The suggestions are noted. See Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I48-6 The comment recommends a requirement that mitigation measures be installed prior to creation of the impacts and that evidence of mitigation efficacy be provided. The comment also requests “real mitigation measures that provide tangible environmental benefits, rather than relying on mitigation fees or modeled mitigations.” Mitigation fees are a viable means, and in some instances the most effective means, of providing tangible environmental benefits through funding of environmental improvements. Alternatives 2 and 4 include prioritization of mitigation types; see the more detailed description in the Response to Comment I48-7.
- I48-7 The comment requests that the Final EIS describe how coverage outside of community centers will be restricted under various alternatives, specifically related to project footprints, available allocations, and maximum potential coverage.
- Coverage outside of community centers would continue to be managed in accordance with existing coverage regulations. Under each alternative, coverage outside of Community Plan areas would range from 1 to 30 percent according to the Bailey System or the IPES system. As described in Appendix H of the Draft EIS, coverage estimates under each alternative were developed based on the assumption that all authorized development would be constructed. The distribution of new development within and outside community centers reflects the distribution assumptions used in the TRPA transportation demand model (see Appendix E of the Draft EIS). Coverage reductions from transfers reflect the transfer ratios proposed in each alternative and the amount of coverage that would need to be transferred to allow the full amount of development to occur in community centers under each alternative. Estimates of new coverage were assigned to individual LCDs based on the proportion of each district in the areas where the development could occur. Coverage reductions from transfers were assumed to come from individual LCDs based on the proportion of existing coverage within each district.
- The coverage resulting from development authorized under each alternative was estimated using the following steps: (1) estimate coverage resulting from each type of authorized allocation, (2) estimate the total amount of coverage within and outside community centers, (3) distribute new coverage to individual LCDs, (4) estimate the coverage transfer required, and (5) distribute the coverage reductions to individual LCDs. Each analytical step is described in more detail in Appendix H of the Draft EIS.
- I48-8 The comment requests explanation of how the Plan will not result in transferring excess coverage from heavily covered areas such as Stateline to residential areas that are not designated as Town Centers, such as Cave Rock, Marlette, or Agate Bay, NV.

The comment refers to Table 17 in Appendix H of the Draft EIS as evidence of relatively high likelihood of these areas receiving coverage. Table 17 of Appendix H addresses the relative likelihood of transfer within each HRA, and therefore does not address across-HRA coverage transfers, such as from Stateline to Cave Rock, Agate Bay, or Marlette, NV. Not all areas in the Region are permitted to receive coverage (see Exhibit 3.2-12 of the Draft EIS). Policies associated with coverage transfers outside of community centers under each alternative would be subject to limitations under the Bailey System and IPES, as described above in the Response to Comment I48-7.

The Draft Plan has been revised to implement existing standards for coverage transfer that limits transfer to within HRA boundaries (see Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS). The existing coverage transfer limitations, which are now in the Final Draft Plan, would prevent the transfer of coverage from the Stateline HRA to residential areas such as Cave Rock, Marlette, or Agate Bay, which are located outside the South Stateline HRA.

I48-9      The comment asks whether coverage transferred and restored is assumed to provide ecological benefits equal to or greater than the impacts created by new hard coverage in the receiving area.

Section 3.10, Biological Resources, of the Draft EIS analyzes the Plan's potential impacts to affected ecological systems, including sensitive habitats, vegetation, animal species, late seral or old growth ecosystems, and fish and wildlife habitat. Most of the resources are discussed generally, recognizing that individual development and redevelopment projects will be subject to project-level environmental analyses. Any new development or redevelopment project in the Region would be required to comply with existing TRPA, federal, and state regulations, permitting requirements, and environmental review procedures that protect SEZs, wetlands, and other sensitive habitats. These regulations and procedures address potential construction-related impacts to SEZs and other sensitive habitats through site-specific environmental review; require development and implementation of project-specific measures to minimize or avoid impacts through the design and permitting process; and require compensatory or other mitigation for any significant effects as a condition of project approval and permitting.

In addition, the analysis of Regional-scale water quality effects of concentrated development determines that "the transfer of coverage out of low capability lands (where it is more difficult to mitigate impacts) to high capability lands (where it is easier to mitigate impacts) [is] a beneficial action for decreasing stormwater runoff and pollutant loading when transferred coverage meets all other existing water quality requirements" (Draft EIS page 3.8-33). The Final EIS provides additional information on the water quality effect of more concentrated development in Master Response 5, Effects of Concentrated Development on Water Quality and Appendix C, Stormwater Modeling Analysis, of this Final EIS.

I48-10      The comment questions how watersheds will be protected from becoming over-covered with coverage transfers allowed throughout the Region. The coverage limitations provided in Chapter 30 of the Code would prevent a watershed from becoming over-covered. Additionally, coverage transfers would be permitted only within the same HRA boundaries under the Final Draft Plan. See Chapter 2, Revisions to Alternative 3: Final Draft Plan, for information related to this modification.

- I48-11      The comment requests analysis of the potential for the coverage transfer incentives to produce increased property value on sending parcels, making those parcels more attractive to sell to buyers intent on maintaining the current property use, rather than transferring the coverage for redevelopment in community centers. The value of transfer incentives would only be realized when the parcel is restored and retired; therefore, it would offer no incentive to maintain the current use. Furthermore, the value of sensitive parcels would increase as a result of transfer incentives only because the incentives are working and properties are being purchased, development transferred, and sensitive land restored. Please see also Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program, for additional information on the feasibility of the transfer incentives.
- In addition, the Draft Plan has been revised to identify monitoring and a review of the efficacy of the transfer ratios as a priority project (Attachment 5 of the Final Draft Goals and Policies). The preliminary list of priority projects will guide development of TRPA's work program following adoption of the Regional Plan. This review would identify any necessary improvements to the transfer program and would address the concerns raised by the comment. Any revision of transfer ratios would be subject to a separate and future discretionary action.
- I48-12      The comment requests that the Draft EIS define TAUs by square footage, that TAU transfers be based on the size of the sending unit, and that excess TAUs should be retired rather than transferred.
- The definitions of TAUs and transfer requirements for the Regional Plan Update alternatives are summarized in Draft EIS Table S-1 on page S-15. As discussed in Chapter 2, Revisions to Alternative 3: Final Draft Plan, additional safeguards limit the impact of transferred TAUs and prevent unintended consequences of TAU transfer and place additional size restrictions on transferred TAUs (see Final Draft Code Section 51.5.2.K). Please also refer to the Response to Comment I129-3, which addresses the suggestion to retire excess TAUs.
- I48-13      The comment requests an explanation for the elimination of Policy LU-2.1 language regarding mechanisms for limiting population growth. The comment also states that the Final EIS should describe how the resident and visitor footprint will be affected by each alternative.
- The Final Draft Plan was developed with consideration of the Environmental Thresholds. Population level control does not necessarily improve environmental conditions; however, proposed policies and land use planning strategies would guide how the existing land use pattern in the Region would evolve. The Regional Plan Update cannot be approved unless it is found that the proposed policies would achieve or maintain Thresholds.
- The comment states that the EIS should describe how the resident and visitor footprint would be affected by each Plan alternative. The environmental impacts of the growth management system proposed in the five alternatives is analyzed throughout Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, which contains comprehensive analysis of 14 resource areas, the cumulative impacts of which are discussed in Draft EIS Chapter 4, Cumulative Impacts. Specifically, estimates of total population for each alternative in 2020 and 2035 are provided in Table 3.12.1 of Draft EIS Section 3.12, Population, Employment, and Housing. The estimated increases in residents and overnight visitors (calculated as TAUs) for each alternative, in 2035, are provided in Table 3.11-4 in Draft EIS

	Section 3.11, Recreation. Further, Impact 3.2-1 analyzes impacts to the development pattern in the Region due to each of the Regional Plan Update alternatives.
I48-14	The comment states that adaptive management provisions should tie future development to demonstrated performance standards and environmental improvement and that monitoring results of mitigation measure implementation should be made available to the public. Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details, provides information related to the requirements and enforcement of proposed mitigation measures. Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program, discusses changes to the Final Draft Plan, which includes monitoring the use of the TDR program and reviewing the efficacy of development transfer ratios.
<b>Response I49</b>	<b>Gary Davis 6/28/2012</b>
I49-1	The comment provides introductory comments and states that the regulatory climate has stifled the community. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.
I49-2	<p>The comment provides general support for Alternative 3 of the Regional Plan Update, but states that a blend of alternatives would be required to meet the mission statement of the Tahoe City Downtown Association. The comment expresses support for “environmental redevelopment,” providing specific comments on Area Plans, mixed-use development, incentives for transfer of commodities, coverage regulations and transfers, and height restrictions. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation</p> <p>The comment provides general statements about the vision, themes, and goals of the Regional Transportation Plan, specifically Alternative 3 (which includes Transportation Strategy Package C) of the RTP/SCS. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.</p>
I49-3	The comment states that implementation of any of the five alternatives would require measures to mitigate LOS impacts on specific roadway segments in the Region. The comment further states that LOS is not an appropriate metric, and that it defeats the purpose of removing lanes of traffic with the goal of getting people out of their cars. See Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria.
I49-4	The comment questions how air quality mitigation fees improve air quality. The structure of the air quality mitigation fee program results in an appropriate nexus because funds are spent on air quality mitigation projects that reduce regional air pollutants for which the Region is in nonattainment (e.g., ozone precursors and PM). Air quality mitigation fees can be pooled and distributed in a more cost-effective manner if TRPA has the flexibility to prioritize the most effective emission reduction projects for the Region rather than being required to strictly allocate funds on site-specific improvements that may result in lesser regional air quality benefit.

The comment also indicates support of the coverage reduction strategies proposed under Alternative 4. The comment of support is noted.

- 149-5 The comment suggests that the Regional Plan Update include incentives for the sending jurisdiction involved in TAU transfers across jurisdictional boundaries. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- The comment supports the adoption of the Regional Transportation Plan on schedule so as to avoid any lapse in conformity and supports adoption of the preferred alternative of the Regional Plan Update by no later than December 2012. See Master Response 2, Duration of Public Comment Period.

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**Response**  
**I50**

**Susan Gearhart**  
**5/23/2012**

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- I50-1 The comment notes confusion about what a Sustainable Communities Strategy is and states that meetings should be held to educate the public on this topic. Please see Chapters 1 and 2 of the RTP/SCS Draft EIR/EIS, which discuss and define a Sustainable Communities Strategy. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

- I50-2 The comment raises questions about the CEQA process for Area Plans. As explained on page 2-34 of the Draft EIS, Area Plans would be required to be consistent with the Regional Plan; they would be subject to an initial conformance evaluation by TRPA and procedures to administer any future Regional Plan amendments. PASs, Community Plans, and use-specific Master Plans would remain in effect until superseded by Area Plans that are developed in accordance with and found in conformance with the Regional Plan. Once a conformity determination is made and environmental review requirements of TRPA (and CEQA, for plans in California) have been completed, the affected public agency may assume responsibility for review and approval of certain additional activities. Approval by other agencies would not include regionally significant projects such as development within the High Density Tourist District, the Shorezone of Lake Tahoe, or Conservation Districts. TRPA would also retain review authority over projects in which the new development would meet or exceed certain size limits, and may retain authority for smaller projects in a given Area Plan to the extent that those activities may have a significant effect on natural resources, even with Area Plan provisions. In addition, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.

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**Response**  
**I51**

**Michael Gorman**  
**4/25/2012**

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- I51-1 The comment expresses opposition to certain proposals in the Regional Plan Update, not including redevelopment. This comment does not raise environmental issues or concerns

regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.

- I51-2 The comment expresses opposition to height increases in the South Shore Casino Core, Incline, Crystal Bay, Kings Beach, and Tahoe City. The comment also expresses opposition to the change in the way height is measured, and states that it should continue to be measured from the low point of the foundation to the high point on the roof. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I51-3 The comment opposes allowing residential and tourist accommodation units to be developed in recreation-zoned property. See Master Response 10, Development on Recreation-Designated Lands.
- I51-4 The comment opposes increasing new commercial coverage from 50 percent to 70 percent. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I51-5 The comment states that intensified mixed use is not appropriate for Tahoe Vista and Carnelian Bay. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I51-6 The comment states that policies in the Regional Plan Update cannot be construed as “no growth” policies, and that they do not support the protection of Lake Tahoe. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

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**Response  
I52**      **Michael Gorman  
4/25/2012**

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- I52-1 The comment expresses opposition to certain proposals in the Regional Plan Update, not including redevelopment. The comment expresses opposition to height increases in the South Shore Casino Core, Incline, Crystal Bay, Kings Beach, or Tahoe City; the change in the way height is measured; allowing residential and tourist accommodation to be developed in recreation-zoned property; increasing new commercial coverage from 50 percent to 70 percent; and intensified mixed use in Tahoe Vista and Carnelian Bay. The comment also states that policies in the Regional Plan Update cannot be construed as “no growth” policies, nor do they support the protection of Lake Tahoe. This oral comment is a summary of written comments provided in Comment Letter I51. See the Responses to Comments I51-1 through I51-6.

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**Response  
I53**      **James Grant  
6/28/2012**

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- I53-1 The comment expresses support for the Regional Plan Update, specifically Alternative 3. The comment of support is noted.

<b>Response I54</b>	<b>Ron Grassi 6/25/2012</b>
I54-1	The comment provides general introductory remarks. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.
I54-2	The comment states that the Lake has already reached its maximum sustainable growth and that the Goals and Policies found in the Regional Plan Update will bring more people and cars, along with increased pollution, to the Lake. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.
I54-3	The comment states that an improved appeal process is needed. As described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.
I54-4	The comment states that more time is needed to evaluate and comment. See Master Response 2, Duration of Public Comment Period.
<b>Response I55</b>	<b>Greta Hambsch 6/21/2012</b>
I55-1	The comment states that Alternatives 1 and 2 of the Regional Plan Update have limited flexibility to promote redevelopment in an environmentally sustainable manner. The comment further states that Alternatives 3 and 4 seem to maintain stringent environmental protections with flexibility that allows for reinvestment in communities. The comment supports the focus on transportation improvements to ease congestion and improve air quality and Lake clarity. This comment expresses support for Alternatives 3 and 4 and opposition to Alternatives 1 and 2. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I56</b>	<b>Andrew Strain 6/25/2012</b>
I56-1	The comment supports the adoption and implementation of Alternative 3 of the Regional Plan Update, including the mapping corrections described in Alternative 5 and shown in Map 1 (Conceptual Regional Land Use) pertaining to Heavenly's private lands in PAS 085. The comment of support is noted. See also Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS, which proposes to designate the referenced Heavenly Mountain Resort lands as Resort Recreation. In addition, please see Master Response 10, Development on Recreation-Designated Lands.



