



VOLUME 2
PUBLIC COMMENTS ON
THE DRAFT EIR/EIS



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 2 – Public Comments on the Draft EIR/EIS

California SCH# 2011082070

Nevada SCH# E2012-033

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October 24, 2012

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1 INTRODUCTION

1.1 OVERVIEW

This document serves as part of a joint Final Program Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) that presents an evaluation of the environmental effects associated with the adoption and implementation of the Lake Tahoe 2035 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 2 of the Final EIR/EIS.

1.2 PUBLIC COMMENT

On April 25, 2012, TMPO and TRPA distributed to public agencies and the general public the Draft EIR/EIS. The Draft EIR/EIS was distributed for a 60-day public comment period. During the review period written comments were received from public agencies, organizations, and individuals. Also, oral comments were made at a series of public meetings and hearings. This volume of the Final EIR/EIS contains all of the written comments and transcripts of the oral comments.

1.3 ORGANIZATION AND FORMAT OF VOLUME 2 OF THE FINAL EIR/EIS

The two volumes of this document and the Draft EIR/EIS together make up the entire Final EIR/EIS. This Final EIR/EIS Volume 2 is organized as follows:

- ▲ Chapter 1, "Introduction," provides an overview of the volume and its contents.
- ▲ Chapter 2, "Agency Comments" contains all written and oral comments from public agencies.
- ▲ Chapter 3, "Organization Comments" contains all written and oral comments from non-governmental organizations.
- ▲ Chapter 4, "Individual Comments" contains all written and oral comments from individual members of the public who are not representing an agency or organization.
- ▲ Chapter 5, "Form Letter Comments" contains form letters received from Friends of the West Shore and Realtors® in the Lake Tahoe community.
- ▲ Chapter 6, "Open House Comments" contains written comments submitted at the open house events held in May 21-22, 2012.

Please refer to RTP/SCS Final EIR/EIS Volume 1 for responses to the comments presented in this volume.

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Chapter 2

Agency Comments

Steve Teshara
Advisory Planning Commission
4.26.12

Steve Teshara, Advisory Planning Commission representing the Tahoe Transportation District member said at yesterday's meeting he had mentioned the possibility of a TAU, CFA buyout program. Those discussions are continuing to accelerate and I believe we can pull together a program within the 60 day period that has been discussed.

A1

A1-1

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A2**Steve Teshera****APC**

5.23.12

Steve Teshera, Tahoe Transportation Representative on the Advisory Planning Commission wanted to clarify for all on some comments that were made late in the session this morning about sustainable community strategies and alternative planning strategies. I know you have read the material and so obviously of the 5 Alternatives, there are three of those alternatives that do have an alternative planning strategy APS that was referred to and those are Alternatives 1, 4 and 5. There is a sustainable community strategy for Alternatives 2 and 3 and the difference is that Tahoe would not, based on the writing on the Draft Environmental Impact Statement, Tahoe would not meet its greenhouse gas reduction targets under the APS or the current Alternatives 1, 4, and 5 as written. It would make greenhouse gas reduction targets as assigned to us by the state under Alternatives 2 or 3 under the SCS. So there is an option for consideration, it isn't all one way or the other, but there are consequences on which one this Board ultimately picks. The other area is not just greenhouse gas reduction, but also progress on our VMT Threshold. So under those alternatives that have APS as their strategy in this area, we would not make fast enough progress on our VMT Threshold where under the SCS strategy in either Alternative 2 or 3 as presently written, we would make more substantial and rapid progress on our VMT Threshold. It isn't just about what the State of California is saying in SB375. I hope this helps to clarify the issue for all of us.

A2-1

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A3

Testimony of Patrick Wright
Executive Director
California Tahoe Conservancy
on behalf of the CA State Agencies

Tahoe Regional Planning Agency
Regional Plan Update Comments
June 28, 2012

Thank you for inviting me to comment on the Regional Plan Update. Each of the major state agencies is submitting their own comments, but we thought it would be helpful to summarize our key questions and issues. We appreciate TRPA's commitment to work collaboratively in addressing these issues.

A3-1

General Comments

- In general, the state agencies strongly endorse the Plan's emphasis on creating sustainable transit, bike, and pedestrian-friendly communities. This approach is consistent with state policy priorities, and has the potential to provide significant environmental, social, and economic benefits.
- The Plan should also emphasize, however, that significant public investments will also be necessary to achieve these benefits and to make significant progress toward threshold attainment. While the proposed incentives "create feasible development scenarios," to quote the BAE report referenced in the Plan, several studies have concluded that such incentives will be insufficient to stimulate major shifts in the basin's development pattern without significant public funding.
- Towards that end, the Tahoe Conservancy is developing a program to use the assets of our land bank and other resources to purchase developed properties on sensitive lands that could then be retired or transferred to Special Districts. We look forward to working with TRPA and other agencies and stakeholders to more fully develop this program.
- And finally, because the threshold attainment may take decades or more to achieve in some cases, we urge TRPA to develop a set of interim targets to provide a more solid basis upon which to review progress over the next four years. These targets could also be used as a basis for updating TRPA's various incentive-based programs.

A3-2

A3-3

A3-4

A3-5

Water Quality

- **Regional Plan Linkage and Consistency with TMDL.** As described in more detail in the comments on the Lahontan Water Board and Caltrans, the state agencies would like to work with TRPA to ensure that the provisions of the Regional Plan and the recently adopted TMDL are consistent and complementary.

A3-6

We recommend that the Regional Plan documents better describe how they are consistent with and supportive of the TMDL and related documents.

- **Watershed/Areawide Management.** We strongly support the Plan's new emphasis on areawide treatment strategies, provided that each property owner is required to install his or her bmps, or to contribute to the areawide or subwatershed system. We believe that in many areas a watershed-based approach will be far more cost-effective than parcel-specific strategies in meeting the TMDL targets and other watershed management goals in the basin.

A3-6
Cont'd

A3-7

Coverage

- **Special Planning Districts.** We support the proposed designation of Special Districts to concentrate development within existing community centers. We are concerned, however, that the boundaries of some of the districts, particularly in South Lake Tahoe, may be too broad to achieve the level of density and concentrated development necessary to reduce VMT and GHG emissions, and to achieve other goals of the Plan. In addition, potential transfers of developments on sensitive land within these boundaries would not be eligible to receive the same benefits as transfers of developments on sensitive land outside of these boundaries. As a result, the Plan may significantly reduce the potential for transfers within these boundaries that could provide significant environment and economic benefits.
- **Transfers of Development.** While we strongly support the goal of providing stronger incentives for transfers of development from sensitive areas to Special Districts, the Conservancy is concerned that the proposed transfer ratios may instead increase both the cost of these transfers and the cost of potential Conservancy acquisitions of sensitive parcels. In other words, if the new ratios increase the value of property in sensitive areas to potential buyers in Special Districts, this increased value will be reflected in increased property values of the sensitive lands, regardless of whether the property is ever transferred. We urge TRPA to consider other approaches, including a short-term incentive program tailored to today's economic conditions, that would provide these incentives without potentially increasing the property values of all developed parcels in sensitive areas.
- **Excess Coverage Mitigation Fee.** We strongly endorse the draft proposal to eliminate the current requirement that ECMF funds be spent in the same hydrologic area, so that the funds can be spent where they achieve the greatest environmental improvements. The Conservancy remains concerned, however, that the fees will continue to be inadequate to provide the required level of mitigation. But rather than simply raise the fees, which would provide a strong disincentive for property owners to redevelop, we recommend that TRPA work with the key agencies and stakeholders to develop alternative approaches that would provide stronger incentives for reducing coverage in overcovered areas.
- **Public Trails.** We strongly support the proposal to promote non-motorized public trails by exempting them from coverage regulations, subject to compliance with other important water quality and environmental rules. Lahontan, State

A3-8

A3-9

A3-10

A3-11

Parks, and the Conservancy would like to work with TRPA staff to ensure that Lahontan and TRPA rules are consistent on this issue.

- **Coverage Study.** Environmental Incentives, LLC, has just completed a final draft report, funded by the Conservancy, that includes dozens of more specific findings and recommendations to improve the effectiveness of TRPA's coverage policies and the Conservancy's land bank. We encourage TRPA to work with the key agencies and stakeholders to consider these and other recommendations that would strengthen the program.

A3-11
Cont'd

A3-12

Land Use Classifications

- **Recreation Districts.** We understand that the proposal to allow development in Recreation Districts outside of the urban areas may have been more sweeping than intended. We encourage TRPA to better define the specific areas where such development is appropriate and consistent with maintaining progress towards threshold attainment.

A3-13

Regional Transportation Plan

- **Bike and Pedestrian Master Plan.** The state agencies strongly support the Plan's emphasis on Complete Streets and the development of bicycle and pedestrian-friendly networks and communities. Caltrans is concerned, however, that the projects in the Lake Tahoe Region Bicycle and Pedestrian plan may not all be viable or practical, and hence should not be integrated into the Regional Transportation Plan. We urge TRPA to work with Caltrans and other lead agencies for these projects to identify and resolve these issues.

A3-14

Biomass

- **Ban on Biomass Facilities in the Basin.** We are concerned that the proposed ban sets a precedent for regulating specific industries, and could preclude the development and use of new technologies, including portable facilities, that could reduce both forest fuel transport costs and the air quality impacts of pile burning in the basin. We urge TRPA to consider alternatives that would better define the criteria under which biomass and other facilities could be permitted.

A3-15

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A4

RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

June 28, 2012

Mr. Adam Lewandowski
TRPA Senior Planner
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449-5310

Dear Mr. Lewandowski:

The California Department of Public Health, Vector-Borne Disease Section (CDPH-VBDS) submits these comments in response to the Tahoe Regional Planning Agency (TRPA) publication of the Draft Environmental Impact Statement for the Lake Tahoe Regional Plan Update, CA SCH #2007092027 (Draft-EIS). CDPH-VBDS understands the challenges TRPA faces to establish a sustainable balance between the natural and human-made environments in the Lake Tahoe Region. However, striking that balance should not be made at the cost of public health.

The Draft-EIS proposes five Regional Plan alternatives to achieve the goals established by the TRPA Governing Board. The pesticide prohibition language included in Alternative 2: Low Development, Increased Regulation jeopardizes the ability of the region's public health departments and vector-control agencies to respond to public health threats. The establishment of an environmental threshold of no outdoor pesticide usage runs counter to one of the purposes of TRPA: protecting public health. In the interests of public safety, CDPH-VBDS cannot support what amounts to a blanket ban of public health pesticide applications.