- I56-2 The comment supports the policy of designating receiving areas for specific recreation areas and uses. The comment of support is noted. Please also see Master Response 10, Development on Recreation-Designated Lands.
- I56-3 The comment supports the special planning designations in Alternative 3 of the Regional Plan Update, including the Town Centers, Regional Center, and High Density Tourist Districts proposed for the South Shore. The comment of support is noted.
- I56-4 The comment supports the concept of Area Plans that are developed through the local governments. The comment of support is noted.
- I56-5 The comment supports the policy to add TDR receiving areas to those areas that contain TRPA-approved Master Plans. The comment of support is noted.
- I56-6 The comment suggests the following policy- and regulatory-level elements that will facilitate implementation to realize the objective of the Area Plans: (a) building and structure heights; (b) subdivision; (c) TDR receiving areas for residential units and TAUs; and (d) mixed uses and densities. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. It should also be noted that an Area Plan must be found in conformance with the Regional Plan. Final Draft Code of Ordinances Section 13.6.5, Findings of Conformance with the Regional Plan, lists the specific review standards that must be met to make a finding of conformance for an Area Plan.
- I56-7 The comment supports the inclusion of key unit of use conversion ratios as implementing tools. The comment of support is noted.
- I56-8 The comment states that the transfer ratio of TAUs throughout the South Shore to receiving areas, including resort recreation land uses, should not be greater than one for one. Please refer to the Response to Comment I26-2, which discusses TAU transfer ratios.
- I56-9 The comment supports the development and implementation of a TAU retirement program. Please refer to the Response to Comment I26-2, which addresses this suggestion.
- I56-10 The comment supports the proposed policy change to allow the transfer of land coverage across Hydrologically Related Areas (HRAs). The comment of support is noted. However, as described in Chapter 2, Revisions to Alternative 3: Final Draft Plan, in the Final EIS, Alternative 3 has been revised to no longer include coverage transfers across HRA boundaries. The proposal to allow expenditure of excess coverage mitigation fees across HRA boundaries is still included, however.
- I56-11 The comment supports the proposed policy change to exempt non-motorized trails from land coverage requirements as conditioned. The comment of support is noted.

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**Response  
I57**

**Andrew Strain  
6/28/2012**

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- I57-1 The comment supports the concepts in Alternative 3 of the Regional Plan Update, including the mapping revisions that are unique to Alternative 5 that are specified in that alternative and the policy and Code opportunities for outdoor recreation. See also Chapter 2, Revisions to

Alternative 3: Final Draft Plan, in the Final EIS, which proposes to designate the referenced Heavenly Mountain Resort lands as Resort Recreation. In addition, please see Master Response 10, Development on Recreation-Designated Lands.

<b>Response I58</b>	<b>Robert Hedley 6/12/2012</b>
I58-1	The comment provides general introductory information. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
I58-2	The comment requests that, due to economic concerns, a point of sale requirement for BMPs not be implemented. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I59</b>	<b>Gunnar Henriouille 6/26/2012</b>
I59-1	The comment suggests that the RTP include rebuilding railway infrastructure and increasing railway capacity and reach, noting two unused rail corridors in Placer County (Truckee/Tahoe City and Colfax/Nevada City). The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I60</b>	<b>Brooke Hernandez 5/24/2012</b>
I60-1	<p>The comment supports Alternative 3 of the Regional Plan Update because of Region-wide planning with local government taking control, Region-wide BMPs (but not at point of sale), deck exclusions for coverage, and options for coverage transfers. This comment expresses support for Alternative 3. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the review of the merits of the alternatives.</p> <p>The comment stating opposition for BMP requirements at the point of sale pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
<b>Response I61</b>	<b>Christina Hill 5/23/2012</b>
I61-1	The comment raises concerns that public comments on the Regional Plan Update submitted at the open house workshops (via computer or hard copy) were not provided to the Governing Board for review. All written comments submitted at the open house events (via computer entry and hand-written hard copy) have been included in the record of public comments and addressed in this Response to Comments chapter. See the Responses to Comments OH1

through OH18 and the Response to Comment Letter I112 for responses to open house comments. All public comments have been provided to the Governing Board for review.

<b>Response I62</b>	<b>Tamara Hollingsworth 6/28/2012</b>
I62-1	The comment provides general support for Alternative 3 of the Regional Plan Update and specific comments of support related to various individual provisions of the alternative. The comment of support is noted.
I62-2	The comment requests changes to Alternative 3 of the Regional Plan Update, including allowing a limited increase in TAUs and an increase in “Bonus Units Earned” for coverage exchange. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.  The comment further addresses the Regional Transportation Plan, providing support for transportation investments, public transit, and safe walking and biking paths. The comment of support is noted.
<b>Response I63</b>	<b>Deb Howard 5/24/2012</b>
I63-1	The comment supports Alternative 3 of the Regional Plan Update and urges the selection of this alternative after the 60-day comment period. The comment of support is noted.
<b>Response I64</b>	<b>Claudia Huntington 4/29/2012</b>
I64-1	The comment provides introductory information and expresses the need for TRPA to address the ability of “special interests” and “big donor money” to influence TRPA outcomes. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.
<b>Response I65</b>	<b>Bill Johnson 6/27/2012</b>
I65-1	The comment provides introductory information and expresses the need to resolve uncertainty to encourage redevelopment and capital investment. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration.

<b>Response I66</b>	<b>Mike Kahn 5/12/2012</b>
I66-1	The comment states that the Regional Plan Update is too complex to be reviewed in only 60 days and urges an extension of at least an additional 90 days. See Master Response 2, Duration of Public Comment Period.
<b>Response I67</b>	<b>Don Kanare 6/22/2012</b>
I67-1	The comment provides background and information on Incline Village and Crystal Bay as well as on the Incline Vision planning sessions. The comment states that, if TRPA plans to revise its regulations and allow communities to modify zoning, density, and height restrictions, it should look at the Incline Village and Crystal Bay area to see where these changes might be beneficial. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I67-2	The comment states that height and coverage restrictions are limitations to redevelopment for blighted and aging structures. The comment also raises questions about the planning process. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I68</b>	<b>Leah Kaufman 6/26/2012</b>
I68-1	The comment states that communities in the Region are in need of redevelopment in conjunction with preservation of natural resources. The comment further states that much of the Regional Plan Update primarily applies to the developed South Shore and may not be appropriate for the North Shore. The comment indicates a preference for the Individual Communities vision to have informed the Regional Plan Update and states that in some instances there are differences between the Placer County community vision and the vision proposed in the Regional Plan Update. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I68-2	The comment states that many of the existing ordinances and regulations are repetitive and onerous to small property owners and that mitigation is not used effectively in the community in which the impacts are created. The comment further states that if the process for redevelopment were more streamlined, less expensive, and incentivized, then more people may be inclined to redevelop their properties despite economic downturns. Regarding the redevelopment process, this comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. Regarding effective use of mitigation, the comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

- 168-3      The comment suggests that proposed increases of height, density, and coverage would result in growth-inducing impacts. See Master Response 6, Effects of Revised Height and Density Allowances on Development Potential.
- 168-4      The comment addresses delegation of review to local jurisdictions and states that proposed levels of review by the counties are too large for the North Shore, specifically Placer County, which is not able to keep up with current demand. The comment further advocates that for North Shore, delegation of review to the County should occur in conjunction with a reasonable appeal process to the TRPA Governing Board, with an exception for any project over 20,000 square feet in size to be reviewed by TRPA. Area Plans proposed under Alternative 3 are intended to allow public agencies to prepare plans consistent with the Regional Plan and utilize new allowances for streamlined permitting and increased intensity in community centers. As explained in Draft EIS Chapter 2, Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Once a conformity determination has been made and environmental review requirements of TRPA (and CEQA, for plans in California) have been completed, the affected public agency may assume responsibility for review and approval of certain additional activities. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- 168-5      The comment states that minimum standards for view corridors to the Lake from projects along the highway should be required for multi-family, tourist accommodation, and commercial projects that are rebuilding. The comment further states that increased views should be based on linear frontage and massing and should be independent of pre-existing conditions. The comment states that the Regional Plan Update should incentivize existing projects that increase the views via remodels. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- 168-6      The comment states that the Regional Plan Update does not offer enough incentives to remodel, improve facades, and stay within existing compacted/disturbed footprints or reduce coverage. The comment further states that community-wide BMPs would help individual businesses afford to improve their facades and make other improvements without having to expand in order to pay for the increase in cost. As described on page 3.8-48 of the Draft EIS, Alternative 3 proposes a revision to TRPA policy to encourage the use of area-wide water quality treatment facilities and funding mechanisms as an alternative to meeting regulatory requirements with site-, parcel-, or project-specific BMPs when area-wide treatment facilities can be shown to provide equal or greater water quality benefits relative to parcel-specific BMP implementation. While area-wide treatment solutions have been implemented on a limited basis under current TRPA policy to facilitate BMP compliance on properties with special

circumstances that constrain BMP implementation (e.g., Stateline Stormwater Association in Stateline, Nevada), the revised policy would expand the ability to implement area-wide treatment facilities to any area in the Region where the water quality benefit of this approach can be demonstrated to meet or exceed existing water quality requirements. In general, area-wide water quality treatment facilities are expected to be more cost effective for large projects in community centers to implement, inspect, and maintain because the strategy allows for greater flexibility in siting and designing treatment systems. This policy may lead to more efficient maintenance practices relative to conducting maintenance activities on many smaller and widely distributed individual parcels and sites. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

168-7 The comment questions the effectiveness of the Transferable Development Incentive Program, asking what the expectations are with regard to the number of parcels that would be retired from this program. The comment further asks if a cost/benefit analysis will be prepared for the program and how market trends will be addressed. As explained in Attachment 5 to the Final Draft Goals and Policies, TRPA will track, evaluate, and report on the use of the transfer incentives and the resulting restoration and/or retirement of development potential to determine if the transfer ratios are too high or too low. Any future adjustments to the transfer ratios would require a separate action by the TRPA Governing Board and would be subject to separate environmental review requirements. Please also see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.

168-8 The comment states that development should not be required to have a minimum density standard to promote walkability and that massing should be an important criterion when determining density. The comment further states that a viable transportation system could be better utilized if economic disincentives were in place to discourage private automobile use, while simultaneously incentivizing transit use. The comment provides further specific suggestions regarding shared parking incentives and subterranean parking. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

168-9 The comment states that the Regional Plan Update does not sufficiently define certain components of community plans, including character, massing, and design. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. Please also refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

I68-10

The comment states that the Regional Plan Update should incentivize reduction of land coverage for additional green belts, pocket parks, and landscaping, not allowance of more coverage that could potentially impact remaining natural resources on a project site and community character within plan areas. The comment opposes increases in coverage on built environments more than existing “grandfathered coverage” or the existing 50 percent cap outside of Town Centers. The comment provides suggestions to allow additional height while preserving natural resources. The comment further suggests that percentage of overall tree removal not reflective of the size should be a design standard incorporated into every project. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment further requests an analysis of impacts (including cumulative impacts) of allowing coverage increases to 70 percent on built parcels located within the community plans. The comment requests renderings and exhibits to show before and after effects of this proposal. Coverage impacts are addressed in the Regional Plan Update Draft EIS, beginning on page 3.7-1. Impact 3.7-1, Land Coverage (beginning on page 3.7-18 of the Draft EIS), includes a discussion of changes to allowable coverage for each alternative. All alternatives would result in an increase in total coverage within the Region; however, all coverage increases would be well within the total base allowable coverage (10,941 acres according to the land capability map, as shown in Draft EIS Table 3.7-5). All alternatives would reduce coverage within LCD 1b (SEZ) and would increase coverage in higher capability lands (LCD 4–7) due to the coverage coefficients, transfer ratios, and mitigation of coverage policies, which would intensify development within community centers and incentivize removal of coverage from sensitive lands, particularly SEZ.

The question raised in the comment regarding coverage increase to 70 percent on built parcels refers to Alternatives 3 and 4, which would change the allowable coverage on developed parcels in LCDs 4-7 from 50 percent to 70 percent (see Draft EIS page S-17, Table S-1: Regional Plan Update Alternatives Comparison). These changes in allowable coverage have been addressed as part of the impact analysis in Impact 3.7-1. Although all alternatives would result in some increases in coverage, primarily through additional residential allocations, build-out of any of the Regional Plan Update alternatives would result in less than the total allowable coverage for the Region as determined by the Bailey System, and coverage of sensitive lands would be reduced. All alternatives would result in less-than-significant effects with regard to total coverage.

For Impact 3.7-1, it would be too speculative to predict the exact amount and location of land coverage that would result from each of the alternatives. Under each Regional Plan Update alternative, the amount of new coverage would depend on the design and location of individual projects. For this reason, it is not feasible to provide exhibits of specific locations or visual renderings of how increased coverage would appear. However, individual projects would be subject to existing and proposed regulations that ensure the maximum allowable coverage is not exceeded at the project scale. Each alternative would also include the removal of existing coverage as a result of the continuation or modification of certain programs and provisions, such as coverage transfer requirements, the excess coverage mitigation program, and the Environmental Improvement Program. A good-faith effort was made in the Draft EIS to disclose the potential amount and distribution of coverage that could result from new development, changes to coverage transfer ratios, and the maximum allowable coverage in community centers in each Regional Plan Update alternative.

As noted above, Alternative 3 would increase the maximum allowable coverage for developed parcels within community centers to 70 percent of the high capability land, which would make it consistent with maximum allowable coverage for vacant lands in those areas (Draft EIS page 3.7-33). The Draft Plan has been revised to limit this increase in maximum allowable coverage to the portions of community centers that are 300 feet or farther from the high water mark of Lake Tahoe, or landward of the State Highways in the Tahoe City and Kings Beach Town Centers (Final Draft Code of Ordinances Section 30.4.2.B.1).

Because the Final Draft Plan, described in Chapter 2 of this Final EIS, would include additional limitations on increases in maximum allowable coverage beyond those included in Alternative 3, it would result in less environmental impact than Alternative 3. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts nor would they increase the severity of any adverse impacts associated with Alternative 3.

Please also refer to Master Response 3, Programmatic Coverage Assessment; and Master Response 5, Effects of Concentrated Development on Water Quality, for more information on this topic.

I68-11	The comment supports limited exceptions for transfer between Hydrologically Related Areas (HRAs) related to transfer for recreation projects, coverage for single-family dwellings, and public service projects. The comment states that the HRA should demonstrate available “carrying capacity” for additional coverage. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to not allow coverage transfers across HRA boundaries. Therefore, the Final Draft Plan would reflect no change from existing conditions relative to coverage transfers across HRA boundaries. Since the Final Draft Plan would include no change from existing conditions related to coverage transfers across HRA boundaries it would result in no impact.
I68-12	The comment states that the public review period did not provide enough time for adequate review. See Master Response 2, Duration of Public Comment Period.  The comment further suggests various incentives for existing property owners to improve properties in a simplified manner and with reduced expense. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I69</b>	<b>Meghan Kelly 5/29/2012</b>
I69-1	The comment requests that the Regional Plan Update include incentives or mandates to install low impact development improvements with each new road, sidewalk, or bike trail project. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I69-2	The comment requests that all streets be striped with Class 2 bike lane stripes, which would promote Tahoe as a world class biking destination. The comment pertains to the Plan itself and



not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I70**

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**Tom Kenna  
5/23/2012**

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I70-1

The comment expresses concerns regarding major bicycle path projects and stimulating economic activity, and expresses support for Lake water quality improvement. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.

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**Response  
I71**

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**Wilma Gomes  
5/18/2012**

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I71-1

The comment raises specific concerns regarding the unfinished construction across from Harveys. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it addresses impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

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**Response  
I72**

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**Susan Lowe  
5/24/2012**

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I72-1

The comment expresses support for Regional Plan Update Alternative 3. The comment of support is noted. The comment also states an objection to point-of-sale BMP requirements. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I73**

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**James Macdonell  
5/14/2012**

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I73-1

The comment states that the Regional Plan Update is too lengthy and complex to be reviewed in only 60 days and urges an extension of at least an additional 90 days. See Master Response 2, Duration of Public Comment Period.

<b>Response I74</b>	<b>Thane McCall 5/1/2012</b>
I74-1	<p>The comment expresses the opinion that BMPs are unenforceable and are a tax. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.</p> <p>The comment expresses support for Alternative 3. The comment of support is noted.</p>
<b>Response I75</b>	<b>Joanne McGrail 5/14/2012</b>
I75-1	The comment states that the Regional Plan Update is too lengthy and complex to be reviewed in only 60 days and suggests an extension of at least an additional 90 days. See Master Response 2, Duration of Public Comment Period.
<b>Response I76</b>	<b>Dan McHale 6/22/2012</b>
I76-1	The comment expresses support for Regional Plan Update Alternative 3 and Transportation Strategy Package C in the RTP/SCS. The comment of support is noted.
<b>Response I77</b>	<b>Dan McHale 6/28/2012</b>
I77-1	The comment provides general remarks on the progress and direction of the Regional Plan Update. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document.
<b>Response I78</b>	<b>Bob McKay 5/24/2012</b>
I78-1	The comment supports the environmental redevelopment opportunities and incentives contained in Alternative 3 of the Regional Plan Update. The comment of support is noted.
<b>Response I79</b>	<b>Mort Meiers 5/24/2012</b>
I79-1	The comment provides introductory information and support for Alternative 3 of the Regional Plan Update. The comment of support is noted.
<b>Response I80</b>	<b>Gary Mendel 6/14/2012</b>
I80-1	The comment suggests the depth of water in the Tahoe Keys is the primary cause of Lake clarity impacts. The EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities. This comment does not raise environmental

issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. Furthermore, the comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate.

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**Response  
I81**      **Danna Meyer  
6/27/2012**

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- I81-1      The comment expresses the need for regulations that make sense economically as well as environmentally. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response  
I82**      **Gary Midkiff  
6/28/2012**

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- I82-1      The comment provides introductory remarks about the Regional Plan Update and Regional Transportation Plan.
- I82-2      The comment requests that ongoing efforts to analyze and design West Lake Parkway and Stateline Avenue accommodate four lanes to adequately serve future contemplated environmental redevelopment of the South Stateline area. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. Please also refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I82-3      The comment provides general support for Alternative 3 of the Regional Plan Update, specifically the provisions for Area Plans and allowing the Town Center at South Stateline to retain existing heights up 197 feet during redevelopment. The comment of support is noted for consideration during the review of the merits of the alternatives.
- I82-4      The comment provides general support and specific support of individual provisions included in Alternative 3 of the Regional Plan Update. The comment further provides specific recommendations for revisions to provisions in Alternative 3. The comment of support is noted for consideration during the review of the merits of the alternatives. In addition, please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

<b>Response I83</b>	<b>Gary Midkiff 4/26/2012</b>
I83-1	The comment expresses support for the Regional Plan Update effort and provides encouragement to work within the timeframe that the Compact sets forth. The comment of support is noted.
<b>Response I84</b>	<b>Gary Midkiff 5/24/2012</b>
I84-1	<p>The comment expresses support for Regional Plan Update Alternative 3 and encourages TRPA to maintain the 60-day EIS review period. The comment of support is noted.</p> <p>The comment also includes specific project-related concerns regarding projects in the Stateline area and adequate roadway capacity. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.</p>
<b>Response I85</b>	<b>Alex Mourelatos 6/22/2012</b>
I85-1	The comment provides an introduction to the commenter and expresses support for collaborative Regional Plan Update process with a common goal, i.e., Lake clarity. The comment expresses support for the Governing Board to move forward in review of the EIS and technical supporting documents. The comment of support is noted.
<b>Response I86</b>	<b>Paul Nan 6/27/2012</b>
I86-1	The comment focuses on the Kings Beach Commercial Core area and expresses concerns with protecting views from land toward the Lake as well as concerns about the need for commercially-zoned land for economic viability. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or

public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

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**Response  
I87**

**Ann Nichols  
4/25/2012**

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I87-1

The comment expresses concern regarding the Boulder Bay Project and associated height amendment for the North Stateline Community Plan. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan. No further response is necessary.

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**Response  
I88**

**Eva Nichols  
5/14/2012**

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I88-1

The comment requests extension of the Regional Plan Draft EIS public review period for an additional 90 days. Please see Master Response 2, Duration of Public Comment Period.

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**Response  
I89**

**Ann Nichols  
6/1/2012**

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I89-1

The comment expresses concern regarding height allowances in the Regional Plan Update. Regional Plan Update Alternative 3 would allow an Area Plan to propose increased maximum allowable heights in the High Density Tourist District of up to 197 feet, the height of the tallest existing buildings within the High Density Tourist District (area shown on Exhibit 2-13 of the Draft EIS). An Area Plan that proposed an increase in maximum allowable heights would be subject to a set of environmental and conformance review standards, including requirements that the Plan contain provisions to enhance the appearance of existing buildings, and existing regulations that require compliance with scenic protection standards, described in Draft EIS pages 3.9-24 to 3.9-25. Any project proposing increased height would also be subject to environmental review, required scenic threshold findings, and existing building and site design standards.

Despite the existing and proposed scenic requirements, the Draft EIS finds that the increased allowable maximum height in the High Density Tourist District could result in potentially significant scenic impacts. To address this potentially significant scenic impact, the Draft EIS prescribes Mitigation Measures 3.9-b, which would require that any proposed development in the High Density Tourist District not increase the visual prominence of any redeveloped existing high-rise structures. The Draft EIS finds that Alternative 3 would have a less-than-significant scenic impact after incorporation of this mitigation measure because structures within the High

Density Tourist District would be redeveloped to improve scenic quality and their visual prominence would not increase over baseline conditions (Draft EIS page 3.9-31).

As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include additional limitations on any proposed increase in maximum allowable height within the High Density Tourist District. Potential increases in maximum allowable height would be limited to replacement structures, provided that the structures to be demolished and replaced are an existing casino hotel with existing structures as of 2012 that are at least eight stories or 85 feet (Table 13.5.3-1 in Draft Code of Ordinances Section 13.5.3). The Final Draft Plan would retain all of the requirements of Alternative 3, as summarized in Chapter 2 of this Final EIS, and would still require compliance with Mitigation Measure 3.9-1b.

189-2

The comment expresses concern about the maximum height allowance of 95 feet in the South Shore and the 56-foot limit in Incline, Kings Beach, Tahoe City, Homewood, Zephyr Cove, and Meyers. As described in Section 3.9 of the Draft EIS (page 3.9-22), Alternative 3 would establish height limits of six stories with a maximum height of 95 feet in the Regional Center and four stories with a maximum height of 56 feet within Town Centers (see Exhibits 2-9 through 2-15 of the Draft EIS). However, the increased heights would be permitted only in accordance with Area Plans that comply with a series of review standards and have been found in conformance with the Regional Plan. The Area Plan standards are described in more detail in Section 3.9 (pages 3.9-24 through 3.9-25 of the Draft EIS). As stated on page 3.9-25, the approval requirements and existing scenic quality ordinances could act to protect views of the natural-appearing landscapes and unique natural features as viewed from adopted scenic corridors and recreation areas, provide a regulatory mechanism to ensure that allowances for increased height would be approved only in conjunction with limitations and design standards consistent with the Regional Plan, and not interfere with threshold gain. Furthermore, Impact 3.9-1 analyzes the height standards proposed in all the alternatives and determines that Alternative 3 or Alternative 4 could result in a potentially significant impact. Therefore, the Draft EIS prescribes Mitigation Measure 3.9-1a, which would require additional height findings to be made for projects in Town Centers and the Regional Center (under Alternative 3) or in the PTODs (under Alternative 4) to reduce the scenic impact of Alternative 3 or 4 to a less-than-significant level. Please also see Master Response 7, Effects of Increased Allowable Height on Scenic Resources.

The comment also expresses concerns regarding the size of TAUs and the number of residential bonus units and associated development and density. As described in Chapter 2 of this Final EIS, Alternative 3 includes 2,600 new residential allocations, 200,000 square feet of new CFA, 600 new residential bonus units, and no new TAUs (Draft EIS pages 22-33 – 2-47). The Final Draft Plan (see Chapter 2 of this Final EIS) does not change the number of new commodities, but it does place additional limitations on the use of some new commodities. The Final Draft Plan would prohibit the release of the 200,000 square feet of new CFA until after the 383,579 square feet of CFA remaining from the 1987 Regional Plan is exhausted. The Final Draft Plan would also restrict the use of the 600 new residential bonus units to within Community Centers (Table 50.4.1-1 in Draft Code of Ordinances Section 50.4.1).

The Draft EIS provides analysis of the impacts of each alternative's proposed development rights and allocations to the development pattern of the Region (Impact 3.2-1) as well as coverage impacts (Impact 3.7-1). As disclosed in the Draft EIS, because Alternative 3 (as well as Alternatives 2 and 4) includes provisions to concentrate development in community centers, which would result in greater opportunity for alternative transportation, reduced VMT, reduced

air pollutant emissions, increased preservation and restoration of open space, and other benefits, this alternative would have a beneficial impact. Furthermore, please refer to Master Response 6, Effects of Revised Height and Density Allowances on Development Potential, and Master Response 9, Consideration of Banked Commodities.

The general comment that the Regional Plan Update will result in development that is too big refers to proposed provisions of the Plan itself and does not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

I89-3 This comment expresses general concern regarding TRPA's record on the environment and need to stay out of economic sustainability. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Regional Plan Update Draft EIS. The comment is noted for consideration during project review.

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**Response**  
**I90**      **Ann Nichols**  
**6/1/2012**

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I90-1 The comment expresses concern regarding relying too heavily on financial incentives to protect the environment. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

This comment also refers to proposed provisions of the Regional Plan Update. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response**  
**I91**      **Steve Noll**  
**5/29/2012**

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I91-1 The comment urges TRPA to maintain the 60-day Draft EIS review period. Please see Master Response 2, Duration of Public Comment Period.

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**Response**  
**I92**      **Steve Noll**  
**6/28/2012**

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I92-1 The comment provides introductory information and support for Alternative 3, stating it provides flexibility for local governments, focuses on environmental redevelopment, encourages green building design, emphasizes non-motorized automobile development, and addresses greenhouse gas issues. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the review of the merits of the alternatives.

<b>Response I93</b>	<b>Stacy Noyes 4/21/2012</b>
I93-1	The comment supports the 60-day comment period. Please, see Master Response 2, Duration of Public Comment Period.
<b>Response I94</b>	<b>Perry O Bray 6/14/2012</b>
I94-1	The comment recommends consideration of electric mass transit, more fluid public bus operations, and potential stop-free fare from the Y to the Casino Core. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I95</b>	<b>Heidi Pesterfield 5/14/2012</b>
I95-1	The comment states that the Regional Plan Update is too complex to be reviewed in only 60 days and requests an extension of at least an additional 90 days. Please see Master Response 2, Duration of Public Comment Period.
<b>Response I96</b>	<b>Dave Polivy 5/23/2012</b>
I96-1	The comment provides introductory information and support for an open and transparent process. The comment expresses support for transect zoning and focusing development in Town Centers to maximize services for those areas and keep green spaces green. The comment specifically supports Alternative 3 of the Regional Plan Update. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I97</b>	<b>Dave Polivy 6/27/2012</b>
I97-1	The comment provides introductory information and support for Alternative 3, especially the incorporation of Area Plans and special district overlays. The comment is noted for consideration during the review of the merits of the alternatives.
I97-2	The comment expresses support for Alternative 3, but notes that Alternative 3 does not include any new TAUs but allows for bonus units to incentivize transfers. The comment expresses concern that North Lake Tahoe does not have the same excess level of TAUs that exist on the South Shore and that the cost of acquiring and transferring some of these existing TAUs to new projects proposed in Town Centers could be confusing, costly, and create local jurisdiction competition. The comment offers suggestions for TAUs and commercial space. The comment is noted for consideration during the review of the merits of the alternatives.



I97-3            The comment requests that Mitigation Measure 3.4-9 include an extended period of time or use a different method for calculating the Air Quality Mitigation Fees. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 proposal to amend the procedure for calculating air quality mitigation fees (Draft Code Section 65.2.3.F). This proposal extends the time for which an applicant could use a prior existing use as the basis for a new trip calculation from 90 days within the last 2 years to 90 days within the last 5 years, as described in the Draft EIS on pages 3.4-47 to 3.4-48. Please see Section 2.2.19, Air Quality Mitigation Fee Timeframe Extension, in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, for more information.

The comment states that Mitigation Measure 3.4-9 does not provide a good explanation of how the Air Quality Mitigation Fees will improve air quality. This comment is the same as Comment A7-13; therefore, please see the Response to Comment A7-13.

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**Response**        **Carolyn Pretzer**  
**I98**                **5/23/2012**

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I98-1            The comment provides introductory information and support for improvements to the public transportation system. The comment encourages longer hours, increasing public awareness, and private/public cooperation. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

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**Response**        **Steve Price**  
**I99**                **5/23/2012**

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I99-1            The comment requests a short executive summary, of about 7-10 pages, for the general public. The Draft EIS Summary Chapter contains 11 pages of text. Table S-1 provides a comparative overview of the alternatives and Table S-2 provides a summary of the impacts and mitigation measures associated with each Regional Plan Update alternative.

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**Response**        **Christina Protor**  
**I100**               **5/24/2012**

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I100-1           The comment provides introductory information and support for the Regional Plan Update and Regional Transportation Plan to move forward in a timely manner to implement improvements for bicycles and pedestrians. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.

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**Response**        **Peter Przybyslawski**  
**I101**               **6/26/2012**

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I101-1           The comment pertains to the 2010 Bike and Pedestrian Plan. This comment does not raise environmental issues or concerns that are applicable to the scope of the Regional Plan Update EIS. No further response is necessary.