Mosquito control is the only practical method to protect people from mosquito-borne diseases. "Control" can take many forms and vector control programs utilize a suite of tools, including education, source reduction, and, when needed, judicious use of mosquito larvicides and adulticides. The region's vector control programs incorporate these tools in a tiered response to public health concerns. As part of a tiered response to a public health threat, larviciding is an effective method of reducing mosquitoes prior to their emergence. Adulticiding is the only way to control an immediate public health threat and to address immediate problems that are beyond the capabilities of the larviciding program. Under the Alternative 2 prohibition of "spraying and fogging" (Draft-EIS Sec. 3.14 pg.15), the regional vector control agencies would be largely prevented from larviciding and adulticiding and left with source reduction as the only method for

A4-1

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Mr. Adam Lewandowski
Page 2
28 June 2012

control. With the current TRPA ordinances and policies, source reduction solutions are already difficult to pursue, and source reduction may not often be a viable solution (e.g. controlling mosquitoes in snow-melt pools). In the future, CDPH-VBDS encourages the TRPA Board to work with the region's vector control agencies to develop ordinances that strengthen the enforcement of stormwater BMP maintenance standards and streamline vector source reduction projects.

Increasingly, regulatory and governing agencies need to balance protecting environmental, public safety, and economic concerns. Recently the Lahontan Regional Water Quality Control Board worked with vector control districts to develop regulations and plans that ensure good environmental stewardship while preserving the abilities of public health agencies to control mosquito-borne diseases. In the interest of protecting the health and well-being of the region's residents, we request the TRPA Governing Board recognizes the role vector control plays in maintaining their quality of life and does not prevent vector control agencies from maintaining their full complement of tools to manage the region's vector problems. If you have any questions, please contact Joshua Ogawa, Ph.D., at (916) 686-8416 or Joshua.Ogawa@cdph.ca.gov.

A4-1
Cont'd

Sincerely,



Vicki Kramer, Ph.D., Chief
Vector-Borne Disease Section

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

A5**DEPARTMENT OF TRANSPORTATION**

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June 28, 2012

Ms. Joanne Marchetta, Executive Director
Tahoe Metropolitan Planning Organization
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, NV 89449

Dear Ms. Marchetta:

Thank you for the opportunity to provide comments regarding the Tahoe Regional Planning Agency (TRPA) Regional Plan Update (RPU) Draft Environmental Impact Statement (TRPA, not NEPA), draft Code of Ordinances, draft Tahoe Metropolitan Planning Organization (TMPO), Regional Transportation Plan (RTP), and the RTP - Sustainable Communities Strategy (SCS) Draft Environmental Impact Report /Environmental Impact Statement (TRPA, not NEPA).

As a state agency partner in regional and interregional transportation, as well as owner and operator of the California State Highway System, Caltrans appreciates the opportunity to work collaboratively with TMPO / TRPA on the development of the RPU/RTP update. We have several significant areas of concern which are discussed in this letter. The attachment to this letter contains specific technical comments regarding these documents.

Unlike other regional transportation planning agencies, TRPA is also a regulatory agency in the Tahoe Basin with unique environmental permitting authority. While Senate Bill 375 (Chapter 728, Statutes of 2008) is not meant to supersede or dictate local municipality land use plans and actions, the intertwined relationship of the RTP-SCS and TRPA regulatory plans in California Tahoe Basin will inherently create more significant authority when compared with the RTP-SCS plans in other parts of California. The draft TMPO RTP-SCS cannot simply be viewed as a plan to meet projected greenhouse gas emission reduction targets; it must be considered through the lens of the TRPA regulatory agency function.

Water Quality Requirements

The Regional Plan documents reference coordination among water quality management requirements. However, certain water quality requirement references (Sections 33 and 60) would create duplicative or conflicting standards with other water quality permits. For example:

- Regional Plan Policy, WQ 3.1 - *"Reduce loads of sediment, nitrogen, and phosphorus to Lake Tahoe; and meet water quality thresholds for tributary streams, surface runoff, and groundwater."*

"Caltrans improves mobility across California"

A5-1

A5-2

Ms. Joanne Marchetta
June 28, 2012
Page 2

- Regional Plan Policy, WQ 3.6 - *"All persons engaging in public road maintenance or snow disposal operations in the Tahoe Region shall maintain roads and dispose of snow to minimize the discharge of deicers, fine particulates and other contaminants to stream environmental zones, groundwater, and surface water in accordance with site criteria and management standards in the Best Management Practices Handbook."*
- Regional Plan Policy, WQ 3.7 - *"Institutional users of road traction abrasives and deicers in the Lake Tahoe region shall keep records showing the time, rate, location, and type of traction abrasives and deicers application. Storage of road salt shall be in accordance with the Best Management Practices Handbook."*

A5-2
Cont'd

Many issues referenced in the Regional Plan documents are regulated under Caltrans' MS4 permit with the State Water Resources Control Board. Therefore, the Plan requirements would create government inefficiencies through a redundant regulatory structure with the Lahontan Regional Water Quality Control Board, and dual reporting or verification requirements. The Regional Plan water quality requirements must be consistent with the latest permitting and statutory standards for California. TRPA should refer to the applicable permits, laws, reporting and requirements (Total Maximum Daily Load for example), and the control of the compliance measures to meet permit and other requirements should be determined by the individual agency.

Highway Safety

As owner and operator of the California State Highway System, Caltrans is responsible for maintaining traveler and worker safety. Safety is at the heart of our mission as a public transportation agency. Proven safety practices should not be compromised in exchange for other priorities, as may be the situation with the following proposal:

- Code of Ordinance Section 60.1.5.C addresses the restrictions for salt and abrasive controls, *"The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas may be linked to their use or where their use would result in a violation of water quality standards."*

A5-3

While TRPA is responsible for threshold attainment, TRPA should not regulate without regard to public safety issues that are managed by other agencies. This should be clarified in the Regional Plan.

Bicycle and Pedestrian Facilities

Code of Ordinances 65.3 – Bicycle and Pedestrian Facilities was cited by TRPA staff as one that will impact transportation. This and the following Regional Plan goals appear to create new requirements for bicycle and pedestrian facilities for Caltrans highway projects:

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"Caltrans improves mobility across California"

Ms. Joanne Marchetta
June 28, 2012
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- Code of Ordinance 65.3.1. Purpose, *"The requirements in this section are intended to implement Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities)."*
- Code of Ordinance 65.3.2. Applicability, *"All applicants for commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including the construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan shall be required to grant an easement for the bicycle and pedestrian facilities..."*
- Regional Plan Goal T-2.6 *"Promote the incorporation of programs and policies of the Bicycle and Pedestrian Plan into Regional and local land use plans and regulatory processes."*
- Regional Plan Goal T-10.1 *"Incorporate transit stops and bicycle and pedestrian facilities in roadway improvement projects."*
- Code of Ordinances 5.12.11. Relationship to Chapter 5: *"Nothing in this section shall be construed to limit TRPA's ability to enforce compliance with the Compact, the Goals and Policies, or the Code pursuant to Chapter 5."*

Whereas Caltrans continues to support our mutual goal of encouraging bicycle and pedestrian travel, adding these requirements as part of the TRPA project permit conditions would result in project delays and increased project development and construction costs that are not absorbable by the sponsor agencies. This would result in fewer transportation and water quality improvement projects being constructed in the Tahoe Basin.

Furthermore, Caltrans has requested precise clarification from TRPA staff about the statement "... the construction, alteration, or improvement of roadways..." included in the bicycle and pedestrian facility requirements in Code of Ordinance Section 65.3. Caltrans does not consider the construction, alteration, or improvement of roadways to include routine maintenance, surface treatments, or paving operations. Therefore, this language should exclude "routine maintenance, surface treatments, and paving operation activities."

Caltrans suggests TRPA consider directing existing resources to successfully leverage bicycle and pedestrian facility planning and development; including the following:

- TMPO's annual allocation of federal transportation planning funding. TMPO has historically carried over significant amounts of unspent planning funds from one year to the next.
- TRPA's earmark allocation of federal Public Lands Highway funding.

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A5-4
Cont'd

Ms. Joanne Marchetta
June 28, 2012
Page 4

In addition, Caltrans continues to offer collaborative opportunities to partner on our capital projects to incorporate bicycle and pedestrian components, with consideration of funding and project delivery timing constraints. Also, we have pledged our full cooperation and partnership for the development of a Complete Streets Plan, including bicycle and pedestrian planning components, but TRPA has not yet initiated the Plan development process as they indicated they would in September 2011.

A5-4
Cont'd

Metropolitan Planning Organization Responsibilities

Caltrans recommends that TRPA-TMPO plan for distinct and independent approval timelines of the RTP and RPU documents now and in future update cycles, so the more complex RPU process does not delay the RTP process. Maintaining a current RTP, and corresponding air quality and transportation funding programming documents are all basic functions of the MPO. Not completing timely updates and approvals of these documents can halt project progress, and jeopardize federal and state transportation funding. Given the limited construction season in the Tahoe Basin, meeting project delivery schedules is critical to maintaining State Highway Operation and Protection Program funding allocations for Caltrans projects, as the California Transportation Commission can reallocate this funding to projects outside of the Tahoe Basin.

A5-5

We appreciate the efforts of TRPA transportation staff to make clarifying changes and corrections in earlier RTP drafts. If you have questions, please contact Jeff Pulverman, Deputy District Director, Planning and Local Assistance, at (530) 741-4337 or Marlo Tinney, District 3 Tahoe Planning Manager, at (916) 274-0638.

Sincerely,



JODY JONES
District Director

Enclosure: Regional Transportation Plan & Regional Plan Update Comment Listing

- c: Scott Morgan, California State Clearinghouse
- Kim Boyd, Tahoe Resource Conservation District
- Karin Edwards, California Tahoe Conservancy
- Todd Ferrara, Natural Resources Agency
- Carl Hasty, Tahoe Transportation District
- Nick Haven, Tahoe Regional Planning Agency
- Mary Hays, State Lands Commission

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Wade Hobbs, Federal Highway Administration
Mary Huggins, CALFIRE
Sylvia Hunter, Boating and Waterways
Laurie Kemper, Lahontan Regional Water Quality Board
Patty Kouyoumdjian, Executive Officer Lahontan Regional Water Quality Board
Tracy Larkin-Thomas, Assistant Director of Planning, Nevada Department of Transportation
Bob Larsen, Lahontan Regional Water Quality Board
Marilyn Linkem, State Parks
Scott Morgan, State Clearinghouse
Lisa O'Daly, California Tahoe Conservancy
Ken Pimlott, CALFIRE
John Reuter, UC Davis
Norma Santiago, El Dorado County Supervisor, TRPA Governing Board Chair
Tamara Sasaki, State Parks
Dan Siegel, Attorney General's Office
Kent Smith, California Department of Fish & Game
Laurie Soule, California Department of Fish & Game
Lynn Terry, California Air Resources Board
Patrick Wright, California Tahoe Conservancy

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Enclosure: Regional Transportation Plan & Regional Plan Update Comment Listing

Regional Transportation Plan

DEIR/DEIS

Please note that Caltrans does not agree with the DEIR/DEIS concept that any metric exceeding TRPA environmental thresholds results in a significant impact under CEQA. Therefore, this may require applicable changes to the RTP, RPU and the DEIR/DEIS.