<b>Response I102</b>	<b>Dr. Clint Purvance 4/26/2012</b>
I102-1	<p>The comment provides introductory information and support for the direction of the Regional Plan Update. The comment states that Lake clarity is tied to economic stewardship and believes the Regional Plan Update provides economic incentives and environmental stewardship. The comment of support is noted.</p>
<b>Response I103</b>	<b>Jennifer Quashnick 6/14/2012</b>
I103-1	<p>The comment raises concerns regarding lack of an economic feasibility study for the Regional Plan Update. An independent economic firm, BAE, prepared a review of the Regional Plan Update's proposed transferable development incentive program and found it to create feasible development scenarios and achieve the objective of retiring sensitive lands. Please see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.</p> <p>The economic analysis by BAE was not prepared specifically for or as a part of the EIS. It was prepared to verify that the transfer development rights ratios in the Draft Regional Plan are realistic. The Draft EIS references the economic analysis as one piece of information considered, but does not rely on the economic analysis as the basis for any impact determination. The transfer development rights assumptions used in the Draft EIS are based on documented use of the sensitive lot retirement program, not on the BAE report. The BAE report was created by experienced professionals, using standard approaches. The report incorporates local information and costs and is cited in the Draft EIS because it is the best available information. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.</p>
I103-2	<p>The comment expresses concern that the Regional Plan Update Draft EIS defers impacts to project-level planning. As described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. Additionally, the impact analyses in Chapter 3 of the Draft EIS address impacts to TRPA threshold standards and cumulative impacts of the Regional Plan Update alternatives are discussed in Chapter 4 of the Draft EIS.</p> <p>Please refer to Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.</p>

<b>Response I104</b>	<b>Hank Raymond 4/30/2012</b>
I104-1	<p>The comment states that regulations regarding light pollution are insufficient. As explained in Impact 3.9-3 of the Draft EIS, the intent of all five proposed alternatives is to set specific requirements for exterior lighting location, height, and shielding to not only satisfy public safety requirements but minimize off-site spillage and, to the extent feasible, reduce light pollution coming from within the Region. Existing lighting standards currently require only that lights be directed downward and do not specifically require the use of cutoff shields. Changes to Chapter 36.8 of the Code of Ordinances to require the use of cutoff shields would apply to Alternatives 2, 3, and 4. As new development and redevelopment occur, these lighting standards would be implemented. As such, the impacts of Alternatives 2, 3, and 4 is determined to be beneficial for nighttime views and dark skies.</p> <p>The comment also provides recommendations for the maximum cutoff angle, backlit plastic signs, light trespass, making light pollution regulations retroactive, and types and wattage of bulbs. These recommendations refer to proposed provisions of the Regional Plan Update and do not pertain to the adequacy, accuracy, or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
<b>Response I105</b>	<b>Hank Raymond 5/24/2012</b>
I105-1	<p>The comment recommends that the RTP/SCS should create a policy to use roundabouts instead of stop lights wherever possible. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
<b>Response I106</b>	<b>Hank Raymond 6/14/2012</b>
I106-1	<p>The comment recommends that the Regional Plan Update should require that roundabouts be installed instead of stop lights wherever possible. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
<b>Response I107</b>	<b>Hank Raymond 4/30/2012</b>
I107-1	<p>The comment states that the Regional Plan does not do enough to address light pollution and provides recommendations for the maximum cutoff angle, backlit plastic signs, light trespass, making light pollution regulations retroactive, and types and wattage of bulbs. Please see the Response to Comment I104-1, where these concerns are addressed.</p>

<b>Response I108</b>	<b>Hank Raymond 5/24/2012</b>
I108-1	The comment states that the Regional Plan does not do enough to address light pollution and provides recommendations for the maximum cutoff angle, backlit plastic signs, light trespass, making light pollution regulations retroactive, and types and wattage of bulbs. Please see the Response to Comment I104-1, where these concerns are addressed.
I108-2	The comment recommends that the Regional Plan Update should require that roundabouts be installed instead of stop lights wherever possible. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response I109</b>	<b>Carl Ribaudó 4/26/2012</b>
I109-1	The comment supports moving forward with the Regional Plan and believes the redevelopment process in Alternative 3 is key. The comment of support is noted.
<b>Response I110</b>	<b>Blake Riva 4/26/2012</b>
I110-1	The comment supports Alternative 3 and its enhancements and improvements to lodging, which are important to environmental sustainability and economic viability. The comment of support is noted.
<b>Response I111</b>	<b>Marc Royer 4/27/2012</b>
I111-1	<p>The comment supports Alternative 3 and regional BMP laws. The comment of support is noted.</p> <p>The comment opposes point-of-sale BMP requirements. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
<b>Response I112</b>	<b>May 21, 2012 – Open House Comments (Computer Entries)</b>
I112-1	With regard to the Regional Transportation Plan, the comment states that employers should provide a share of transit costs for their employees. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I112-2	With regard to the Regional Transportation Plan, the comment provides the same comment as Comment I112-1, translated into Spanish. See the Response to Comment I112-1.
I112-3	With regard to the Regional Transportation Plan, the comment requests that a mini-park be built in the Sierra Tract. The comment pertains to the Plan itself and not to the environmental

- document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I112-4 With regard to the Regional Transportation Plan, the comment requests that sidewalks, reduced vehicle speed limits, and a flashing light system be put in place during school hours. The comment also requests more lighting in the same area. All features are recommended to increase pedestrian safety for children attending the school near Kings Beach. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I112-5 With regard to the Regional Transportation Plan, the comment provides the same comment as Comment I112-4, translated into Spanish. See the Response to Comment I112-4.
- I112-6 With regard to the Regional Plan Update, the comment provides support for the new bike policies. The comment of support is noted.
- I112-7 With regard to the Regional Plan Update, the comment questions the efficacy of the Transferable Development Incentive Program. The Final Draft Plan, described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, includes a priority task (following adoption) to review the efficacy of the development transfer ratios (see Attachment 5 of the Final Draft Goals and Policies). Also see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.
- I112-8 With regard to the Regional Plan Update, the comment suggests that the Code of Ordinances should be amended so as not to require uses that have not been in operation for two years to pay an air quality mitigation fee. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3, Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 proposal to amend the procedure for calculating air quality mitigation fees (Draft Code of Ordinances Section 65.2.3.F). This proposal extends the time for which an applicant could use a prior existing use as the basis for a new trip calculation from 90 days within the last 2 years to 90 days within the last 5 years, as described in the Draft EIS on pages 3.4-47 to 3.4-48. Please see the section titled, "Incorporation of Air Quality Mitigation Fee Timeframe Extension from Alternative 4" in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, for more information.
- I112-9 With regard to the Regional Plan Update, the comment suggests that additional coverage be allowed to accommodate ADA requirements. The comment pertains to the Plan itself and not to the environmental document. However, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 coverage exemption for retrofits of existing buildings necessary to comply with ADA requirements. The Final Draft Plan also incorporates the elements of Mitigation Measure 3.8-4 that apply to the ADA exemption (Draft Code Section 30.4.6). The Draft EIS finds that the combination of coverage exemptions proposed under Alternative 4, with mitigation measures, would result in less-than-significant impacts.
- I112-10 With regard to the Regional Plan Update, the comment states that TRPA should put forth more immediate effort into infiltrating and treating urban runoff. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

Response I113	Chuck Scharer 6/27/2012
I113-1	The comment states that the letter is provided on behalf of Edgewood Companies and expresses support for special planning designations in Alternative 3, increased height limits in Alternative 3, and additional areas being designated as recreation. The comment of support is noted.
I113-2	<p>The comment states that the EIS should analyze and disclose the beneficial effects of allowing additional uses within Recreation lands surrounding the High Density Tourist District in Alternative 3.</p> <p>The purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact, to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards. As stated in Section 1.4, the purpose of the EIS is to identify and assess the anticipated environmental effects of implementing each of the Regional Plan Update alternatives, with a focus on significant and potentially significant environmental impacts. The role of the EIS is to provide sufficient environmental information to allow meaningful comment and participation by public agencies, interest groups, and the public; to allow the TRPA Advisory Planning Commission to recommend a preferred alternative to the TRPA Governing Board; and, ultimately, for the Governing Board to render a fully-informed decision with regard to its approval of an updated Regional Plan.</p> <p>When identified in the comprehensive environmental analyses of 14 resources areas in Draft EIS Chapter 3, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts, beneficial environmental impacts are noted. However, specific analysis of social and economic benefits is not a requirement of the EIS. The EIS, consistent with its policy-level purpose, includes a thorough analysis of the environmental implications of the policy directions offered by the alternatives, and the information necessary to select the alternative that would best achieve TRPA's regional objectives.</p> <p>Furthermore, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.</p> <p>Please also see Master Response 10, Development on Recreation-Designated Lands.</p>
I113-3	The comment requests that TRPA change its policy requiring demonstration of control (acquisition of) TAUs prior to submittal of a project for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
I113-4	The comment states that the coverage exemption for ADA retrofits in Alternative 4 should be included in Alternative 3. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 coverage

exemption for retrofits of existing buildings necessary to comply with ADA requirements. The Final Draft Plan also incorporates the elements of Mitigation Measure 3.8-4 that apply to the ADA exemption (Draft Code Section 30.4.6). The Draft EIS finds that the combination of coverage exemptions proposed under Alternative 4, with mitigation measures, would result in less-than-significant impacts.

I113-5 The comment recommends that TRPA work with contractors' associations to carefully weigh the costs and benefits of construction-related air and noise mitigation requirements. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, as well as Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.

I113-6 The comment expresses support for Area Plans but questions how the approval process will be streamlined. The comment of support is noted.

Area Plans proposed under Alternative 3 are intended to allow public agencies to prepare plans consistent with the Regional Plan and utilize new allowances for streamlined permitting and increased intensity in community centers. As explained in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Once a conformity determination has been made and environmental review requirements of TRPA (and CEQA, for plans in California) have been completed, the affected public agency may assume responsibility for review and approval of certain additional activities. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.

I113-7 The comment states that use of prior existing use as a basis for a new trip calculation, as proposed in Alternative 4, should be included in Alternative 3 and recommends waiving the fee entirely for redevelopment projects. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 proposal to amend the procedure for calculating air quality mitigation fees (Draft Code Section 65.2.3.F). This proposal extends the time for which an applicant could use a prior existing use as the basis for a new trip calculation from 90 days within the last 2 years to 90 days within the last 5 years, as described in the Draft EIS on pages 3.4-47 to 3.4-48. Please see the section titled, "Incorporation of Air Quality Mitigation Fee Timeframe Extension from Alternative 4" in Chapter 2 of this Final EIS for more information.

I113-8 The comment recommends opening up accessory uses to the street, thereby animating the street. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- I113-9 The comment recommends the ability to transfer units of use and coverage regardless of location. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I113-10 The comment states that the transfer ratio for TAUs should not be greater than one to one for a recreation area eligible for transfer of existing development. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. In addition, please see Section 2.2.4 of Chapter 2 in this Final EIS, which explains additional transfer limits on TAUs. As described in Draft Code Section, 51.5.2.K, the Final Draft Plan retains the TAU size limits proposed under Alternative 3 for some transferred TAUs, reduces the size limits for other transferred TAUs, and places additional requirements on transfers of TAUs. The new requirements would provide additional safeguards to limit the impact of transferred TAUs and help to ensure that transfers of TAUs do not have unintended consequences. Because the Final Draft Plan retains the size limits in Alternative 3 and would place greater restrictions on the transfer of TAUs, this revision would result in less of an environmental impact than the TAU transfer policy analyzed in Alternative 3.
- I113-11 The comment supports the concept of a TAU retirement program to reduce the overall number of TAUs in the Region. The comment of support is noted. Please also see Section 2.2.4 of Chapter 2 in this Final EIS, which explains additional transfer limits on TAUs. As described in Draft Code Section 51.5.2.K, the Final Draft Plan retains the TAU size limits proposed under Alternative 3 for some transferred TAUs, reduces the size limits for other transferred TAUs, and places additional requirements on transfers of TAUs. The new requirements would provide additional safeguards to limit the impact of transferred TAUs and help to ensure that transfers of TAUs do not have unintended consequences. Because the Final Draft Plan retains the size limits in Alternative 3 and would place greater restrictions on the transfer of TAUs, this revision would result in less of an environmental impact than the TAU transfer policy analyzed in Alternative 3.
- I113-12 The comment supports the allowance of coverage transfers across HRAs. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to no longer include coverage transfers across HRA boundaries.
- I113-13 The comment encourages the expanded ability to transfer soft coverage to commercial as well as residential projects. As described in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-44), Alternative 3 includes a provision allowing the transfer of soft coverage from SEZs to Community Plans, Town Centers, the Regional Center, and the High Density Tourist District for all use types (see Draft Code Section 30.4.3.B.2.b).
- I113-14 The comment supports the proposed coverage exemption for non-motorized trails. The comment of support is noted.
- I113-15 The comment states that additional species that may require further study should be listed and analyzed in the EIS.
- Section 3.10 of the Draft EIS, Biological Resources, presents a set of tables and descriptions of vegetation communities, wildlife habitats, and special-status species known or with potential to occur in the Tahoe Basin:



- ▲ Table 3.10-2 provides an overview of vegetation communities within the Tahoe Basin ecological subsection.
- ▲ Table 3.10-3 summarizes the California Wildlife Habitat Relationships System vegetation communities and wildlife habitat types in the Tahoe Basin.
- ▲ Table 3.10-4 summarizes the status, habitat association, and occurrence information of each special-status plant species evaluated during the Draft EIS analysis. The initial data review preliminarily identified 41 special-status plant species known or with potential to occur in the Tahoe Basin.
- ▲ Table 3.10-5 summarizes the status, habitat associations, and occurrence information of each special-status wildlife species evaluated during this analysis. The initial data review preliminarily identified 40 special-status wildlife species known or with potential to occur in the Tahoe Basin.

Further identification of species would be appropriate during a project-level environmental review for a specific development proposal. As described in the fourth paragraph on page 1-8, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. This comment does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

I113-16 The comment expresses support for Policy T-10.7 to encourage multi-modal amenities as mitigation for traffic impacts. The comment of support is note.

I113-17 The comment suggests that the term “scenic quality” replace the term “visual prominence” in Mitigation Measure 3.9-1b: Permit Redevelopment of the High Density Tourist District/South Stateline Casino Core Tourist District of Existing Buildings within Existing Visual Prominence.

The term “visual prominence” is used specifically to refer to “building mass, contrast, location, articulation, color, materials, and architectural style; and the quality of the landscape features and views that are blocked or revealed as a result of the structure redevelopment.”

“Scenic quality” is a term that describes the overall quality of the viewshed, which includes the built and the natural environment. In evaluating development within the High Density Tourist District, the intent of the mitigation measure is to ensure that the scenic quality of the overall viewshed, as seen from key scenic viewpoints, is not affected by the visual prominence of a redeveloped structure.

**Response**  
**I114**

**Chuck Scharer**  
**4/26/2012**

I114-1 The comment expresses support for Regional Plan Update Alternative 3. The comment of support is noted.

<b>Response I115</b>	<b>Robert Schiffner 5/17/2012</b>
I115-1	<p>The comment states that the Region cannot support the type of development proposed. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate; therefore, no further response can be provided.</p> <p>The comment further requests an extended period of time for public review to study all aspects of the future plan. Please see Master Response 2, Duration of Public Comment Period.</p>
<b>Response I116</b>	<b>Kim Schmidt 5/15/2012</b>
I116-1	The comment asks that the 60-day review period be reconsidered. Please see Master Response 2, Duration of Public Comment Period.
<b>Response I117</b>	<b>Richard Shaw 4/26/2012</b>
I117-1	The comment provides general support for Alternative 3 of the Regional Plan Update, noting positive economic and environmental benefits associated with the alternative. The comment of support is noted.
<b>Response I118</b>	<b>Steven Kenninger and Gail A. Jaquish 6/28/2012</b>
I118-1	The comment provides introductory remarks and states that the remainder of the comment letter suggests amendments, modifications, or clarifications to the Regional Plan Update, Code of Ordinances, Goals and Policies, and Draft EIS. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. No further response is necessary.
I118-2	<p>The comment states that the Compact requires that all mitigation measures in an EIS are feasible, as defined in the Compact. The comment further states that the Draft EIS, Goals and Policies, and Code of Ordinances do not appear to have followed this directive. The comment gives the example of construction-related air quality and noise mitigation. The comment asks that all of the mitigation requirements in the Draft EIS and all of the provisions of the Goals and Policies and Code of Ordinances be reviewed to confirm that each is feasible, as defined in the Compact.</p> <p>The comment provides the correct definition for “feasible,” as defined in the Compact. “Feasible” means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” All mitigation measures recommended in the Regional Plan Update EIS and RTP/SCS EIR/EIS are believed to be feasible. If the Governing Board deems any mitigation measure to be infeasible, then comparable, equally effective mitigation would need to be adopted. With regard to construction-related air quality and noise mitigation, please see Master Response 13, Programmatic Mitigation Measures and Proper Deferral of Mitigation Details.</p>

- I118-3 The comment states that the current uncertain timeframe of adjudicating appeals under Article 11 of the Code of Ordinances is contrary to the objectives of reasonable efficiency, transparency, and due process of law that the Regional Plan Update is striving to achieve. The comment further provides a suggested revision to Article 11 to establish a procedure and require a schedule for TRPA to hear appeals. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-4 The comment addresses Section 2.2 of the Code of Ordinances, suggesting a revised process for environmental review of projects by local jurisdictions and TRPA to avoid duplicative review or conflicting requirements.
- Area Plans proposed under Alternative 3 are intended to allow public agencies to prepare plans consistent with the Regional Plan and utilize new allowances for streamlined permitting and increased intensity in community centers. As explained in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Once a conformity determination has been made and environmental review requirements of TRPA (and CEQA, for plans in California) have been completed, the affected public agency may assume responsibility for review and approval of certain additional activities. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.
- I118-5 The comment suggests specific text changes to Section 2.2.4 of the TRPA Code of Ordinances (regarding TRPA approvals) to expand the list of “events beyond the control of the permittee” to include specific economic and financing-related factors. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-6 The comment addresses Section 2.3.2(N) of the Code of Ordinances, asking for clarification of “non-substantial activities” and “substantial Project” permits. The comment further suggests an editorial revision to provide clarity. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-7 The comment addresses Section 13.4.2 of the Code of Ordinances, regarding initial statements of intent to develop an Area Plan submitted to TRPA by local jurisdictions. The comment requests specific clarifications to the text describing the TRPA review period. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- I118-8 The comment addresses Section 13.5.3.D of the Code of Ordinances, regarding standards associated with site design, building placement and design, landscaping, lighting, and signage. The comment provides line-by-line text changes to standards described in this Code section to incorporate language regarding feasibility and reasonableness of the standards. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-9 The comment addresses Section 13.7.3 of the Code of Ordinances, regarding activities requiring TRPA approval. The comment asks if the term “building floor area” includes attached or underground garages and for clarification of this issue to be provided in the Code. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-10 The comment addresses Chapter 30 of the Code of Ordinances, regarding pervious coverage. The comment suggests that the Code be amended to include language allowing pervious coverage to qualify for the 25 percent bonus coverage provision provided a redundant infiltration BMP is in place. The comment pertains to the Plan itself and not to the environmental document. As described in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-44), Alternative 3 promotes the use of pervious pavement in non-sensitive lands (excluding roadways) by providing a 25 percent coverage exemption subject to design, siting, and maintenance requirements.
- I118-11 The comment addresses Section 30.4.6.2(b) of the Code of Ordinances regarding pervious decks. The comment requests clarification for allowable square footage of pervious decks for multi-unit projects. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- The pervious deck exemption is intended to apply to all residential uses, not just single-family residential uses. Mitigation Measure 3.8-4 limits exempted coverage to 5 percent of the total amount of high capability land on a parcel or 750 square feet, whichever is less, provided that the pervious deck meets BMP requirements and is located on high capability land. Because this measure limits exempted coverage to a percent or square footage of an individual parcel, this exemption would preclude many multi-family developments where more than one residence is proposed on a single parcel.
- As described in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-44), Alternative 3 exempts coverage for new pervious decks and temporary coverage in non-sensitive lands subject to design, siting, and maintenance requirements and size limits. Furthermore, as described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as

- appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects.
- I118-12 The comment addresses Section 30.4.6.C.3 of the Code of Ordinances regarding non-motorized public trails. The comment provides line-by-line text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-13 The comment addresses Section 36.5.1 of the Code of Ordinances regarding general site design standards. The comment provides line-by-line text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-14 The comment addresses Section 36.5.2 of the Code of Ordinances regarding standards for commercial, tourist accommodation, public services, and multi-residential projects. The comment expresses concerns regarding reasonableness and feasibility of these standards and provides a specific text change for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-15 The comment addresses Section 36.6.1 of the Code of Ordinances regarding screening elements. The comment expresses concerns regarding reasonableness and feasibility of these standards and provides specific text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-16 The comment addresses Section 36.7.1 of the Code of Ordinances regarding permitted plant species. The comment expresses concerns regarding reasonableness and feasibility of these standards and provides specific text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-17 The comment addresses Section 36.7.2 of the Code of Ordinances regarding mandated minimum plant sizes and spacing. The comment states that the appropriate allocation of project expenditures should be made by the project proponent, not TRPA, where there is no compelling adverse environmental impact being avoided by the requirement. The comment requests that the provisions describing minimum plant sizes should be deleted from the Goals and Policies and the Code of Ordinances. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-18 The comment addresses Section 36.8.1.E of the Code of Ordinances regarding general standards for exterior lighting. The comment states that language should be clarified to avoid subjective judgments about the proposed purpose of a lighting plan for a project, and so the project may pursue reasonable aesthetic lighting design objectives. The comment provides specific text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

- I118-19 The comment addresses Section 36.9 of the Code of Ordinances regarding water conservation standards. The comment states that requiring the water conservation standards noted in this section is a selective tax on new development that may impact a project's economic feasibility. The comment provides a specific text change for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-20 The comment addresses Section 37.4.3 of the Code of Ordinances regarding exceptions to height limits for flagpoles. The comment identifies two ambiguities that should be clarified and provides specific text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-21 The comment addresses Section 65.3 of the Code of Ordinances regarding bicycle and pedestrian facilities and the applicability of obligations to grant easements. The comment provides specific text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-22 The comment addresses Chapter 90 of the Code of Ordinances regarding missing definitions for "natural site feature" and "natural feature" and a revised definition for "story." The comment provides specific text changes for consideration. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-23 The comment addresses Regional Plan Update Policy LU-4.5. The comment refers back to a previous comment on the Code of Ordinances regarding the same topic and requests the same specific clarifications to the text describing the TRPA review period in Policy LU-4.5. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-24 The comment addresses Regional Plan Update Policy CD-2.1 (A-E). The comment refers back to comments on the Code of Ordinances regarding the same topics and requests the same specific text changes. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I118-25 The comment addresses Regional Plan Update Policies WQ-1.1, WQ-1.5, WQ-1.6, and WQ-1.7 regarding the Lake Tahoe TMDL. The comment asks what TRPA's proper role is with respect to the implementation of the Lake Tahoe TMDL. The comment further states that, if TRPA maintains its policy as a facilitator of water quality improvements through beneficial redevelopment, and allows the local jurisdictions to maintain their position in the lead role for each jurisdiction, working with the private sector, over time, such public-private voluntary cooperative efforts will achieve the necessary load reductions. Please refer to Master Response 4, Consistency and Coordination between the TMDL, 208 Plan, and Regional Plan Requirements.
- I118-26 The comment states that text of a proposed mitigation measure in the Regional Plan Update Draft EIS (Mitigation Measure 3.8-4: Coverage Exemption Requirements, Part B. Pervious Decks) limits application of the measure to only single-family home projects, not multi-unit projects.

The comment further provides specific text changes for consideration. Suggested revisions would limit the pervious deck exemption for all units in the aggregate in a multi-unit project to 5 percent of the total amount of high capability land on the parcel and would limit the pervious deck exemption per unit in a multi-unit project to 750 square feet per unit.

The pervious deck exemption is intended to apply to all residential uses, not just single-family residential uses. Mitigation Measure 3.8-4 limits exempted coverage to 5 percent of the total amount of high capability land on a parcel or 750 square feet, whichever is less, provided that the pervious deck meets BMP requirements and is located on high capability land. Because this measure limits exempted coverage to a percentage or square footage of an individual parcel, this exemption would preclude many multi-family developments where more than one residence is proposed on a single parcel.

- I118-27 The comment recommends that the Draft EIS analyze the impact of requiring deed restrictions for moderate-income housing that last in perpetuity and furthermore analyze applicable provision of the TRPA Code of Ordinances with respect to moderate-income housing. The comment references existing provisions of the TRPA Code of Ordinance (Section 52.3.6.B) that are not proposed for change and not being considered in any Regional Plan Update alternative. The EIS focuses only on the environmental impacts of the proposed changes to the policies; analysis of existing Code is not necessary. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

**Response  
I119**

**Jennifer Montgomery  
6/25/2012**

- I119-1 The comment provides introductory comments of support for the Regional Plan Update process.
- I119-2 The comment expresses the view that TAUs should have a maximum "transfer" potential of no more than three times the original size of the unit, not to exceed 1,800 square feet. This comment refers to proposed provisions of the Regional Plan Update itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
- I119-3 The comment expresses the view that efforts should be focused on the existing developed areas and that no new allowable uses of any kind should be added to areas designated as Recreation, Conservation, Forest, Open Space, Wilderness, or Timber Production Zones. This comment refers to proposed provisions of the Regional Plan Update itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation, and Master Response 10, Development on Recreation-Designated Lands.
- I119-4 The comment expresses the view that the TRPA Code of Ordinances should conform to the allowable uses permitted by Placer County for the Highway 89 commercial corridor south of Tahoe City to allow business owners to repair or replace structures and connect to sewer line without violating TRPA policy. This comment refers to proposed provisions of the TRPA Code of Ordinances and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code or Ordinances, or Threshold Evaluation.

I119-5 The comment expresses the view that the physical boundaries of TRPA's area of influence should be revised based on watershed boundaries and that the businesses along the Highway 89 commercial corridor between Tahoe City and River Ranch should not be subject to TRPA regulation. This change would not be legally permissible under the TRPA Compact, which specifically defines TRPA's area of authority.

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**Response**  
**I120** **Dave Myers**  
**6/22/2012**

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I120-1 The comment supports the direction of the RTP/SCS to remedy traffic and provide better mass transit opportunities. The comment also supports the Regional Plan Update's approach to development while continuing BMPs to sustain environmental health, especially the consolidation of commercial spaces. The comment of support is noted.

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**Response**  
**I121** **Dana Spencer**  
**6/28/2012**

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I121-1 The comment opposes high density development and states that the Regional Plan Update will not protect Lake Tahoe. The comment offers no specific information or evidence that the analysis presented in the environmental document is inadequate; therefore, no further response can be provided.

The comment also states that the public is underserved by the 60-day review period. See Master Response 2, Duration of Public Comment Period.

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**Response**  
**I122** **Stacy**  
**5/24/2012**

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I122-1 The comment supports the 60-day review period. The comment of support is noted.

The comment opposes Alternative 1 and the status quo and expresses support for Alternative 3. The comment is noted for consideration during the review of the merits of the alternatives.

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**Response**  
**I123** **Michelle Sweeney**  
**6/28/2012**

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I123-1 The comment offers the following recommendations to the Threshold Evaluation: (1) thoroughly analyze and then discuss, at a policy level, the pros and cons of upgrading the aquatic invasive species performance measures of the EIP; and (2) before the close of 2012, thoroughly analyze and then discuss in an interagency forum, at a policy level, the pros and cons of upgrading (making quantitative and static) the Aquatic Invasive Species EIP performance measures. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation. However, existing TRPA goals and policies specifically prohibit the release of non-native wildlife and exotic species in the Tahoe Basin because they can invade important wildlife habitats and compete for resources. Section 63.4 of the TRPA Code, Aquatic Invasive Species, states that "Aquatic Invasive Species (AIS) pose a serious threat to the waters of the Lake Tahoe region and can have a disastrous impact to the ecology and economy of the Tahoe Region."



Section 63.4 includes several provisions that explicitly prohibit the introduction or transport of aquatic invasive species into the Tahoe Region. In addition, as discussed in Impact 3.10-5 of the Draft EIS, Alternatives 2, 3, 4, and 5 include the proposed adoption of a new threshold management standard that supports the control and reduction of existing populations of invasive species and efforts to prevent new introductions of aquatic invasive species into the waters of the Region. Specifically, the proposal would create a new management standard that would direct TRPA to prevent the introduction of new aquatic invasive species, control the abundance and distribution of known aquatic invasive species, and abate the adverse impacts of them. This management standard would guide management actions, policy, and project review to prevent the establishment of new aquatic invasive species, and control the abundance, distribution, and adverse effects of aquatic invasive species. Adoption of this threshold management standard under Alternative 2, 3, 4, or 5 would have a beneficial impact with regard to control of invasive species.

<b>Response I124</b>	<b>Michelle Sweeney 6/28/2012</b>
I124-1	This comment is identical to Comment I123-1 submitted by the same commenter. Therefore, please see the Response to Comment I123-1.
<b>Response I125</b>	<b>Sean Sweeney 5/24/2012</b>
I125-1	The comment expresses support for the Regional Plan Update as something to strive for in the future. The comment provides introductory information and support for the process. The comment of support is noted.
<b>Response I126</b>	<b>Michelle Sweeney 6/28/2012</b>
I126-1	This oral comment provides a summary of written Comment I123-1 submitted by the same commenter. See the Response to Comment I123-1.
<b>Response I127</b>	<b>Sam W. Tagart, Jr. 5/13/2012</b>
I127-1	The comment states that the Regional Plan Update is too complex to be reviewed in only 60 days and requests an extension of at least an additional 90 days. See Master Response 2, Duration of Public Comment Period.
<b>Response I128</b>	<b>Scott Teach 6/27/2012</b>
I128-1	The comment provides introductory information and states that the Regional Plan Update is too complex to be reviewed in only 60 days. See Master Response 2, Duration of Public Comment Period.

The comment states that TRPA has become a social and economic engineer. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review. No further response is necessary.