A5-6

Caltrans notes that we are not a Responsible Agency for the RTP/SCS under CEQA. Please remove all specific references to Caltrans in the DEIR/DEIS summary table of impacts and mitigation measures, and any similar text references since we have not agreed to any "mitigation measures."

A5-7

Construction

The draft EIR/EIS (TRPA/CEQA) for the RTP lists numerous constructions practices, as possible project permitting requirements that are not reasonable, or feasible to implement. If these types of practices are required it will result in increased capital construction costs in the Tahoe Basin, and fewer projects may be constructed. Examples are as follows:

- Page S-34 references construction site screening from public view, as follows:

"Mitigation Measure 3.9-1a: Require Construction Screening. As a condition of approval for all construction projects related to all five RTP/SCS alternatives, the project proponent (e.g., Tahoe Transportation District (TTD), local County, Caltrans, NDOT) will ensure that construction-related activity is screened and maintained by installing visual screen fencing, storing building materials and equipment within the proposed construction staging areas or in areas that are as far away or hidden from public view as feasible and removing construction debris promptly."

A5-8

- Page S-19 references temporary sound walls along the boundaries of a construction site:

"...Measures for reducing exposure to construction-related noise may include, but are not limited to, the following:.....Temporary sound walls shall be installed along the boundaries of the construction site to protect nearby noise-sensitive receptors, where feasible and applicable".

These types of applications may not be eligible for federal transportation funds, and California State funding cannot be assumed to be available.

Noise

The future development of a TRPA "traffic noise reduction program" should exclude baseline conditions that pre-existed the establishment of the TRPA compact.

A5-9

The DEIR/DEIS references potential mitigation measures for noise to include the use of noise reducing pavement (Page S-28), and restricted times for the use of heavy duty construction equipment (Page S-20). These types of proposals may not be feasible, and could result in other possible impacts - such as additional construction activities during peak travel times, which could increase traveler delay times and vehicle emissions.

A5-10

Transportation / Level of Service (LOS)

The DEIR/DEIS notes that, "...if other measures are not able to meet community needs during peak travel times...New roadway improvements beyond those in the RTP are proposed..." (Page S-9). Caltrans does not have other planned roadway improvement projects in the Tahoe Basin, so we presume these are locally sponsored projects, and suggest that they could be specified in the RTP-SCS documents.

A5-11

The DEIR/DEIS references the possibility of enhanced access control of highways to improve transportation conditions. Caltrans notes that practices such as driveway consolidations not be feasible unless TRPA gains the consent of private property owners.

A5-12

Environmental Mitigation Discussion

A discussion of potential RTP mitigation activities and potential areas to carry out these activities should be included in the body of the RTP. It is not sufficient to reference these components in other documents. (23 CFR 450.322(f)(7)).

A5-13

Project Details

Figure 4-2: Bottom-center map and right map describe our project 1A734 from west of Ski Run Blvd to NV Stateline. The project is located 1200' West of Ski Run Blvd to Wildwood Avenue.

Page 4-3, Trout Creek to Ski Run Boulevard Project: Please change the caption description of this project, as it is a stormwater improvement project that contains complete streets components. It is not a complete streets project.

Page 4-9, US 50 Water Quality Improvement Project Phase II ("Y" to Trout Creek): Please remove "and adaptive signal network" from the last sentence "Signal synchronization and adaptive signal network may also be included in this project". Adaptive traffic signals will not be part of this project.

A5-14

Page 6-11: Please update Estimate Year Complete for project 56 (1A731) from 2013 to 2014. Update Figure 4-2 accordingly.

Page 6-11: Please update Estimate Year Complete for project 63 (3C380) from 2015 to 2016. Update Figure 4-2 accordingly.

Page 6-11: Please remove line 65 from the constrained project list. Caltrans does not have any new stormwater projects programmed, and the cost of any future projects is currently unknown. We recommend that a placeholder be located on the unconstrained projects list, and the cost should be labeled TBD.

A5-14
Cont'd

Safety

Figure 1-7 and page 1-15, Safety: The proposed measures of safety in the RTP which simply count vehicle, pedestrian, and bicycle collisions do not include data about conditions such as weather, collision severity, peak travel time, etc. Additional data should be added for determining particular safety issues.

Figure 1-7, Transportation Trends and Performance Measures: We recommend using “outcome” performance measures, such as travel and delay times, in addition to “output” measures, to evaluate the effectiveness and performance of the regional transportation system and projects. Outcome performance measures are much more understandable and provide a better linkage to establishing goals and objectives. Refer to the 2010 California Regional Transportation Guidelines, sec. 6.19, Performance Measures. We are able to assist you in identifying the appropriate outcome performance measures for the State Highway System.

A5-15

Figure 1-16: Simple counts do not reflect the type or severity of a collision such as property damage only compared with a fatality. Figure 1-16 may be more indicative of peak travel locations in a mountainous resort environment with seasonal snow conditions, rather than safety issues with the transportation system.

Page 5-5: Allowing parking along major regional travel routes is not recommended, and may not be allowed on some highway segments. Parking ingress and egress can create safety and operational problems for through traffic, especially for high volumes and/or high speeds. On-street parking is also undesirable if there are many bicyclists using the street, along with high traffic volumes. No parking will be allowed on US 50 and SR 89 within the City of South Lake Tahoe as part of the proposed projects for the highways in that area. In Tahoe City, a separate bike path is proposed to facilitate bike travel through that community. The on-street parking makes the highway an undesirable place to ride a bike for most people, even with low speeds.

Water Quality

Page 3-15, Clean Water Act Compliance: The TMPO RTP proposes projects that will support Total Maximum Daily Load (TMDL), but TMDL requirements are independent from the RTP.

A5-16

Page 4-4: The goal of reducing the amount of impervious surfaces is not normally feasible when adding bike and pedestrian facilities to existing highways.

Bicycle/Pedestrian Facilities

Page 26-6, Policy 2.7: Please edit to include "...that do not create potential operational or liability issues" so that it reads "Implement safety awareness signage, road markings, educational programs, and programs that encourage bicycling and walking *that do not create potential operational or liability issues.*"

A5-17

Page. 2-10, Policy 10.1: Please edit to include "...when feasible" so that it reads "Incorporate transit stops and bicycle and pedestrian facilities in roadway improvement projects *when feasible.*"

Other Topics

Vehicle Miles Traveled (VMT): We note that TRPA has included methodology for VMT modeling as an Appendix to the RTP. However, we are unclear what TRPA's VMT data is for the state highway system, and we would like to work with TRPA to reconcile this information.

A5-18

Page 2-8: The "adaptive management system" is not defined elsewhere in the document. Caltrans suggests that TRPA/TMPO include general language in this goal or define the adaptive management system in chapter 1.

Page 2-8, Goal 7, Intermodal Transportation Facilities: Please define "regional transportation facilities."

A5-19

Page 2-10, Goal 10, Regional Roadways: Please define "regional roadways." Policies 10.1 and 10.2 - The implementation of these policies will be constrained by Right of Way, environmental issues, available funding, and operational and safety conditions. Please refine these policies to better reflect the context of implementation.

Page 3-4: We would like to work with TRPA to review the analysis for determining the impacts of the "town center" emphasis and proposal to the State Highway System. Vehicle and pedestrian conflicts may be more prevalent along regional travel routes within and nearby town centers (see comment for pg. 5-5, Safety).

A5-20

Methodology: Caltrans suggests that the introduction to chapter 3 refer to the appendix regarding modeling methodology in order to give basis to the GHG emission reduction claims in this section. This is not mentioned until 3-11.

A5-21

Goods Movement, page 4-19: Due to the constrained nature of the Tahoe area's transportation facilities, TMPO's complete streets projects will have to balance access for oversized vehicles with improved mobility for non-auto modes. The RTP policy section should provide assurance that road projects intended to enhance other modes will consider effects on goods movement.

A5-22

Land Use Alternatives, page 6-4: The land use alternatives of the Regional Plan are relevant to both the funding scenarios of the RTP and the SCS. The final RTP should include a summary of

A5-23

the alternatives considered as well as the results of public engagement regarding the alternative scenarios.

Regional Plan Update

Storm Water

Sec. 33.3.1 D, Winterization: We suggest that requirements for winterization be aligned with and referenced to Tahoe Construction General Permit (CGP) and/or USEPA CGP.

A5-24

Sec. 33.3.2, Discharge Prohibitions: The ordinances in this section regarding Direct Discharge, Indirect Discharge, and Discharge Control Devices are regulated under Caltrans MS4 permit and other water quality requirements. TRPA should refer to and incorporate the applicable permits rather than setting a duplicative and possibly conflicting standard.

A5-25

Sec. 33.3.4, Disposal of Materials: The ordinances in this section regarding Discharge Proportions are regulated under Caltrans MS4 permit and other water quality requirements. TRPA should refer to and incorporate the applicable permits rather than setting a duplicative and possibly conflicting standard. In addition, disposal of earth materials including soil and slash may create erosion control issues.

A5-26

Sec. 60.1.3 C: The section references California and Nevada statutes that prohibit water discharges. Since these statutes already exist, we suggest that TRPA reference the statute.

A5-27

Sec. 30.1.3. D: This appears to be a duplicate from Section C for statute.

Sec. 60.1.4: It is unclear if Caltrans is included in the categories listed. Please clarify how this would impact our ability to collect, store, and dispose of snow.

A5-28

Sec. 60.1.5 and 60.2.3: These appear to be elements controlled under the TMDL. Please refer to that and not detail specifics here.

A5-29

Sec. 60.2.5-6: Water Quality Mitigation should be administered in conjunction with and under the TMDL.

A5-30

Sec. 60.4: This entire section should reference and be subordinate to the Lake Tahoe TMDL process as administered by NDEP and LRWQCB.

A5-31

Transportation

Pages 3.3-4 and 3.3-5, and Page 2-10, Policy 10.7, Level of Service (LOS) Criteria: Caltrans LOS standards are assigned in our Transportation Corridor Concept Reports (TCCR). Although the RTP states that LOS policies may not be consistent among agencies in the basin, it does not discuss the difficulties that this inconsistency creates. Traffic analyses are more difficult and less effective when the LOS standards are not consistent.

A5-32

The discrepancy between the TRPA LOS standard of D, with a maximum of 4 hours, and of E in urban areas during peak periods, and Caltrans Concept LOS standard of F for US 50 and SR 28 and the Placer County portion of SR 89, is apparent from reviewing these two pages. Caltrans' Concept LOS F standard reflects the fact that there are existing LOS F conditions on these highways at peak times. Since the peaks are primarily due to recreational traffic, some congestion is considered unavoidable.

Existing conditions on various 2 lane highway segments in the Tahoe Basin are already at LOS E during existing peak conditions. The TRPA delineation between urban and rural segments for LOS D and LOS E does not reflect existing conditions.

From an operations perspective, Caltrans attempts to maintain LOS E conditions at signalized intersections in the basin, even at peak times. This is consistent with the TRPA standard of a maximum of 4 hours of LOS E, but it applies to rural road segments and intersections also. We suggest that the TRPA standard be revised to eliminate the "urban areas" limitation, at least for State Highways.

A5-32
Cont'd

Page 3.3-9, Policy TC-1.2: Should be clarified regarding side-street stop intersections. LOS F for minor side street approaches to arterials, at peak times, may be considered acceptable if no signal warrants are met, and no minor improvements would reduce the delay.

A5-33

Page 3.3-14: Seven intersections were counted on Friday afternoons in August 2010, and listed in order of total volumes. The final statement should 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. It should be noted that the Pioneer Trail and US 50 intersection in Meyers is very busy on Fridays, and even busier on Sundays.

A5-34

Page 3.3-17: The note under Table 3.3-3 that discusses the SR 28/89 intersection should be revised. This intersection operates acceptably, as listed in the table, due to the additional lanes that are available at the intersection. However, the pedestrian signal at Fanny Bridge creates the congestion for northbound traffic, since there is only a single lane for northbound traffic at this point.

A5-35

Page 3.3-18, Table 3.3-4: Should be expanded to include a line for "Two-Lane Arterial Highway with Center Turn Lane in Rural Areas", with a higher directional split. Note 2 states that a speed of 35 MPH was assumed, along with 55% in the peak direction. These assumptions may be acceptable for busy community areas such as Tahoe City, but it is not accurate for more rural areas, such as Meyers. Peak volumes in Meyers on weekends are over 2,500 vehicles per hour according to a study that was done in 2008, and the primary congestion in this area is at the Pioneer Trail intersection on Sundays.

A5-36

Table 3.3-4: Points out the substantial difference in threshold volumes for two-lane undivided highways, per the Highway Capacity Manual. The LOS D threshold is 1430, and the LOS E threshold is 2740. This means these highways are considered to be at LOS E for almost 50% of

A5-37

their capacity range. From Caltrans' perspective, as indicated by the Concept LOS standards for the highways in this area, LOS E is acceptable for most of the highways in this area.

A5-37
Cont'd

Exhibit 3.3-1, Please make the following edits:

- Show a 3-lane highway segment in Meyers and in Tahoe City.
- SR 28 in Tahoe Vista should show a 3-lane highway, except for the National Avenue intersection. In this same area, the 5-lane symbol should be extended through the SR 267 intersection.

A5-38

Sec. 1.3.4, Site Development, Signs: TRPA sign standards “governing the erection and maintenance of signs” may conflict with Caltrans sign standards within the State Highway System. Please include language that state and federal roadway sign standards will be adhered to where applicable.

A5-39

Impact 3.3-2, Page 3.3-44: As stated previously, Friday afternoons are a peak time at some intersections, but other intersections, such as the Pioneer Trail/US 50 intersection in Meyers, are more congested on Sundays. These conditions should be noted in this discussion.

A5-40

Page 3.3-44, Mitigation Measures: There are two notes that recommend installing raised medians on US 50 as a form of access control. Due to conflicts with snow removal operations, we do not recommend installing raised medians in this area. Any raised medians would have to be designed to minimize problems with snow melt and snow removal. Please consult with Caltrans District staff about proposed medians in this area, and the potential challenges they may cause.

A5-41

Bicycle Facilities

Page 3.3-24: Class I facilities are normally called Bike Paths. Multi-use paths should be wider, with 10 feet as a minimum width. Class III Bike Routes are also designated on arterials where bicycle volumes are significant, but shoulder widths do not meet bike lane standards.

The discussion of Pedestrian Facilities is very brief. It does not mention many areas that also have high pedestrian crossing volumes, at least during the peak season. This includes Camp Richardson, Fanny Bridge, Sequoia Crossing on SR 89, William Kent Campground area, Grove Street in Tahoe City, Bear Street and Fox Street in Kings Beach, and Friday Avenue in South Lake Tahoe.

A5-42

Exhibit 3.3-4, Please make the following edits to the map titled “Existing Bike Facilities”:

- SR 28 - Show a Class II from Dollar Hill to SR 267.
- SR 267 - Show a Class III from SR 28 to Commonwealth Drive.
- SR 89, Emerald Bay - Show as a "Share the Road" area, with a different symbol than the bike routes. No bike route signs exist in that area.
- SR 89 South of Meyers - Show a "Share the Road" area from the Alpine County line to Portal Drive.

Code of Ordinances

Section 1.3.6, Resource Management & Protection, Noise and Chapter 68: The TRPA noise threshold and specific decibel metrics may not be realistic. For example, noise limitations may sometimes not be possible to achieve with the roadway equipment vehicles that are available to Caltrans.

A5-43

Page 2-12, 2.3.5.B.1.b Mail Delivery Activities/Locations: These should be located in a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and **so that vehicles stopped at the mailbox do not create any safety problems for other vehicles and bicyclists.**

A5-44

Page 22-4, 22.7.6 Traffic Mitigation: This measure should be clarified to say that lane closures on highways where there are two through lanes in each direction, do not require a traffic analysis for the shoulder seasons.

A5-45

Page 34-2, 34.3.3 Numbers of Driveways: This section should be expanded to say that single family residential parcels normally will only be allowed one access to a public road, with the requirement to have an on-site turnaround area.

A5-46

Page 65-13, 65.3 Bicycle and Pedestrian Facilities, 65.3.3.C Adjustment to Code Requirements: Consider broadening the application of this section to include coverage credits for highway projects that will widen the highway to provide bike lanes and/or sidewalks. This will reduce the cost of building these projects, and may allow for these projects to occur in more areas.

A5-47

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A6

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



CURTIS L. FOSSUM, Executive Officer
(916) 574-1800 FAX (916) 574-1810
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from Voice Phone 1-800-735-2922

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June 28, 2012

Regional Plan Team
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449-5310

**Subject: Response to Comments for Tahoe Regional Planning Agency (TRPA)
Regional Plan Update (RPU)**

Dear Regional Plan Team,

The California State Lands Commission (CSLC) staff has reviewed the draft TRPA RPU. The CSLC will act as a trustee agency because of its trust responsibility for activities that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The CSLC has provided comments on regulations with potential to directly or indirectly affect jurisdictional state lands in the Lake Tahoe Basin, which include Lake Tahoe, Fallen Leaf Lake, Cascade Lake, and Echo Lakes (see the Recreation Section comments for further discussion).

A6-1

Regional Plan Team

Page 2

June 28, 2012

TRPA RPU Description

The TRPA is currently requesting public comment on the RPU Draft Environmental Impact Statement (DEIS) and updates to the Regional Plan Code of Ordinances, Goals and Policies, and Transportation Plan. We understand that no changes to the Shorezone Ordinances are contemplated with the DEIS and RPU process at this time, but will be addressed at a later date under a revised or amended Shorezone specific EIS. CSLC staff encourages TRPA to set a timetable to begin the Shorezone Ordinance process.

A6-2

Environmental Review**Hydrology and Water Quality**

Regarding Section 3.8, Hydrology and Water Quality of the DEIS and Code of Ordinance Subparagraph 60.4.3, the CSLC staff would like to see an effort to continue permanent Best Management Practices (BMP) compliance for lakefront parcels, which was started in 2009 with the TRPA Buoy Permitting and Mooring Registration Program (BPMRP). The BPMRP program achieved substantial momentum with BMP compliance for lakefront parcels. However, there were many property owners who started the process, but did not complete full compliance due to the Shorezone EIS/Ordinance litigation in 2010, which stopped the permitting program and disrupted BMP compliance efforts as a requirement of the program. Considering the progress that was made towards BMP compliance and the legal uncertainties of relying solely on the BPMRP to achieve compliance, CSLC staff believes a BMP compliance program for lakefront parcels independent of the currently litigated shorezone ordinances should be pursued by TRPA through this RPU process. This effort would appear consistent with the load reduction milestones of the Total Maximum Daily Load (TMDL) as explained in Section 3.8, page 3.8-14 of the DEIS. Perhaps such a program could be implemented in Code of Ordinance Subparagraph 60.4.4 as a priority group for lakefront parcels.

A6-3

Recreation

Within Section 3.11, Recreation, page 3.11-4 of the DEIS, under the California State Lands Commission heading, please replace the existing language with the following:

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

A6-4

Regional Plan Team

Page 3

June 28, 2012

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 sections 6216, 6301, 6501.1 and 6503.5 along with regulations found in California Code of Regulations, Title 2, section 2000 et seq.

The mission of the CSLC to preserve recreation and navigation as well as open space between the high and low water lines of Lake Tahoe remains a concern with regard to the review of backshore development (piers, shoreline protective structures, etc.) that encroaches within the Public Trust Easement.

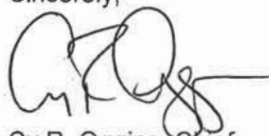
Biological Resources

When litigation in 2010 vacated the TRPA Shorezone EIS and Ordinances, provisions within Chapter 75 of the old Code of Ordinances pertaining to protection of Tahoe yellow cress were also unintentionally vacated. These code provisions should be revisited with this RPU process and considered for incorporation in Code of Ordinances, Chapter 61.

CSLC staff appreciates the addition of Code of Ordinance Section 63.4, Aquatic Invasive Species (AIS) and associated code provisions.

Thank you for the opportunity to comment on the DEIS and RPU process. Please send additional information to the CSLC environmental staff listed below. Please send copies of future related documents, including an electronic copy of the Final EIS and adopted RP, when they become available, and refer questions concerning environmental review to Jason Ramos, Environmental Scientist, at (916) 574-1814 or via e-mail at jason.ramos@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Mary Hays, Public Land Manager at (916) 574-1812, or via email at mary.hays@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Jason Ramos, DEPM, CSLC
Eric Gillies, DEPM, CSLC
Mary Hays, LMD, CSLC

A6-4
Cont'd

A6-5

A6-6

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A7



City of South Lake Tahoe

"making a positive difference now"

June 20, 2012

Tahoe Regional Planning Agency
Attn: Adam Lewandowski
PO Box 5310
Stateline, Nevada 89449

Dear Mr. Lewandowski:

The City of South Lake Tahoe would like to submit the following comments on the review Tahoe Regional Planning Agency (TRPA) Regional Plan Update (RPU) Environmental Impact Statement (EIS).