Response I129	<b>Sustainable Community Advocates</b> <b>Steve Teshara</b> <b>6/28/2012</b>
I129-1	The comment provides a summary of the purpose of the Regional Plan Update and Regional Transportation Plan and summarizes provisions in Alternative 3 of the Regional Plan Update.
I129-2	<p>The comment describes (and quotes from the environmental documents) the results of the analysis of greenhouse gas (GHG) reduction targets and vehicle miles traveled (VMT) targets for all alternatives considered in the RTP/SCS Draft EIR/EIS and Regional Plan Update Draft EIS, noting that only Alternatives 2 and 3 (from both environmental documents) would meet the requirements of an SCS and comply with SB 375 requirements, while Alternatives 1, 4, and 5 would require the development of an Alternative Planning Strategy to meet GHG and VMT targets. The comment further states support for Alternative 3 (with improvements) over Alternative 2.</p> <p>The comment is correct in the description of the impact analysis for GHG reduction targets for each alternative. This comment expresses support for Alternative 3 and opposition to Alternatives 1, 2, 4, and 5. The comment of support for Alternative 3 is noted for consideration during the review of the merits of the alternatives.</p>
I129-3	<p>The comment suggests two “Sustainable Investment Strategies” be added to the Sustainable Communities Strategy (SCS). The first suggested addition is to acquire and retire excess TAUs as well as CFA on sensitive lands (referred to as “Development Rights Acquisition and Land Restoration Program”). The comment indicates that economic and environmental benefits can be created by establishing funding programs for purchase and retirement of excess TAUs and development rights on sensitive lands. Other recommendations were made regarding TAU and development right transfers.</p> <p>As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 would place size limits on transferred TAUs by defining a sending TAU as one 1,200-square-foot receiving unit or one 1,800-square-foot/3-bedroom receiving unit, if the units make up less than 20 percent of a project. The Final Draft Plan retains these same size limits for some transferred TAUs, reduces the size limits for other transferred TAUs, and places additional requirements on transfers of TAUs, as described in Draft Code Section 51.5.2.K.</p> <p>The new requirements would provide additional safeguards to limit the impact of transferred TAUs and help to ensure that transfers of TAUs do not have unintended consequences. Because the Plan revisions would not increase the size limits in Alternative 3 and would place greater restrictions on the transfer of TAUs, this revision would be environmentally advantageous compared to the TAU transfer policy analyzed in Alternative 3. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new significant environmental impacts nor would they increase the severity of any previously identified significant impacts associated with Alternative 3.</p>

TRPA agrees with the premise of the comment to increase the incentive to for TAU transfer, because of its economic and environmental benefits. As described in Draft Code Section 51.5.2.K, in general, incentives to transfer TAUs would be increased for all existing development:

- ▲ SEZ (LCD 1b) 1:3
- ▲ Sensitive (LCD 1a, 1c, 2, 3) 1:2
- ▲ Non-sensitive (LCD 4-7) 1:1

For residential development rights:

- ▲ SEZ (LCD 1b) 1:1.5
- ▲ Sensitive (LCD 1a, 1c, 2, 3) 1:1.25
- ▲ Non-sensitive (LCD 4-7) 1:1

Additional benefit for residential with distance from target area:

- ▲ Less than ¼ mile or Lakeward of primary transit routes, 1:1
- ▲ ¼ to ½ mile, 1:1.25
- ▲ ½ to 1 mile, 1:1.5
- ▲ 1 to 1½ mile, 1:1.75
- ▲ Greater than 1½ mile, 1:2

The comment proposes that TRPA permit conversion of TAU to a residential unit of use (ERU), provided the ERU is reused for condominium product within Town Centers, the Regional Center, High Density Tourist, or Recreation districts eligible for transfer of development. As discussed in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to include a pilot program allowing the conversion of a limited number of TAUs to ERUs for multi-unit projects. Each TAU can be used for a maximum of 1,250 square feet of residential floor area on the same parcel.

The second suggestion in this comment addresses transportation planning (in the part of the comment called: “Sustainable Transportation Infrastructure and Operations Program”). The comment states that Tahoe transportation planners have developed a blended population formula (attached to the comment letter as Exhibit A). The comment further states that this formula should be adopted and used to determine an appropriate level of investment in a Sustainable Transportation Infrastructure Operations Program for Lake Tahoe, and should also be used as the method for determining Tahoe's share of funding from the California State Transportation Improvement Program (STIP).

The second suggestion relates to the implementation of the RTP/SCS, including the funding and delivery of transportation projects. TMPO and TTD have coordinated together in the identification of the development of the list of non-auto transportation projects and transportation-related water quality projects, including consideration of how to best allocate investments to achieve the Region's environmental goals, as well as mobility goals. They will continue to work together on the most effective means for determining how to financially support sustainable transportation facilities and operations, including consideration of the suggested formula. Because this comment is primarily related to plan implementation, please

also refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

The comment requests that the Draft EIS provide analyses of the additions and changes to the SCS proposed by the commenter. Because the comments are funding and investment strategy recommendations, they do not change the land uses in the Regional Plan Update or the list of projects included RTP; therefore, the Regional Plan Update EIS and RTP/SCS EIR/EIS already analyze the environmental effects of the suggestions. No changes in the environmental analysis are necessary associated with the “Development Rights Acquisition and Land Restoration Program” or the “Sustainable Transportation Infrastructure and Operations Program”; it is already adequate as presented in the Regional Plan Update EIS and RTP/SCS EIS/EIS.

Finally, the comment lists policy recommendations from the *Tahoe Basin Impervious Surface Coverage Study* and states that the recommendations and findings should be included in the Regional Plan Update. The findings of this study seem to suggest that TRPA policies do not reflect current science, that they are not sufficiently incentivizing restoration of sensitive lands, that HRA restricts inhibit beneficial projects, and that policies are over complicated and processes are subjective. As stated in Section 2.1 of the Draft EIS, the purpose of the Regional Plan Update is, in accordance with the Tahoe Regional Planning Compact (Compact), to make adjustments to the goals, policies, and implementation measures of the Regional Plan that are reflective of current conditions and that will move the Lake Tahoe Region toward attainment and maintenance of environmental threshold standards. The existing Regional Plan was adopted by the TRPA in 1987, and although amendments to elements of the Plan have been adopted over time, the Plan still reflects the issues that were most important at that time: rampant growth and the threat of irreparable environmental damage from inappropriate development. To make the Regional Plan more relevant for contemporary challenges in the Region, the Regional Plan Update contains modified goals, policies, and implementation measures to expedite threshold standard attainment and better address the major issues of today, including water quality and community sustainability. Chapter 3 of the Draft EIS, Affected Environment and Environmental Consequences of the Alternatives, contains comprehensive environmental analysis of 14 resource areas, the cumulative impacts of which are discussed in Chapter 4, Cumulative Impacts. The analyses are based on the best and most recent available science. The comment offers no specific information or evidence that the analysis presented in the Draft EIS is inadequate.

In regard to HRA restrictions, the Draft EIS analyzed allowing coverage to be transferred across HRA boundaries, and allowing use of excess coverage mitigation fees across HRA boundaries, as part of Alternative 3. Please see Impact 3.2-1 of the Draft EIS. However, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to not allow coverage transfers across HRA boundaries. Therefore, the Final Draft Plan would reflect no change from the existing approach to coverage transfers across HRA boundaries.

For additional information about the modifications that compose the Final Draft Plan and Final Draft RTP/SCS, please refer to Master Response, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

1129-4

Comment I 129-4 questions how air quality mitigation fees improve air quality as described in Impact 3.4-9, Extension of Time for Air Quality Mitigation Fee Basis.

The potential result of the policy change under Alternative 4, as discussed in Impact 3.4-9, would be an unknown reduction in the amount of air quality mitigation fees collected from project applicants, as the change would increase the number of situations where a change in operations would not result in an estimated increase in trips compared to the baseline (previous use) condition. The potential extent of the decrease in funds is somewhat speculative as it is unknown how many projects that would otherwise pay fees would not be required to do so under the proposed Code amendment. Moreover, it may be that the closed business had already paid an air quality mitigation fee prior to closing so that the trips had already been mitigated. However, since the rationale for the proposal is to encourage business development and a substantial number of businesses have closed over the last 5 years because of the recession, it is reasonable to assume that a substantial number of projects that would otherwise be required to pay fees would avoid those fees. As a result, it is reasonable to assume that fewer resources would be available to fund air quality mitigation projects and that potentially fewer projects would be implemented and potential air quality improvements that could have occurred would not be funded under the proposal. The proposal thus could result in potentially significant effects. Mitigation Measure 3.4-9 would eliminate any reduction in the amount of air quality mitigation improvements, which would ensure that the impact would be less than significant.

It should be noted that, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 proposal to amend the procedure for calculating air quality mitigation fees (Draft Code Section 65.2.3.F). This proposal extends the time for which an applicant could use a prior existing use as the basis for a new trip calculation from 90 days within the last 2 years to 90 days within the last 5 years, as described in the Draft EIS on pages 3.4-47 to 3.4-48. Please see Section 2.2.19, Air Quality Mitigation Fee Timeframe Extension, in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, for more information.

I129-5

The comment expresses concern regarding the cost associated with ADA compliance and therefore the ability to take advantage of the exemption in Alternative 4 for ADA-compliant access to existing structures. The Regional Plan Update EIS addresses a regional-scale, policy-level plan and it is, therefore, not feasible to provide details on site-specific projects or activities and the specific costs associated with them. As described in the fourth paragraph on page 1-8 of the Regional Plan Update Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development or public works projects. Although this comment is concerned about the ability to take advantage of a proposed coverage exemption, the concern is based on the cost of project features, which does not raise environmental issues or concerns that are applicable to the programmatic scope of an EIS on a regional-scale plan.

It should be noted that, as described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 coverage exemption for retrofits of existing buildings necessary to comply with ADA requirements. The

Final Draft Plan also incorporates the elements of Mitigation Measure 3.8-4 that apply to the ADA exemption (Draft Code Section 30.4.6). The Draft EIS finds that the combination of coverage exemptions proposed under Alternative 4, with mitigation measures, would result in less-than-significant impacts.

The comment also states that a project applicant should be able to select one or more of the coverage reduction strategies for coverage mitigation (such as those listed for Alternative 4). This practice is currently allowed and is not proposed to be changed.

I129-6

The comment states that the RTP/SCS Draft EIR/EIS fails to provide adequate detail or analysis of the proposed Transportation Strategy Package B project identified as "Intercept Parking Lots with Shuttles to Town Centers." The comment further states that Article IX, Section (f)(8) of the Tahoe Regional Planning Compact prohibits the Tahoe Transportation District from imposing a "tax or charge that is assessed against people or visitors as they enter or leave the region...." The comment states that the RTP/SCS EIR/EIS should provide sufficient detail of the proposed "Intercept Parking Lots with Shuttles to Town Centers" and "road user fees" so a determination can be made whether or not the project is legal under the relevant provisions of federal law.

The comment correctly cites the Compact prohibition of an entry/exit tax. TRPA Compact Article V. PLANNING: Sub Paragraph (c): Section (2) states that the goal of transportation planning is:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent of feasible air pollution which is caused by motor vehicles.

TRPA Compact Article IX. TRANSPORTATION DISTRICT: Sub Paragraph (f) states:

(8) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way, except for a sales and use tax which, if approved by the voters, may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such propositions must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

This provision in the Compact prohibits a Region entry/exit charge administered by the Tahoe Transportation District, the entity with the authority to impose a fee or charge. Intercept lots are not specifically prohibited under the Compact. Road user fees could be imposed in a variety of different ways that comply with Compact restrictions—for instance, as a congestion toll within the Region, or as a parking fee. This would provide a cost disincentive to driving and a cost incentive to utilizing the intercept lots and shuttles.

A congestion pricing system would be compatible under certain circumstances with federal Law and the TRPA Compact. Regarding federal regulations, Title 23 United States Code: Section 129, Tolling Agreements, allows tolling of non-Interstate Highways as well as Interstate Bridges and Tunnels; it allows federal aid to be used for the construction and maintenance of toll roads, conversion of existing roads into toll roads, or adding toll lanes to existing roads, provided that the roads are not part of the Interstate Highway System. Since the roads in question—U.S. Highway 50 (a federal highway), California State Routes 89 and 28, and Nevada State Route 28—are not Interstates, they can be tolled. A congestion charge involving toll collection could be implemented in accordance with the Compact somewhere along U.S. Highway 50 and other Region roadways as long as it is within the Region and not at points of entry to it. A congestion parking fee could also be implemented in accordance with the Compact because it would charge people based on the times they decide to travel from their place of lodging or to their place of recreation and not based on the direction of their travel or the location of their residence.

Any road user fees would be required to comply with federal regulations and Compact restrictions, and therefore would not represent an illegal element of Transportation Strategy Package B (and Alternative 2).

The comment further states that the Regional Plan Update EIS should disclose whether Alternative 2 would be able to meet Tahoe's assigned GHG reduction targets for both 2020 and 2035 without this project. The comment is requesting analysis of a modified alternative; however, the Regional Plan Update EIS and RTP/SCS EIR/EIS already analyze a reasonable range of alternatives. No further analysis associated with intercept lots and road user fees, or the removal of these elements from the alternatives description, is required.

- I129-7      The comment raises concerns that linking release of allocations with roadway LOS is contrary to other stated goals in the Regional Plan Update and RTP/SCS that support multi-modal complete streets projects, such as the Kings Beach Commercial Core Improvement Project. Please see the Response to Comment A32-16 and Master Response 12, Relationship between Phased Allocations and Level of Service Significance Criteria.
- I129-8      The comment expresses concerns regarding the viability of the proposed transfer programs. The comment suggests that a high priority be placed on the development, funding, and implementation of the Development Rights Acquisition and Land Restoration Program, proposed in Comment I129-3. Please see the Response to Comment I129-3. In addition, the Final Draft Plan, described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, includes a priority task (following adoption) to review the efficacy of the development transfer ratios (see Attachment 5 of the Final Draft Goals and Policies). Also, please see Master Response 8, Feasibility of the Proposed Transferable Development Incentive Program.
- I129-9      The comment expresses support for TRPA's goal to continuously update the Regional Plan in four-year cycles and to analyze the effectiveness of transfer development rights programs. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.
- I129-10     The comment expresses support for the elimination of barriers to environmental redevelopment, specifically process duplications and cumulative costs in time and resources. Area Plans proposed under Alternative 3 are intended to allow public agencies to prepare plans

consistent with the Regional Plan and utilize new allowances for streamlined permitting and increased intensity in community centers. As explained in Draft EIS Chapter 2, Regional Plan Update Alternatives (page 2-34), Area Plans would be required to be consistent with the Regional Plan; would be subject to an initial conformance evaluation and annual reviews by TRPA; and would be subject to environmental review requirements of TRPA and (for plans in California) CEQA. Once a conformity determination has been made and environmental review requirements of TRPA (and CEQA, for plans in California) have been completed, the affected public agency may assume responsibility for review and approval of certain additional activities. Regionally significant projects would not be included in Area Plans, and TRPA would retain review authority over projects in which the new development would meet or exceed certain limits and over development projects that may have a significant effect on natural resources. Furthermore, as described in Draft Code of Ordinances Section 13.9, Appeal (pages 13-16 through 13-18), and in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, the Area Plan process under Alternative 3 has been revised to include an appeal process. Inclusion of the appeal process as proposed would provide the public with the right to appeal decisions made under an Area Plan to the TRPA Governing Board.