A7-1

Global Issues

1. **Significance of Revitalization of the Built Environment** -The City acknowledges that the RPU and its alternatives do provide some opportunities for the revitalization of the City of South Lake Tahoe (City), however, the RPU EIS does not adequately recognize the significance of revitalization of the City to meeting the TRPA Environmental Thresholds given that the City is the primary population center (23,896 residents in 2009), economic center (estimated 14,500 jobs in 2005) and urban area of the Lake Tahoe Basin. The City supports the RPU in focusing on improving opportunities to revitalize existing key development areas, restore stream environment zones (SEZs), and improve old, outdated, and incomplete infrastructure in urban areas. The following are observations, comments and suggestions on the RPU EIS which should be better focused to make efforts on Environmental Threshold attainment a success.
2. **Acknowledgement of the City's Recently Adopted General Plan and Associated EIR** – The RPU and the analysis provided in the RPU fails to acknowledge that the City has adopted a new General Plan that is consistent with the intent and principles of the RPU 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 RPU as well as attain and maintain the Environmental Thresholds. The RPU makes little mention of the City's adopted General Plan, which provides land use patterns, specific policies, actions and implementation steps that will assist in meeting principles of the RPU and associated revitalization of existing developed areas to aid in improving water quality conditions and other environmental factors (e.g., air quality, land coverage, scenic, noise). The RPU EIS makes very little use of the policy provisions and actions of the General Plan that provide further measures to address the potential environmental effects of potential development in the Basin.
3. **Alternatives Provided in the RPU Do Not Incorporate the Adopted General Plan** – As noted above, the General Plan is an adopted policy document that will guide the City's future development and revitalization in a manner consistent with the

A7-2

A7-3

A7-4

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principles of the RPU, but customized to address circumstances unique to the City. While the Draft EIS proclaims that the RPU would be consistent with local plans (including the City's General Plan – see Draft EIS 3.2-78 and -79), alternatives 1, 2, and 5 are inconsistent with the General Plan. This is of substantial concern. Alternatives 3 and 4 have components that are consistent with the general intent of the General Plan. One specific area where the RPU alternatives fall short for of providing a viable future development mix is the amount of commercial floor area (CFA) allocation. The City has documented its need for 386,000 square feet of new CFA in order to capture 25 percent of the existing sales tax leakage the City experiences from commercial competition outside of the Basin and reduce associated vehicle trips. This need is supported by General Plan policies LU-2.3, ED 1.9 and ED 2.7 (2005 City of South Lake Tahoe Business Incentive Study). The General Plan Draft EIR page 4.0-2 states that the City envisions the origin of this new CFA consisting of new CFA allocations from TRPA of 193,973 square feet and 192,027 square feet from transfer and bonus programs (e.g., removal of existing development from stream environment zones). The TRPA should consider a variation of alternative 3 that is consistent with the General Plan.

A7-4
Cont'd

4. **Clarification of Subsequent Implementation and Mitigation Steps Identified in the RPU EIS (MM 3.4-2, 3.4-5, 3.5-1, 3.6-1, 3.6-2, 3.6-3, 3.6-4, 3.8-3)** – It is acknowledged that adoption of the RPU will require subsequent actions to be taken that include implementation of mitigation programs identified in the EIS. However, the analysis fails to evaluate the effectiveness of existing laws to mitigate potential impacts or provide technical details/support on how proposed mitigation measures can demonstrate mitigation of environmental impacts. Laws that address construction dust, noise management, housing needs, and green house gas emissions are already in place in California. Assuming that potential impacts are significant and unmitigated without accounting for the mitigating effects of existing laws is not appropriate. If mitigation is necessary, it should clearly state the performance measure that shall be achieved as compared to expected performance with existing laws in place.

A7-5

5. **Clarification of Mitigation Measure Application (MM 3.4-2, 3.4-5, 3.6-2, 3.6-3, 3.6-4)** - Impacts associated with construction noise, construction vibrations, and construction dust and emissions would not necessarily be significant for all projects identified in the RTP/SCS, nor would these mitigation measures be reasonable for all projects. Mitigation measures must specify the type, size, location, or other criteria for projects that would be required to comply with these mitigation measures.

A7-6

6. RPU Alternative 3 –

- a. Alternative 3 is described as being designed to “streamline regulatory processes and concentrate TRPA resources where they can have the most benefit.” The proposed Area Plan process and memorandums of understanding provide the opportunity for local jurisdictions to take on TRPA permit review responsibilities, but that would not take effect until after the adoption of Area Plans. What other aspects of Alternative 3 would have the effect of streamlining the regulatory process? What aspects of this alternative concentrate TRPA resources where they can have the most benefit? The proposal does not change any of the permitting requirements or process and does not eliminate or reduce any areas of TRPA regulation.
- b. Related to the proposed Area Plan process, TRPA should consider the establishment of a similar process for the entire City and its General Plan.

A7-7

A7-8

<p>Unlike any other local land use agency in the Basin, the City's boundaries are entirely within the Basin and subject to TRPA regulations. While a process like Area Plans may not be appropriate for the City (given the variety of land use and natural conditions within the City), some policy/programmatic coverage consistent with the level of detail and mitigation/policy commitment set forth in the General Plan is appropriate and is consistent with the intent of the Area Plan process.</p>	A7-8 Cont'd
<p>c. Alternative 3 adds the new land use classification of Mixed Use, however, there have not been changes to Chapter 21 of the TRPA Code of Ordinances to address what types of uses are allowed in a Mixed Use area. The Code of Ordinances needs to be amended to define Mixed Use and how it can be applied in order to be consistent with the goals and policies.</p>	A7-9
<p>d. The list of proposed goals, polies, and implementation measures under Alternative 3 needs to include the addition of Attachment 4 (Preliminary List of Priority Projects) of the Goals and Policies document and evaluation of potential impacts of implementing these priorities.</p>	A7-10
<p>7. Clarification of Mitigation Measure Performance Standards (MM 3.3-1, 3.3-3, and 3.5-1)- A clear description of the exact performance standard, timing and technical evidence supporting the findings that mitigation programs will be successful should be provided. In addition, TRPA has committed to post RPU adoption Priority Projects in Attachment 4 of the RPU. TRPA should analyze the availability of resources to complete projects identified in the mitigation measures and those on the priority list within 12 months.</p>	A7-11
<p>Technical Areas Addressed in the EIS</p>	
<p>1. Traffic/Air Quality Analysis – While the Draft EIS does acknowledge General Plan Circulation Element policies that address improvements to traffic operations and reducing vehicle miles traveled (VMT), it fails to note additional policies that provide further mitigation that would aid in addressing traffic impacts. General Plan Draft EIR pages 4.4-36 through -40 specifically note these policy provisions. The Draft EIS VMT analysis results are similar to those that the City identified in the General Plan EIR. However, TRPA does not consider a mitigation measure similar to MM 4.4.2 that would involve the development of on-going funding for operations and maintenance for alternative transportation measures as identified below. As identified in the General Plan EIR pages 4.4-48 through -50, this measure would reduce VMT in the City by 2,600 per day.</p>	A7-12
<p>MM 4.4.2 <i>The following shall be incorporated into the proposed General Plan Update as a policy in the Transportation and Circulation Element:</i></p> <p><i>The City shall establish an Alternative Transportation Operating/Maintenance Program that would impose an ongoing annual fee on new development to fund alternative transportation operations and maintenance. Expenditures under this program would be limited to the following:</i></p>	

- *Operating costs of public transportation programs either operating within the city or directly benefiting city residents and businesses.*
- *Maintenance of older multipurpose bicycle/pedestrian facilities.*
- *Maintenance and/or snow removal on a limited inventory of major sidewalks (not already the responsibility of existing agreements).*

The Transportation Section of the Draft EIS and associated mitigation measures/policies fail to fully consider and address the fact that further improvements to bike facilities would further improve the success of this as an alternative form of transportation resulting in reduced VMT.

Mitigation measure 3.3-1 (Phased Release of Allocations/LOS Monitoring/Travel Demand Management) and 3.3-3 (Implement Additional VMT Reduction) – It is unclear how deferral to the development of a program for phased release of land use allocations will address the potential LOS concern. Traffic operations from new development provided from allocations will depend on the land use mix in total and cannot be considered on a case-by-case basis (i.e., the cumulative effect of combined projects may result in traffic operations benefits that would not be identified on a single project basis). In order to conclude that the mitigation measure will be successful, the EIS must clarify what the criteria and parameters of the program for phased release of land use allocations are. What are the criteria for prioritizing non-motorized and transit projects? What are the feasibility criteria for TRPA to cause to implement a project? What will be the relationship between the LOS and amount of allocations released? What are the criteria for implementing a non-motorized project versus reducing land use allocations? Will TRPA's inability to deem a mitigating project feasible result in reduced allocations? An allocation release system, based on LOS or VMT in specified areas could result in the more urban jurisdictions that tend to be destinations being penalized, reducing allocations there, while more rural jurisdictions receive full allocations. That result is contrary to the goal of concentrating development and increasing alternative transportation opportunities. Areas with more amenities and opportunities for alternative modes of travel are more popular and although visitors may utilize alternative modes during their visit, peak times when they are entering or leaving these areas will continue to have impacts. How will this mitigate for visitor trips in and out of the Basin?

A7-12
Cont'd

Mitigation measures 3.4-2 and 3.4-5 – These mitigation measures for construction activities are a bit confusing as they identify that TRPA will develop "Best Construction Management Practices" that would apply to the Basin, but also note that local provisions may be used to address the impact as well. The concern is that TRPA would develop additional requirements that would need to be implemented in addition to local and state laws resulting in unnecessary duplication and future conflicts on what standards apply (similar to current concerns on water quality standards involving TRPA and the Lahontan Regional Water Quality Control Board [RWQCB]). California jurisdictions already implement regulations of the air pollution control districts and the proposed mitigation measures are similar. The process should be simplified to simply require demonstration of compliance with air quality standards rather than dictating how

A7-13

compliance would be achieved. This approach was utilized in the General Plan EIR (see Draft EIR pages 4.5-33 through -47).

Mitigation measure 3.4-9 (Maintain Level of Air Quality Mitigation Improvements) – There is no clear analysis how the circumstances described in Impact 3.4-9 would actually translate into an actual air quality impact. Analysis needs to demonstrate how a property being vacant for any amount of time results in the need for increased mitigation than a property that has continued operating. The analysis needs to demonstrate the environmental nexus between a prohibition on acknowledging a prior use after a property has been vacant for any amount of time and the increased mitigation requirement associated with the prohibition. A reduction in fees going towards a program is not sufficient to find a significant environmental impact.

A7-13
Cont'd

2. **Scenic Analysis** – The Draft EIS does not fully acknowledge that revitalization of developed areas has resulted in improvement in identified scenic roadway corridors. This improvement has been documented in TRPA threshold evaluation reports. The General Plan EIR provides visual simulations that demonstrate increases in density and height in the Tahoe Valley area would result in improved scenic conditions rather than a significant impact identified in the EIS (see Draft EIR 4.13-15 through -57). It is unclear and no evidence is provided in the EIS that improvement to the buildings in the South Stateline Casino Core Tourist District could result in negative rather than beneficial impact to scenic impacts.

A7-14

3. **Coverage Analysis** – The Draft EIS could further expand the discussion and analysis of coverage changes in the Basin by acknowledging that parcels within areas identified under Alternatives 2, 3 and 4 for revitalization consist of areas that are often over 90% covered. The City has conducted such an analysis in evaluating the Tahoe Valley area as part of the General Plan EIR and can provide this information to TRPA to assist in this effort.