This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

<b>Response I130</b>	<b>Judith Tornese 5/16/2012</b>
I130-1	The comment requests that the public comment period be extended from 60 days to 120 days to allow the community more time to review the document. See Master Response 2, Duration of Public Comment Period.
<b>Response I131</b>	<b>Greg Traxler 6/26/2012</b>
I131-1	The comment provides introductory information and overall support for the Regional Plan Update and Regional Transportation Plan. The comment supports Alternative 3, stating it best integrates environmental restoration with community revitalization. More specifically, the comment states that Alternative 3 focuses on environmental redevelopment of the existing built environment and has integrated ideas from many sources. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the review of the merits of the alternatives.
<b>Response I132</b>	<b>Ann Truscott 4/25/2012</b>
I132-1	The comment provides introductory information and support for an alternative that would best integrate environmental restoration with community revitalization, include incentives to property owners to transfer development rights from sensitive or outlying areas, a more easily understood review and permitting process, and an area-wide plan. The comment also supports the modification of land coverage regulations. The comment pertains to the Plan itself and not



to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

<b>Response I133</b>	<b>Bill Durgin and Elizabeth Tuoto 6/28/2012</b>
I133-1	<p>The comment supports an amended Alternative 3 as presented and analyzed in the Draft EIS. The comment also supports the proposal to approve Area Plans in concert with local governments and to allow local government review and approval of activities without Regional impacts at the local level. The comment further supports allowing additional height in appropriate areas as proposed. The comment is noted for consideration during the review of the merits of the alternatives.</p> <p>The comment also suggests the following:</p> <ul style="list-style-type: none"> <li>▲ Amend Alternative 3 to add the provision from Alternative 4 to extend from two years to five years the period for which pre-existing traffic trips can be carried over to a new/reconvened use without requiring a new Air Quality Mitigation Fee; and</li> <li>▲ Include flexibility to allow for adjustment to the proposed incentives for environmental improvements.</li> </ul> <p>As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to incorporate the Alternative 4 proposal to amend the procedure for calculating air quality mitigation fees (Draft Code Section 65.2.3.F).</p>
<b>Response I134</b>	<b>Leanne Wagoner 5/18/2012</b>
I134-1	<p>The comment expresses support for Alternative 3 and the approach to combine environmental restoration with community revitalization. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during the review of the merits of the alternatives.</p>
<b>Response I135</b>	<b>Ronda Walker 5/23/2012</b>
I135-1	<p>The comment opposes a bicycle path around Lake Tahoe. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
I135-2	<p>The comment does not want the rural area to become an urban area. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.</p>
I135-3	<p>The comment states that the economy cannot be assumed to recover in the near future to accommodate large projects. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.</p>

Response I136	Ellie Waller 5/23/2012
I136-1	<p>The comment provides a summary of map changes and zoning. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. Nonetheless, it should be noted that Chapter 2 of the Draft EIS, Regional Plan Update Alternatives, provides the existing and proposed land use plans for each of the Regional Plan Update alternatives, which are analyzed throughout Chapters 3 and 4 of the Draft EIS.</p> <p>The comment also questions reclassification of Van Sickle Bi-State Park. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to substantially limit the extent of recreation lands potentially eligible for new commercial, tourist, and multi-family residential development under a conforming Area Plan. Rather than allowing new uses to be proposed in any Recreation District, the Final Draft Plan would limit these new uses to two specific areas that would be designated as Resort Recreation Districts, a new land use classification. The proposed Resort Recreation Districts would be a 250-acre site adjacent to the High Density Tourist District in the City of South Lake Tahoe, and a 65-acre site that includes the Heavenly California Base Lodge at the southeast terminus of Ski Run Boulevard in the City of South Lake Tahoe.</p> <p>In addition to limiting the extent of areas eligible for new uses, the Final Draft Plan places additional restrictions on development within Resort Recreation Districts. No subdivision of lots or blocks would be allowed within Resort Recreation Districts, and any new development would be required to be transferred from outside of the district. These transfers would be required to result in the retirement of existing development (Draft Code Section 13.5.3.C.3). For additional information, see Chapter 2 of this Final EIS and Master Response 10, Development on Recreation-Designated Lands.</p>
I136-2	<p>The comment raises concerns about rezoning of lands from Conservation to Recreation. As described in Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, Alternative 3 has been revised to substantially limit the extent of recreation lands potentially eligible for new commercial, tourist, and multi-family residential development under a conforming Area Plan. Rather than allowing new uses to be proposed in any Recreation District, the Final Draft Plan would limit these new uses to two specific areas that would be designated as Resort Recreation Districts, a new land use classification. The proposed Resort Recreation Districts would be a 250-acre site adjacent to the High Density Tourist District in the City of South Lake Tahoe, and a 65-acre site that includes the Heavenly California Base Lodge at the southeast terminus of Ski Run Boulevard in the City of South Lake Tahoe.</p> <p>In addition to limiting the extent of areas eligible for new uses, the Final Draft Plan places additional restrictions on development within Resort Recreation Districts. No subdivision of lots or blocks would be allowed within Resort Recreation Districts, and any new development would be required to be transferred from outside of the district. These transfers would be required to result in the retirement of existing development (Draft Code Section 13.5.3.C.3). For additional information, see Chapter 2 of this Final EIS and Master Response 10, Development on Recreation-Designated Lands.</p> <p>Furthermore, as described in the fourth paragraph on page 1-8 of the Draft EIS, the Regional Plan provides the foundational, policy-level direction for the Tahoe Region upon which all other</p>

TRPA programs and regulations are based. As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development, recreation, or public works projects, nor does it address impacts of specific programs or projects required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposals for implementing programs or specific development, recreation, or public works projects.

I136-3 The comment raises additional concerns about rezoning of lands from Conservation to Recreation. Please see the previous response, i.e., Response to Comment I136-2.

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**Response  
I137** **Steve Teshara  
5/11/2012**

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I137-1 The comment questions the intercept parking lots in Transportation Strategy Package B of the Regional Transportation Plan. Please see the Response to Comment I129-6.

The comment expresses support for new bike trails and changes to coverage rules. The comment of support is noted.

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**Response  
I138** **Ellie Waller  
5/23/2012**

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I138-1 The comment requests further information about the appeal process for Area Plans. Chapter 2 of this Final EIS, Revisions to Alternative 3: Final Draft Plan, describes the revisions to Alternative 3 related to the level of delegation and project appeal process related to the Area Plans. In addition, the details of the appeal process can be found in Final Draft Code Section 13.9.

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**Response  
I139** **Katrine "Trinkie" Breuner Watson  
6/4/2012**

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I139-1 The comment supports a balanced economic and environmental vision for the future. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

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**Response  
I140** **Peter Eichar  
5/1/2012**

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I140-1 The comment is the transcript of a discussion between the commenter and a staff member at TRPA regarding the purpose of Alternative 1 of the Regional Transportation Plan. As indicated in this comment, the analysis of greenhouse gas (GHG) reduction targets and vehicle miles traveled (VMT) targets for all alternatives considered in the RTP/SCS Draft EIR/EIS and Regional Plan Update Draft EIS finds that Alternatives 2 and 3 (from both environmental documents) would meet the requirements of an SCS and comply with SB 375 requirements, while Alternatives 1, 4, and 5 would require the development of an Alternative Planning Strategy to meet GHG and VMT targets. This comment does not raise environmental issues or concerns regarding the adequacy,

accuracy, or completeness of the environmental document. The comment is noted for consideration during project review.

<b>Response I141</b>	<b>Various</b>
I141-1	The comment (from Lisa O'Daly on behalf of Ms. Gorman) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-2	The comment (from Lisa O'Daly on behalf of Ms. Chaplin) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-3	The comment (from Heidi Hildrum, South Lake Tahoe resident) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-4	The comment (from Christian Strobel, South Lake Tahoe motel owner) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-5	The comment (from Laurie Brazil, local resident) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-6	The comment (from Carl Ribaudo) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-7	The comment (from Pat Davison, Contractor's Association of Truckee Tahoe) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-8	The comment (from Darcie Collins, League to Save Lake Tahoe) supports a 90-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-9	The comment (from Pete Sontag, Heavenly Mountain Resort) supports Alternative 3 of the Regional Plan Update and the 60-day comment period. The comment of support for Alternative 3 is noted. With regard to the public comment period, see Master Response 2, Duration of Public Comment Period.
I141-10	The comment (from Mason Overstreet, Friends of the West Shore) supports a 90-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-11	The commenter (Laurel Ames, Tahoe Area Sierra Club) supports a 90-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-12	The comment (from Carl Hasty, Tahoe Transportation District) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-13	The comment (from Mr. Buelna, TRPA Governing Board Member representing Placer County) states that Placer County supports a 90-day comment period. See Master Response 2, Duration of Public Comment Period.
I141-14	The comment (from Mr. Greene, TRPA Governing Board Member) supports the 60-day comment period. See Master Response 2, Duration of Public Comment Period.

## F: FORM LETTERS

<b>Response FL1</b>	<b>Friends of the West Shore Regional Plan Update Survey (Form Letter) 6/14/2012</b>
FL1-1	The comment states that TRPA should not use the Regional Plan to rezone conservation and recreation lands to allow expanded development. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
FL1-2	The comment states that TRPA should not use the Regional Plan to increase allowable land coverage of up to 70 percent within communities. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
FL1-3	The comment states that under the Regional Plan, TRPA should maintain existing density and height restrictions and strictly limit development if it is projected to increase traffic congestion. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
FL1-4	The comment states that under the Regional Plan, TRPA should implement filtration measures to prevent “fine sediment” pollution from discharging into Lake Tahoe. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
FL1-5	The comment states that under the Regional Plan, TRPA should encourage redevelopment of blighted areas and limit new development to be compatible with the character of West Shore communities. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.
<b>Response FL2</b>	<b>Various Realtors in the Lake Tahoe community (Form Letter) 5/16/2012</b>
FL2-1	The comment expresses concerns regarding the provision in some alternatives in the Regional Plan Update to require point-of-sale implementation of BMPs. The comment pertains to the Plan itself and not to the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

## OH: OPEN HOUSE COMMENTS

Response	Various
OH1-OH18	5/21/2012 and 5/22/12 (Open House Events)
OH1-OH18	Various comments were received at the open house events held in May of 2012. These events were held to provide the public with information about the Regional Plan Update and Regional Transportation Plan. All comments received pertain to the Plans themselves and not to the environmental documents. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation.

## 4 REVISIONS AND CORRECTIONS TO THE DRAFT EIR/EIS

### 4.1 INTRODUCTION

This chapter includes revisions to the text in the RTP/SCS Draft EIR/EIS following its publication and circulation for public review. The changes are presented in the order they appear in the original Draft EIR/EIS and are identified by Draft EIR/EIS page number, where relevant. The changes shown in this chapter originate either from comments received on the Draft EIR/EIS that resulted in text modifications or corrections or from modifications included by TMPO and TRPA staff that occurred after circulation of the Draft EIR/EIS for public review. Modifications to the Draft RTP/SCS that were made in response to comments are summarized separately in Chapter 2 of this Final EIR/EIS. In some instances where a comment provides information or there is a correction that does not contribute substantively to the environmental analysis, the response incorporates the requested change by reference only.

In addition to the revisions indicated in this chapter, substantive modifications have been made to the description of Regional Plan Update Alternative 3 of the Draft Regional Plan at the request of the TRPA Governing Board, both in response to comments and through extensive consultation with stakeholders and agencies. This revision process, the revisions themselves, and the environmental effect of the revisions are described in Chapter 2 of the Regional Plan Update Final EIS, Revisions to Alternative 3: Final Draft Plan. Because of the nature of these modifications to the Plan description, the changes to the concepts that are being modified are provided as descriptive text rather than indicated as textual revisions (with strikethrough and underline text) in Chapter 4 of the Final EIS. Accompanying revisions to the Goals and Policies are provided in the Final EIS as Appendix A, Final Draft Goals and Policies, and accompanying revisions to the Code of Ordinances are provided as Appendix B, Final Draft Code of Ordinances. Alternative 3 of the RTP/SCS has been modified to reflect the Regional Plan Update Final Draft Plan and the changes to the RTP listed in Chapter 2, Revisions to the Regional Transportation Plan, of this Final EIR/EIS.

The Draft EIR/EIS modifications do not result in new significant effects or substantial increases in previously identified significant effects, so there is no need to recirculate the EIR/EIS for additional public review. Revisions shown as excerpts from the Draft EIR/EIS text include strikethrough (~~strikethrough~~) text for deletions and underline (underline) text for additions.

### 4.2 DRAFT EIR/EIS REVISIONS AND CORRECTIONS

#### 4.2.1 EDITORIAL CORRECTIONS, CLARIFICATIONS, AND REVISIONS

##### REFERENCE CLARIFICATIONS IN SECTION 3.10, BIOLOGICAL RESOURCES

- ▲ Change both citations USFWS 2008 and USFWS 2010 to USFWS 2011.
- ▲ Replace “USFS 1981” citations in the biology section with “USFS 1981, as cited in USFS 2009”

##### BIBLIOGRAPHIC CORRECTIONS IN CHAPTER 7, REFERENCES

- ▲ **Delete** the following references:
  - // U.S. Fish and Wildlife Service (USFWS). 2008. List of Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the Lake Tahoe Basin. Sacramento Fish and Wildlife Office.

Sacramento, CA. Available online at:

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▲ **Add** the following reference:

- /// EPA 2012b. Air Quality Monitor Values. Available: [http://www.epa.gov/airquality/airdata/ad\\_rep\\_mon.html](http://www.epa.gov/airquality/airdata/ad_rep_mon.html). Accessed August 16, 2012.

▲ **Revise** the following references (and associated citations in-text):

- /// Carr, pers. Comm., 2011. Carr, Bill. District Manager. Lockwood Regional Landfill, Storey County, NV. November 21, 2011—telephone conversation with Sarah Henningsen of Ascent Environmental regarding the landfill's capacity, ~~and ability to serve the proposed project.~~
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- /// ~~Walden~~ Welden, Eric. 2012. NV Energy. April 2, 2012 – telephone conversation with Jae Hill of TRPA regarding projections of electricity demand.
- /// California Department of Fish and Game (CDFG). 2011. California Natural Diversity Database (CNDDB). Rarefind: A Database Application for the Use of the California Department of Fish and Game's Natural Diversity Database. California Natural Heritage Division, California Department of Fish and Game, Sacramento, CA. Data from this resource is provided in tables and figures in Section 3.10 of this EIR/EIS.

## TEXT CHANGES BY SECTION AND PAGE NUMBER

### SECTION 3.4 – AIR QUALITY

**Page 3.4-10 of the RTP/SCS Draft EIR/EIS is revised as follows:**

PCAPCD and EDCAQMD attain and maintain air quality conditions in Placer and El Dorado Counties through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean-air strategy of PCAPCD and EDCAQMD includes preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, and issuing permits for stationary sources of air pollution. PCAPCD and EDCAQMD also inspect stationary sources of air pollution and responds to citizen complaints, monitor ambient air quality and meteorological conditions, and implement programs and regulations required by the CAA, CAAA, and CCAA.

PCAPCD and EDCAQMD have established project-level thresholds of significance for criteria air pollutants and precursors that they recommend agencies consider during environmental review. PCAPCD and EDCAQMD both recommend 82 lb/day for ROG and NOX as the level above which a project would be considered to have a significant air quality impact for ozone. In addition, PCAPCD also recommends 82 lb/day as the level above which a project would result in a significant impact for PM10.