A7-15

4. **Greenhouse Gas Analysis** – It is unfortunate that the RPU efforts were unable to utilize information proposed to be provided in association with the Collaborative and RTP/SCS, which has resulted in an incomplete evaluation and mitigation of GHG/climate change custom to the unique circumstances of the Basin. This would have resulted in complete understanding of the existing baseline and target issues as part the RPU and an efficient use of grant funding and matching resources that the local agencies provided that can no longer be attained. The following are specific items of concern identified for each of the GHG impacts identified.

Impact 3.5-1:

- a. The analysis needs to consider the application of the California Green Building Code in California jurisdictions and its mitigating effects.
- b. The GHG Emission Reduction Policy should include incentives, rather than regulation, for project design and operations that result in reduced emissions.
- c. The proposed measures under mitigation measure 3.5-1 conflict with and overlap existing regulations of the California Air Resources Board and California Green Building Code. These measures that are in conflict with California law or create additional confusion over applicable laws must be avoided.

A7-16

- d. The proposed mitigation does not provide a performance standard measure to be obtained to be consistent with California GHG reduction efforts set forth under AB 32..
- e. The Regional Sustainability Collaborative has no authority in developing or recommending regulation and should not be responsible for mitigation or cited as the sole party to inform the development of regulatory mitigation.

A7-16
Cont'd

Impact 3.5-2:

- a. Why is the projected 2035 population higher in Alternative 4 than Alternative 3 while the 2030 population is lower?
- b. Mitigation for Alternative 4 should consider alternative mitigation, a reduced amount of development allocations or policy modifications that will result in the 5% SB 375 target for 2035 being met. Alternative mitigation may include a policy requiring a portion of the additional residential allocations to be used within community centers, increasing the 25.7% and 11.8% indicated in Draft EIS Table 3.3-9. The Transfer of Development Right incentives included in Alternative 3 could also be utilized in Alternative 4 as mitigation. If the policy adjustments are made to result in a projected 482 tons/day of emissions and per capita pounds/person/day of 21.2, the percent reduction from 2005 would be 5 percent in 2035, meeting the SB 375 target. With policy modifications as mitigation, an appropriate amount of allocations could be identified that would meet SB 375 targets and provide additional incentive for revitalizing community centers, improving alternative transportation and water quality infrastructure. Specifically in the case of the City, further intensification of development where it already exists (e.g., Transfer of Development Rights and further CFA allocations) will provide the greatest benefit in reducing VMT and associated mobile sources of GHG as compared to the more rural portions of the Basin.
- c. Mitigation measure 3.5-1 (Implement Sustainability Measures with Performance Standard) defers to the Region-wide Sustainability Plan and TRPA efforts without a clear performance standard or acknowledgement of the State of California's programs under AB 32 that will be addressing these items. The items identified in this mitigation measure are already being implemented through California efforts (e.g., additional energy efficiency requires under Title 24, improved energy efficiency of appliances have been addressed through regulatory efforts of the California Energy Commission)

A7-17

5. **Recreation** – Mitigation measure 3.2-2 –What ratio of “more than 1:1” will be required to transfer existing units of use?

A7-18

6. **Noise** – Mitigation measure 3.6-1 – Several traffic noise mitigation measures are not feasible. Can TRPA influence speed limits on state highways and local streets? Also, mitigation measure 3.6-1 suggests the use of noise barriers which are not appropriate in the Basin and would result in further significant scenic impacts counter the scenic thresholds.

A7-19

Mitigation measure 3.6-2, the impact statement identifies that noise exceeding TRPA thresholds is a significant impact. Mitigation options should include restricting construction activities to between 8:30am and 6:00pm. Noise during these times is exempt, therefore there would not be an impact related to exceeding TRPA thresholds.

A7-20

The analysis must state whether it is feasible for TRPA to enforce this mitigation that includes monitoring whether an activity results in vibrations greater than 0.2 in/sec PPV? Mitigation should only be required if activities will be occurring within 200 feet of an existing structure.

A7-20
Cont'd

Impact 3.6-4 – The impact would apply to all projects with residential uses not just mixed use projects. Regulations need to be consistent with Building Code requirements to avoid a duplication or contradiction resulting in difficulty enforcing this mitigation measure. What are the criteria used to determine whether noise is “incompatible” with ambient noise levels and what is the standard of significance for this analysis? Duplication or contradiction of existing Building Code requirements need to be avoided.

A7-21

7. **Hydrology and Water Quality** – Mitigation measure 3.8-3 - The items listed in this mitigation measure are things that may or may not be part of a local jurisdiction's pollutant load reduction strategy. The intent of the Lake Tahoe TMDL was that local jurisdictions would be able to set their own priorities and determine what measures would be most effective in meeting the TMDL reduction targets within their jurisdiction. Mitigation measure 3.8-3 appears to counter the intent of the TMDL and would result in the current situation of different water quality standards by TRPA and the RWQCB. The mandate for TMDL reductions and requirements of the City's municipal permit is adequate for mitigation and this mitigation measure is unnecessary to be applied to the City.

A7-22

Mitigation measure 3.8-4 – Parcels with BMPs or are participating in area-wide stormwater program should be eligible for temp coverage exemption. How is “significant” defined to determine that 120 sf or 2 percent is the maximum exempt coverage before the impact is considered significant. ADA exemption should apply regardless of BMP installation. Compliance with federal law would be hampered when the cost of doing BMPs is more than the ADA improvements and both together may be cost prohibitive for many businesses. What about a commercial tenant doing ADA improvements on properties with other businesses and BMPs aren't completed? Tenant is prevented from ADA compliance due to property owner not doing BMP improvements will result in a loss of businesses.

A7-23

8. **Seismic Hazards** – Impact 3.7-3 fails to note hazards associated with seiche waves on existing and future revitalized areas in the Basin. The General Plan Draft EIR addresses this impact and documents the extent of this impact on the City (see Draft EIR pages 4.7-66 through -69). The Draft EIS should contain a mitigation measure that specifically addresses how to respond to this potential hazard:

MM 4.7.8 The City shall include the following as a policy to the General Plan:

The City shall update the Local Emergency Operations Plan and Emergency Management Plan to include planning and response provisions for seiche wave hazards. This would include a warning process of when area earthquake events are of 7 magnitude or greater that could generate a seiche wave and a notification and evacuation process for residents, employees and visitors. This may include the provision of directional signage to guide evacuees to areas outside of the seiche wave hazard zone.

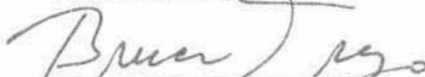
A7-24


If you have any questions regarding these comments please contact Hilary Roverud at (530) 542-6024 or hroverud@cityofslt.us. Thank you for the opportunity to comment.

Sincerely,



Claire Fortier, Mayor

Tom Davis, Mayor Pro Tem

Bruce Grego, Councilmember

Angela Swanson, Councilmember

Hal Cole, Councilmember

Copy: John Laird, California Secretary for Natural Resources
Ted Gaines, California Senator, 1st District
John Lee, Nevada State Senator, Legislative Committee for the Review and Oversight of
the Tahoe Regional Planning Agency and Marlette Lake Water System Chair

A8

City of South Lake Tahoe

"making a positive difference now"

June 20, 2012

TRPA Governing Board
PO Box 5310
Stateline, NV 89449

Dear Governing Board members:

The City of South Lake Tahoe would like to take this opportunity to provide input on the draft Regional Plan Update (RPU). We would like to congratulate TRPA for the progress that has been made over the last year to prepare a draft RPU ready for environmental review and public comment. The RPU Committee was very responsive to information and input provided at their meetings to develop a Regional Plan that balances the environmental, economic and social well-being of the Region. The City supports the stated goals of the RPU, especially the objectives that involve revitalization of existing community centers, streamlining development review processes and eliminating regulatory barriers that have slowed the pace of environmental redevelopment. The City adopted a General Plan Update in 2011 specifically to align City policy with smart growth and sustainability principles that will achieve the City's vision of becoming a vibrant and sustainable community that is the economic and social heart of the Lake Tahoe Basin. This goal cannot be achieved without also addressing environmental improvement and protection.

A8-1

Community Based Planning for Environmental Redevelopment

The City appreciates the opportunity to develop and propose alternative approaches to environmental protection and improvement through the Area Plan process proposed in the draft RPU. If the Area Plan process is implemented as it has been described by TRPA staff, it will allow other agencies the ability to complete the community based planning that was initiated in the Pathway 2007 process. However, the City Council is concerned that the process for developing an acceptable Area Plan and procedures associated with delegation of permitting authority have not been well defined. The primary concerns are that the requirements associated with Area Plan adoption will be costly and the timeline for adoption will be protracted. Although criteria for adoption listed in proposed Chapter 13 of the Code of Ordinances is fairly straight forward, it is our understanding that adoption of an Area Plan will also require the Governing Board to make findings in Chapter 4, which require quantification of threshold achievement. The City would like to know more specifically, what level of technical analysis will be required to make these findings, and would like a commitment from TRPA to dedicate

A8-2

Page 1 of 43

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staff resources and funding to completing community level planning in the Area Plans. The City also requests that appeal opportunities for decisions made by the City on project applications are limited only to whether a decision was made in compliance with the associated Area Plan, and appellants are required to make arguments and exhaust all opportunity for input at the local government level.

A8-2
Cont'd

The City Council also supports the proposal to increase incentives to transfer development from sensitive areas or areas outside of community centers in to those centers. Although it is unknown whether the increased level transfer ratios proposed will spur this type of activity, it is an added incentive that we believe will contribute to additional environmental redevelopment. The City recommends that an additional incentive be provided that will allow conversions between development commodities (Tourist Accommodation Units, Commercial Floor Area, and Residential Units of Use) when those commodities are transferred into community centers.

The City believes that the most effective way of addressing the environmental degradation issues of the existing built environment is through both public and private investment. This can be done by creating a regulatory structure that protects the environment but also makes private investment feasible and attractive. Unfortunately, the City believes that the incentives proposed in the RPU are not enough. One specific area where the RPU alternatives fall short for of providing a viable future development mix is the amount of commercial floor area (CFA) allocation. The City has documented its need for 386,000 square feet of new CFA in order to capture 25 percent of the existing sales tax leakage the City experiences from commercial competition outside of the Basin and to reduce associated vehicle trips. This need is supported by General Plan policies. The TRPA should consider a variation of Alternative 3 that is consistent with the General Plan.

A8-3

The City strongly supports the acknowledgement that water quality improvements can be achieved through means other than individual property BMPs. The City would like to pursue options that will result in addressing the highest priorities for achieving maximum water quality benefit through area-wide solutions.

A8-4

Eliminating Regulatory Barriers and Simplifying Regulations to Increase the Pace of Environmental Redevelopment.