All projects in the respective counties are subject to adopted PCACPD and EDCAQMD rules and regulations in effect at the time of construction. Specific rules applicable to the construction of the proposed project may include but are not limited to the following.

**Pages 3.4-10 – 3.4-11 of the RTP/SCS Draft EIR/EIS are revised as follows:**

Additional rules that may be applicable to the Plan area include:

- ▲ **PCAPCD Rule 214 and EDCAQMD Rule 238—Transfer of Gasoline into Vehicle Fuel Tanks.**
- ▲ **PCAPCD Rule 225—Wood Burning Appliances.**
- ▲ **PCAPCD Rule 242 and EDCAQMD Rule 233—Stationary Internal Combustion Engines.**
- ▲ **PCAPCD Rule 246 and EDCAQMD Rule 239—Natural Gas-Fired Water Heaters.**
- ▲ **PCAPCD and EDCAQMD Regulation III—Open Burning.**

**Page 3.4-17 of the RTP/SCS Draft EIR/EIS is revised as follows:**

### Monitoring Station Data and Attainment Area Designations

Concentrations of criteria air pollutants are measured at ~~three~~ two monitoring stations in the LTAB: the South Lake Tahoe–Sandy Way station, the South Lake Tahoe–1901 Airport Road station, and the Incline Village–Crystal Bay station. In general, the measurements of ambient air quality from these monitoring stations are representative of the air quality in the vicinity of the study area. Table 3.4-5 summarizes the air quality data from these stations for 2008–~~2010~~ 2011.

<b>Table 3.4-5. Summary of Annual Air Quality Data (2008–<del>2010</del> <u>2011</u>)<sup>1</sup></b>				
<b>Ozone<sup>2</sup></b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b><u>2011</u></b>
Maximum concentration (1-hour/8-hour, ppm)	0.091/0.077	0.077/0.071	<u>0.071/0.067</u> —	<u>0.077/0.068</u>
Number of days state standard exceeded (1-hour/8-hour)	0/5	0/1	<u>0/0</u> —	<u>0/0</u>
Number of days national standard exceeded (1-hour/8-hour)	0/1	0/0	<u>0/0</u> —	<u>0/0</u>
<b>Respirable Particulate Matter (PM<sub>10</sub>)<sup>3</sup></b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b><u>2011</u></b>
Maximum Concentration (µg/m <sup>3</sup> ) (California)	96.7	52.8	71.4	<u>55.8</u>
Number of days state standard exceeded (measured <sup>4</sup> )	10	1	2	<u>3</u>
Number of days national standard exceeded (measured <sup>4</sup> )	*	*	*	<u>*</u>
Notes: µg/m <sup>3</sup> = micrograms per cubic meter; — = data not available; ppm = parts per million; * = Insufficient data to determine the value. <sup>1</sup> Data provided from the South Lake Tahoe–Sandy Way, South Lake Tahoe–1901 Airport Road, and <u>the Incline Village–Crystal Bay</u> monitoring stations, as noted below. Data on carbon monoxide, nitrogen dioxide, sulfur dioxide, and fine particulate matter not available for the Lake Tahoe Air Basin. <sup>2</sup> Data from the South Lake Tahoe–1901 Airport Road Station and <u>the Incline Village–Crystal Bay Station</u> ; <del>data not available after 2009</del> . <sup>3</sup> Data from the South Lake Tahoe–Sandy Way Station. <sup>4</sup> Measured days are those days that an actual measurement was greater than the level of the state daily standard or the national daily standard. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year. Sources: ARB 2011b, <u>EPA 2012b</u>				

**Page 3.4-17 of the RTP/SCS Draft EIR/EIS is revised as follows:**

## Emissions Inventory

Exhibit 3.4-1 summarizes emissions of criteria air pollutants and precursors within the for various source categories for the California portion. According to the California portion of LTAB emissions inventory, mobile sources are the largest contributor to the estimated annual average for air pollutant levels of ROG and NO<sub>x</sub> accounting for approximately 37 percent and 88 percent respectively, of the total emissions. Areawide sources account for approximately 95 percent and 89 percent of ~~the Basin's~~ PM<sub>10</sub> and PM<sub>2.5</sub> emissions, respectively (ARB 2008).

**The title of Exhibit 3.4-1 on page 3.4-19 of the RTP/SCS Draft EIR/EIS is revised as follows:**

Exhibit 3.4-1. California Portion of the Lake Tahoe Air Basin 2008 Emissions Inventory

## SECTION 3.6 – NOISE

Table 3.6-4 has been modified to clarify CNEL noise standards in the Region. Resolution 82-11 includes standards for the land use categories listed. Highway corridor CNEL noise standards are recommended and considered to be standard practice in the Region.

**Table 3.6-4 on Page 3.6-5 of the RTP/SCS Draft EIR/EIS is revised as follows:**

Table 3.6-4. TRPA Environmental Threshold Carrying Capacity Noise Standards	
Land Use Category	CNEL Noise Standard
High Density Residential	55
Low Density Residential	50
Hotel	60
Commercial	60
Industrial	65
Urban Outdoor Recreation	55
Rural Outdoor Recreation	50
Wilderness and Roadless	45
Critical Wildlife Habitat	45
<b>Highway Corridors<sup>1</sup></b>	
US 50	65 <sup>2</sup>
SR 89, 207, 28, 267, and 431	55 <sup>2</sup>
Lake Tahoe Airport	60 <sup>3</sup>
Notes: CNEL = community noise equivalent level; dB = A-weighted decibels; SR = State Route; US = U.S. Highway <sup>1</sup> Recommended CNEL levels for transportation corridors. Highway corridors expand to 300 feet from the highway curb on each side. In any instance of overlap between highway corridor noise standards and a Plan Area Statement or Community Plan noise standard, the highway corridor noise standard supersedes all others. <sup>2</sup> This recommended threshold overrides the land use CNEL thresholds and is limited to an area within 300 feet from the edge of the road. <sup>3</sup> The airport CNEL standard applies to those areas affected by the approved flight paths plans. Source: TRPA 2007: pp. 9-3,4; TRPA 1984: pp. II-21	

## SECTION 3.10 – BIOLOGICAL RESOURCES

**Page 3.10-21 of the RTP/SCS Draft EIR/EIS is revised as follows:**

Recent efforts toward reintroducing Lahontan cutthroat trout into Lake Tahoe itself, for recreational purposes, began during the summer of 2011. NDOW The Nevada Department of Wildlife stocked approximately 22,000 Lahontan cutthroat trout in Lake Tahoe (near Cave Rock) as part of their efforts to begin stocking native aquatic species for the benefit of anglers. Additionally, in 2011, NDOW, in cooperation with CDFG and the University of Nevada-Reno, stocked Lahontan cutthroat trout on the California side of Lake Tahoe in Emerald Bay.

**Page 3.10-25 of the RTP/SCS Draft EIR/EIS is revised as follows:**

### Special-Status Plants

The initial data review preliminarily identified 41 special-status plant species known or with potential to occur in the Tahoe Basin. After release of the Draft EIR/EIS, one additional plant species – threetip sagebrush (*Artemisia tripartita* ssp. *tripartita*) – was considered based on public comment by CNPS describing its recent discovery and rarity in California and known occurrence in the Region (one of three known occurrences in California), and that it was under review for designation as California Rare Plant Rank (CRPR) 2 by CNPS and CDFG. After the comment was submitted, threetip sagebrush became formally designated as CRPR 2 on August 20, 2012. Table 3.10-4 summarizes the status, habitat association, and occurrence information of each special-status plant species evaluated during this analysis.

**Table 3.10-4 on page 3.10-28 of the RTP/SCS Draft EIR/EIS, is revised to add the following row to the table:**

Table 3.10-4. Special-Status Plant Species Known or With Potential to Occur in the Lake Tahoe Basin				
Common Name and <i>Scientific Name</i>	Regulatory Status <sup>1</sup>			Habitat and Flowering Period
	TRPA/ Federal	State	Other	
<u>Threetip sagebrush</u> <u><i>Artemisia tripartita</i> ssp.</u> <u><i>tripartita</i></u>	=	<u>CRPR-2</u>	=	<u>Openings in upper montane coniferous forest, on</u> <u>rocky/volcanic soils; 7,200–8,530 ft. elev.</u> <u>Blooms August.</u>
<sup>1</sup> Regulatory Status Codes: <b>TRPA/Federal:</b> TRPA = TRPA sensitive/threshold species FC = Federal candidate for listing FT = Federal Threatened FSS = Forest Service Sensitive <b>Other:</b> NNPS-T = Nevada Native Plant Society Threatened NNPS-W = Nevada Native Plant Society Watchlist (Note: NNPS-T and -W species are only included here if they are also designated as NNHP-AR. The NNPS list is located at <a href="http://heritage.nv.gov/lists/nnpstat.pdf">http://heritage.nv.gov/lists/nnpstat.pdf</a> ) Sources: NNHP 2011; TRPA 2002; USFWS 2012				
<b>State:</b> <b>CA (California Department of Fish and Game)</b> CE = California Endangered CRPR = California Rare Plant Rank 1A = Plants presumed extinct in California 1B = Plants considered rare or endangered in California and elsewhere 2 = Plants considered rare or endangered in California, but more common elsewhere. <b>NV</b> NCE = Nevada Critically Endangered (and Fully Protected under N.A.C 527.010) NNHP-AR = Nevada Natural Heritage Program At-Risk Species ( <a href="http://heritage.nv.gov/lists/track.pdf">http://heritage.nv.gov/lists/track.pdf</a> )				

## SECTION 3.11 – RECREATION

***Page 3.11-5 of the RTP/SCS Draft EIR/EIS is revised as follows:***

### **California State Parks California Department of Parks and Recreation**

The California Department of Parks and Recreation (DPR), or California State Parks (CSP), defines its mission as follows, "...to provide the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and providing opportunities for high-quality recreational experiences based on those resources." CSP manages the California State Park System, including Emerald Bay State Park, D.L. Bliss State Park, Ed Z'berg-Sugar Pine Point State Park, Washoe Meadows State Park, and Lake Valley State Recreation Area in the Region.

***Page 3.11-5 of the RTP/SCS Draft EIR/EIS is revised as follows:***

### **California State Lands Commission**

~~The California State Lands Commission (CSLC) is responsible for leasing sovereign lands on the California side of Lake Tahoe. The area lying between the high and low marks of non-tidal navigable waters is subject to a public trust easement for commerce, navigation, fishing, recreation, and preservation. The high and low water marks for the California side of the Lake have been established as elevations 6,228.75 feet and 6,223 feet Lake Tahoe datum, respectively. Any activities involving the state's sovereign lands in Lake Tahoe below 6,223 feet require a lease from CSLC.~~

The State of California owns the bed of Lake Tahoe on the California side below the elevation of 6,223 feet Lake Tahoe Datum and has a public trust easement for navigation, commerce, fisheries, recreation and preservation of open space between elevations 6,228.75 feet and 6,223 feet Lake Tahoe Datum (the high and low water lines respectively). The Commission exercises an oversight function of lands subject to the Public Trust Easement. *State of California v. Superior Court (Fogerty)* (1981) 29 Cal.3d 240. The State Lands Commission has leasing authority over the bed of Lake Tahoe waterward of elevation 6,223 feet Lake Tahoe Datum, including commercial and recreational structures. In addition, the State Lands Commission has leasing authority over the beds of Fallen Leaf Lake, Cascade Lake, and Echo Lakes waterward of the low water mark of those lakes. This leasing is authorized by Public Resources Code section 6216, 6301, 6501.1 and 6503.5 along with regulations found in California Code of Regulations, Title 2, section 2000 et. seq.

The CSLC is involved with the protection of California's rare and endangered wildlife and plant species as described in Section 3.10 of this document, and for ensuring compliance with the California Environmental Quality Act (CEQA).

***Page 3.11-7 of the RTP/SCS Draft EIR/EIS, under subheading California State Parks, is revised as follows:***

▲ Ed Z'berg-Sugar Pine Point State Park

## APPENDIX C

Part 7 of Appendix C of the RTP/SCS Draft EIR/EIS incorrectly referred to the vehicle trip reductions as being made to single-occupancy vehicle (SOV) trips. The TRIA trip reductions are correctly applied to both single-occupant and multi-occupant vehicles in the trip table.

***Pages C.7-11 and C.7-12 of Part 7 of Appendix C of the RTP/SCS Draft EIR/EIS is revised as follows:***

### **TRIA Methodology**

As far as possible, the model is based on current conditions in the Tahoe basin, or existing forecasts developed locally. The impact of individual policies was estimated based on a review of the available literature and studies of places where these policies have already been implemented. Where research showed that a policy might vary in effectiveness the more conservative approach was chosen, so as not to overstate the trip reduction potential. The methodology for developing the TRIA spreadsheet centered on estimating the number of trips that could be transferred from ~~single-occupant vehicles (SOV)~~ personal vehicles to other modes through a combination of policy changes, programs, infrastructure investment and incentives. The TRIA model is built around analysis of the main modes of transportation and analysis of how the land use changes and transportation policies proposed in the Regional Plan alternatives impact these modes. The main categories considered in the model are:

- ▲ Bicycling and walking
- ▲ Public transit
- ▲ Transportation Demand Management measures
- ▲ Parking policy changes

The model is structured in such a way as to estimate the potential growth for each mode, for example the potential for new transit riders who were previously ~~SOV~~ personal vehicle drivers, and to take this growth as reductions in ~~SOV~~ personal vehicle trips.

***Pages C.7-12 and C.7-13 of Part 7 of Appendix C of the RTP/SCS Draft EIR/EIS is revised as follows:***

### ***Bike and Pedestrian Facilities***

The TRIA model for bicycle and pedestrian trips was developed based on the TMPO's Bicycle Trail User Model (available at [www.tahoempco.org](http://www.tahoempco.org)). In addition to the projections for new bicycle and pedestrian trips which replace existing ~~SOV~~ personal vehicle trips for existing Tahoe residents, the TRIA model incorporates population growth by adding new bicycle and pedestrian trips from new projected residents based on the TRPA Regional Plan population forecasts. Trip reductions from bicycle and pedestrian strategies were applied region-wide.

### ***Transit Services and Facilities***

The transit portion of the TRIA model is based on ridership projections from the Tahoe Area Regional Transit Systems Plan Study (2005), and the Tahoe Interregional/Intraregional Transit Study (2006), both prepared by TRPA. These new services were too small to be captured by the model, and therefore are analyzed as part of the TRIA. The ridership projections were grouped into service improvements and capital projects. For example, adding a public bus service between the Reno Airport, Truckee and Tahoe was included as a service improvement, since the capital investment is low and the change could be implemented by an existing company, potentially as a modification to existing services. Conversely, the Lake Tahoe Waterborne Transit project, which would see ferry service between South and North Lake Tahoe, was included as a capital project, because it would require a significant investment of public funds in infrastructure in order to be realized. Starting with the ridership projections provided in the studies, the TRIA model assumes that 95% of the projected ridership would come from existing ~~SOV~~ personal vehicle trips. Where transit alternatives were obviously mutually exclusive, only the project with the highest projected ridership was included. Otherwise, all projects were included and assumed not to affect the ridership of other services. Trip reductions from transit services and facilities were applied region-wide.

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