The City appreciates changes to the Regional Plan that create more flexibility for property owner's ability to construct decks and have temporary structures while maintaining environmental stewardship. However, it is disappointing that more of this work could not be included in the current RPU rather than put off to a post RPU adoption Priority Projects List (see Attachment). The most effective way of evaluating opportunities to eliminate regulatory barriers that have slowed the pace of environmental improvement would be to complete a comprehensive review of the TRPA Code of Ordinances looking for opportunities to eliminate regulations that do not provide environmental gain justified by the cost of implementation (administrative costs or project costs), that are duplicative of other agency regulations, or cannot be enforced.

A8-5

This would include regulations such as the vacancy penalty for air quality mitigation fees, drive through windows, detailed design regulations, lighting standards, historic preservation procedures, floodplain management, temporary activities, etc.

Another recommendation for streamlining and focusing TRPA resources on priority areas is to evaluate and amend the TRPA Threshold Standards to focus resources on priority issues that can be scientifically measured. The Threshold Evaluation Report includes recommendations on modifying thresholds, including the elimination of standards that TRPA does not have the authority to enforce. A comprehensive evaluation of thresholds to increase their effectiveness would be valuable.

As stated in comments submitted on the RPU EIS, the City is concerned that proposed mitigation measures will result in specifically prescribed regulations that overlap with existing state regulations, creating additional difficulties with implementing and enforcing them. The EIS should take into account the effect of existing regulations on mitigating potential impacts rather than prescribing duplicative regulation.

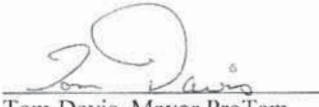
Although the RPU does not meet all expectations that have been developed over the City's seven year participation in the RPU process, it is a start. We hope that TRPA is sincere in its commitment to addressing issues that have not been addressed in the current draft RPU and the City appreciates the opportunity to provide this input.

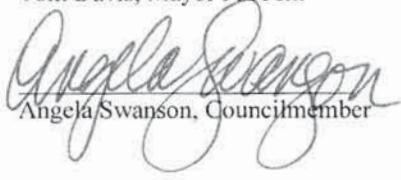
Sincerely,


Claire Fortier, Mayor


Bruce Grego, Councilmember


Hal Cole, Councilmember


Tom Davis, Mayor Pro Tem


Angela Swanson, Councilmember

Attachment: Regional Plan Goals and Policies, Public Review Draft Attachment 4- Preliminary List of Priority Projects

Copy: John Laird, California Secretary for Natural Resources
Ted Gaines, California Senator, 1st District
John Lee, Nevada State Senator, Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System Chair

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A8-5
Cont'd

ATTACHMENT 4

PRELIMINARY LIST OF PRIORITY PROJECTS

- Evaluate the code of ordinances and identify topics that could be modified to be more understandable and effective.
- Develop a housing strategy in coordination with local government housing strategies and identify possible amendments to regional plan policies and/or the development code.
- Evaluate the coverage management system and identify possible amendments to regional plan policies and/or the development code.
- Evaluate floodplain management strategies and identify possible amendments to regional plan policies and/or the development code.
- Evaluate of the IPES program, including the unique situation in Placer County, and identify possible amendments to regional plan policies and/or the development code.
- Develop an urban bear strategy and identify possible amendments to regional plan policies, the development code and/or agency programs.
- Evaluate Level of Service standards for regional roadways, including standards related to peak periods, and identify possible amendments to regional plan policies, the development code and/or Transportation plans and programs.
- Evaluate the Environmental Improvement Program (EIP) and identify possible amendments to the EIP based on Total Maximum Daily Load (TMDL) Pollutant/Stormwater Load Reduction Strategies (PLRPs and SLRPs) and other Regional Considerations.
- Evaluate policies and regulations related to drive-up windows and identify possible amendments to regional plan policies and/or the development code.
- Evaluate the water quality mitigation fee and coverage mitigation fee programs and consider amendments to reflect water quality impacts and benefits from development and redevelopment activities in accordance with updated Regional Plan Policies.
- Evaluate SEZ Restoration strategies and identify possible amendments to Regional Plan policy and/or the Development Code.
- Develop standardized evaluation criteria for determining the suitability of soil conditions for wet season grading, activity on sensitive lands, and resource management operations. Develop corresponding monitoring protocols for determining the effects of these activities on soil and water quality.
- Develop an incentive program to encourage the replacement of non-compliant wood stoves and conversion of fireplaces by 2015.
- Develop a strategy to initiate a public information campaign to educate the public about the plan to phase out the use and sale of chemical lawn fertilizer containing phosphorus by 2017, subject to outlined exceptions.
- Amend the Code of Ordinances to permit for the development and implementation of a Certified Contractor program that would allow qualified professionals certified by TRPA to conduct verifications for land capability, land coverage, and existing development.

TRPA – Goals and Policies
ATTACHMENT 4 – LIST OF PRIORITY PROJECTS
Public Review Draft

A4-1
Revised 04/25/2012

- Reorganize the Rules of Procedure and incorporate it into the Code of Ordinances.
- Evaluate TRPA Code Section 93.2.F, specifically the requirement for use operation for 24 consecutive months to qualify as a "previous use."
- Review of the TRPA Code requirements for historic resource protection to streamline the process and eliminate redundancy with California State Law.
- Evaluate the opportunity for a variance process within TRPA Code regulations.
- Coordination of GIS data among agencies.
- Evaluate TRPA Code requirements for Temporary Activities to streamline the process.
- Evaluate TRPA permit security bonds that have been held for many years and develop a program for utilizing those funds.
- Evaluate TRPA Code Chapter 18 for opportunities to update and consolidate use categories.

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A9



City of South Lake Tahoe
"making a positive difference now"

June 20, 2012

Tahoe Metropolitan Planning Organization
 Attn: Karen Fink
 PO Box 5310
 Stateline, Nevada 89449

Dear Mrs. Fink:

The City of South Lake Tahoe would like to submit the following comments on the review of the Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

A9-1

Global Issues

1. **Significance of Revitalization of the Built Environment** -The RTP/SCS EIR/EIS does not adequately recognize the significance of revitalization of the City to meeting the SCS goals for Greenhouse Gas (GHG) emission reductions, Total Maximum Daily Load (TMDL) targets, and TRPA Environmental Thresholds given that the City is the primary population center (23,896 residents in 2009), economic center (estimated 14,500 jobs in 2005) and urban area of the Lake Tahoe Basin. The City supports the RTP/SCS in focusing on improving revitalization of existing key development areas, and improvement of old and outdated transportation infrastructure in the City to increase efficiency and reduce impacts. The following are observations, comments and suggestions on the RTP/SCS EIR/EIS which should be better focused to make efforts on GHG reduction target attainment a success.
2. **Acknowledgement of the City's Recently Adopted General Plan and Associated EIR** – The RTP/SCS and the analysis provided in the EIR/EIS fails to acknowledge that the City has adopted a new 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 support the objectives of the RTP/SCS as well as attain and maintain the Environmental Thresholds. The RTP/SCS makes little mention of the City's adopted General Plan, which provides land use patterns, specific policies, actions and implementation steps that will assist in meeting principles of the RTP/SCS and associated revitalization of existing developed areas to aid in improving water quality conditions and other environmental factors (e.g., air quality, land coverage, scenic, noise). The RTP/SCS EIR/EIS makes very little use of the policy provisions and actions of the General Plan that provide further measures to address the potential environmental effects of potential development in the Basin.

A9-2

A9-3

Page 1 of 6

City Council • Administrative Center • 1901 Airport Rd. Ste. 206 • South Lake Tahoe, CA 96150-7048 • (530) 542-6000 • (530) 542-7411 FAX

3. **Alternatives Provided in the RTP/SCS Do Not Incorporate the Adopted General Plan** – As noted above, the General Plan is an adopted policy document that will guide the City's future development and revitalization in a manner consistent with the principles of the TRPA Regional Plan Update (RPU), but customized to address circumstances unique to the City. While the Draft EIR/EIS proclaims that the RTP/SCS would be consistent with local plans (including the City's General Plan – see Draft EIS 3.2-78 and -79), alternatives 1, 2, and 5 are inconsistent with the General Plan. This is of substantial concern Alternatives 3 and 4 have components that are consistent with the intent of the General Plan. One specific area where the RTP/SCS alternatives fall short of providing a viable future development mix is the amount of commercial floor area (CFA) allocation. The City has documented its need for 386,000 square feet of new CFA in order to capture 25 percent of the existing sales tax leakage the City experiences from commercial competition outside of the Basin and reduce associated vehicle trips. This need is supported by General Plan policies LU-2.3, ED 1.9 and ED 2.7 (2005 City of South Lake Tahoe Business Incentive Study). The General Plan Draft EIR page 4.0-2 states that the City envisions the origin of this new CFA consisting of new CFA allocations from TRPA of 193,973 square feet and 192,027 square feet from transfer and bonus programs (e.g., removal of existing development from stream environment zones). The TRPA should consider a variation of alternative 3 that is consistent with the General Plan.
4. **Clarification of Subsequent Implementation and Mitigation Steps Identified in the RTP/SCS EIR/EIS (MM 3.4-2, 3.4-5, 3.6-1, 3.6-2, 3.6-4, 3.15-1, 3.15-2, 3.15-3)** – It is acknowledged that adoption of the RPU will require subsequent actions to be taken that include implementation of mitigation programs identified in the EIS. However, the analysis fails to evaluate the effectiveness of existing laws to mitigate potential impacts or provide technical details/support on how proposed mitigation measures can demonstrate mitigation of environmental impacts. Laws that require compliance with construction dust, noise management, cultural and archaeological resource protection, and greenhouse gas emissions are already in place in California. Assuming that potential impacts are significant and unmitigated without accounting for the mitigating effects of existing laws is not appropriate. If mitigation is necessary, it should clearly state the performance measure that shall be achieved as compared to expected performance with existing laws in place.
5. **Clarification of Mitigation Measure Performance Standards (MM 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)**– A clear description of the exact performance standard, timing and technical evidence supporting the findings that mitigation programs will be successful should be provided. In addition, TRPA has committed to post RPU adoption of Priority Projects in Attachment 4 of the RPU. TRPA should analyze the availability of resources to complete projects identified in the mitigation measures and those on the priority list within 12 months.
6. **Clarification of Mitigation Measure Application (MM 3.5-1, 3.6-1, 3.6-2, 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, 3.15-2c)** – Impacts associated with cultural resource disturbance, archeological resource disturbance, emergency access, invasive species, special-status plant and wildlife species, fish and aquatic habitat, tree removal, sensitive habitats, scenic impacts during construction, construction noise, and construction dust and emissions would not necessarily be

A9-4

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significant for all projects identified in the RTP/SCS, nor would these mitigation measures be reasonable for all projects. Mitigation measures must specify the type, size, location, or other criteria for projects that would be required to comply with these mitigation measures.

A9-7
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Technical Areas Addressed in the EIS

- I. **Traffic/Air Quality Analysis** – While the Draft EIR/EIS does acknowledge General Plan Circulation Element policies that address improvements to traffic operations and reducing vehicle miles traveled (VMT), it fails to note additional policies that provide further mitigation that would aid in addressing traffic impacts. General Plan Draft EIR pages 4.4-36 through -40 specifically note these policy provisions. The Draft EIR/EIS VMT analysis results are similar to those that the City identified in the General Plan EIR. However, TRPA does not consider a mitigation measure similar to MM 4.4.2 that would involve the development of on-going funding for operations and maintenance for alternative transportation measures as identified below. As identified in the General Plan EIR pages 4.4-48 through -50, this measure would reduce VMT in the City by 2,600 per day.

MM 4.4.2 *The following shall be incorporated into the proposed General Plan Update as a policy in the Transportation and Circulation Element:*

The City shall establish an Alternative Transportation Operating/Maintenance Program that would impose an ongoing annual fee on new development to fund alternative transportation operations and maintenance. Expenditures under this program would be limited to the following:

- *Operating costs of public transportation programs either operating within the city or directly benefiting city residents and businesses.*
- *Maintenance of older multipurpose bicycle/pedestrian facilities.*
- *Maintenance and/or snow removal on a limited inventory of major sidewalks (not already the responsibility of existing agreements).*

A9-8

The Transportation Section of the Draft EIR/EIS and associated mitigation measures/policies fail to fully consider and address the fact that further improvements to bike facilities would further improve the success of this as an alternative form of transportation resulting in less VMT.

Mitigation measure 3.3-1 (Phased Release of Allocations/LOS Monitoring/Travel Demand Management) and 3.3-3 (Implement Additional VMT Reduction) – It is unclear how deferral to the development of a program for phased release of land use allocations will address the potential LOS concern. Traffic operations from new development provided from allocations will depend on the land use mix in total and cannot be considered on a case-by-case basis (i.e., the cumulative effect of combined projects may result in traffic operations benefits that would not be identified on a single project basis).

A9-9

In order to conclude that the mitigation measure will be successful, the EIR/EIS must clarify what the criteria and parameters of the program for phased release of land use allocations are. What are the criteria for prioritizing non-motorized and transit projects? What are the feasibility criteria for TRPA to cause to implement a project? What will be the relationship between LOS and amount of allocations released? What are the criteria for implementing a non-motorized project versus reducing land use allocations? Will TRPA's inability to deem a mitigating project feasible result in reduced allocations? An allocation release system, based on LOS or VMT in specific areas could result in the more urban jurisdictions that tend to be destinations being penalized, reducing allocations there, while more rural jurisdictions receive full allocations. That result is contrary to the goal of concentrating development and increasing alternative transportation opportunities. Areas with more amenities and opportunities for alternative modes of travel are more popular and although visitors may utilize alternative modes during their visit, peak times when they are entering or leaving these areas will continue to have impacts. How will this mitigate for visitor trips in and out of the Basin?

A9-9
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Mitigation measures 3.4-2 and 3.4-5 – These mitigation measures for construction activities are a bit confusing as they identify that TRPA will develop "Best Construction Management Practices" that would apply to the Basin, but also note that local provisions may be used to address the impact as well. The concern is that TRPA would develop additional requirements that would need to be implemented in addition to local and state laws resulting in unnecessary duplication and future conflicts on what standards apply (similar to current concerns on water quality standards involving TRPA and the Lahontan Regional Water Quality Control Board [RWQCB]). California jurisdictions already implement regulations of the air pollution control districts and the proposed mitigation measures are similar to those proposed. The process should be simplified to simply require demonstration of compliance with air quality standards rather than dictating how compliance would be achieved. This approach was utilized in the General Plan EIR (see Draft EIR pages 4.5-33 through -47).

A9-10

2. **Scenic Analysis** – The Draft EIS does not fully acknowledge that revitalization of developed areas has resulted in improvement in identified scenic roadway corridors. This improvement has been documented in TRPA threshold evaluation reports. The General Plan EIR provides visual simulations that demonstrate increases in density and height in the Tahoe Valley area would result in improved scenic conditions rather than a significant impact identified in the EIS (see Draft EIR 4.13-15 through -57). It is unclear and no evidence is provided in the EIR/EIS that improvement to the buildings in the South Stateline Casino Core Tourist District could result in negative rather than beneficial impact to scenic impacts.

A9-11

3. **Coverage Analysis** – The Draft EIS could further expand the discussion and analysis of coverage changes in the Basin by acknowledging that parcels within areas identified under Alternatives 2, 3 and 4 for revitalization consist of areas that are often over 90% covered. The City has conducted such an analysis in evaluating the Tahoe Valley area as part of the General Plan EIR and can provide this information to TRPA to assist in this effort.

A9-12

4. **Greenhouse Gas Analysis** –The following are specific items of concern identified for each of the GHG impacts identified.

Impact 3.5-1:

- a. The proposed measures under mitigation measure 3.5-1 overlap existing regulations of the California Air Resources Board and California Green Building Code. These measures that are in conflict with California law or create additional confusion over applicable laws must be avoided.
- b. The proposed mitigation does not provide a performance standard measure to be obtained to be consistent with California GHG reduction efforts set forth under AB 32.

A9-13

Impact 3.5-2:

- a. Why is the projected 2035 population higher in Alternative 4 than Alternative 3 while the 2030 population is lower?
- b. Mitigation for Alternative 4 should consider alternative mitigation or a reduced amount of development allocations or policy modifications that will result in the 5% SB 375 target for 2035 being met. Alternative mitigation may include a policy requiring a portion of the additional residential allocations to be used within community centers, increasing the 25.7% and 11.8% indicated in Draft EIS Table 3.3-9. The Transfer of Development Right incentives included in Alternative 3 could also be utilized in Alternative 4 as mitigation. If the policy adjustments are made to result in a projected 482 tons/day of emissions and per capita pounds/person/day of 21.2, the percent reduction from 2005 would be 5 percent in 2035, meeting the SB 375 target. With policy modifications as mitigation, an appropriate amount of allocations could be identified that would meet SB 375 targets and provide additional incentive for revitalizing community centers, improving alternative transportation and water quality infrastructure. Specifically in the case of the City, further intensification of development where it already exists (e.g., Transfer of Development Rights and further CFA allocations) will provide the greatest benefit in reducing VMT and associated mobile sources of GHG as compared to the more rural portions of the Basin.

A9-14

5. **Noise** – Mitigation measure 3.6-1, the impact statement identifies that noise exceeding TRPA thresholds is a significant impact. Mitigation options should include restricting construction activities to between 8:30am and 6:00pm. Noise during these times is exempt, therefore there would not be an impact related to exceeding TRPA thresholds. that the analysis must state whether it is feasible for TRPA to enforce this mitigation that includes monitoring whether an activity results in vibrations greater than 0.2 in/sec PPV? Mitigation should only be required if activities will be occurring within 200 feet of an existing structure.

A9-15

Mitigation measure 3.6-4 – Several traffic noise mitigation measures are not feasible. Can TRPA influence speed limits on state highways and local streets? Also, mitigation measure 3.6-1 suggests the use of noise barriers which are not appropriate in the Basin and would result in further significant scenic impacts counter the scenic thresholds.

A9-16

6. **Hazards** – Section 3.8 fails to note hazards associated with seiche waves on existing and future potential development areas in the Basin. The General Plan Draft EIR addresses this impact and documents the extent of this impact on the City (see Draft

A9-17

EIR pages 4.7-66 through -69). The Draft EIS should contain a mitigation measure that specifically addresses how to respond to this potential hazard:

MM 4.7.8 The City shall include the following as a policy to the General Plan:

The City shall update the Local Emergency Operations Plan and Emergency Management Plan to include planning and response provisions for seiche wave hazards. This would include a warning process of when area earthquake events are of 7 magnitude or greater that could generate a seiche wave and a notification and evacuation process for residents, employees and visitors. This may include the provision of directional signage to guide evacuees to areas outside of the seiche wave hazard zone.


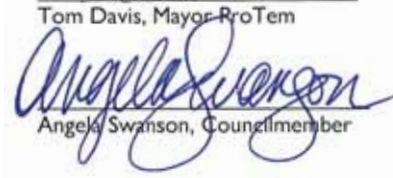
If you have any questions regarding these comments please contact Hilary Roverud at (530) 542-6024 or hroverud@cityofslt.us. Thank you for the opportunity to comment.

Sincerely,


Claire Fortier, Mayor


Bruce Grego, Councilmember


Hal Cole, Councilmember


Tom Davis, Mayor Pro Tem

Angela Swanson, Councilmember

Copy: John Laird, California Secretary for Natural Resources
Ted Gaines, California Senator, 1st District
John Lee, Nevada State Senator, Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System Chair

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A10

Hilary Roverud
City of South Lake Tahoe
4.26.12

Hilary Roverud, Director of Development Services, City of South Lake Tahoe said she would like to thank the staff and consultants for their presentations over the last two days, they were very helpful. She also wanted to thank the members of the Governing Board that participated on the Regional Plan Update Committee and their dedication to that process. There has been a lot of input into the Regional Plan Update over the last ten years through the Pathway 2007 workshops, Place based forums, the Code reorganization and work with the local jurisdictions on the transects and form base coding. Some of that input had to be set aside when the Regional Plan Update was re-scoped to be more focused on priority issues, but the TRPA staff kept the bigger picture and vision from that input in mind as they were providing recommendations to the RPU Committee. The RPU Committee had very diligent discussions, very thoughtful discussions about some very important issues. Those meetings were open to the public and the Committee listened to all of the public input that was presented. So those recommendations should be very valuable to the Governing Board as you move forward through this process. A lot of the input through those different avenues over the last ten years pointed to the need to improve the built environment create walkable community centers and connect destinations with alternative transit options. The City also underwent a comprehensive planning process recently with lots of public input. The City council adopted a general plan update approximately one year ago along with an EIR associated with that update. The general plan policies are based on sustainability principals that were included in the Sustainability Plan that the City adopted in 2008. All of those documents and the final adoption of the general plan also support the direction of improving the built environment creating walkable community centers and connecting destinations with alternative transit. In addition, the General Plan also looks towards improving and revitalizing our neighborhoods. The City to eager to realize these goals and see real implementation on the ground that we can point to and we have heard over the last two days the Heavenly Village being pointed to as an example; that is a model that can be used. This is not a project to be repeated consistently throughout the Basin, but certainly the model of mixed uses that are close to recreation centers and alternative transportation that can take you to other destinations is something that can be applied throughout the Basin. The bottom line is to make projects like that feasible. The existing policies and procedures and regulations make reinvestment not feasible for many residence property owners and business owners. We also need our transit goals and connections provided with alternative transportation become feasible that requires a concentration of population in certain areas so that the transit can operate in a way that is financially feasible. We also need to make sure that our implementation of stormwater projects and our priority areas are also feasible. The Regional Plan Update takes steps in this direction and opens the door for additional opportunities. The appendix that you find in the Land Use element contains items that are important for neighborhood revitalization and we would encourage the Governing Board to make a commitment to continue to work on those issue. Addressing the community centers requires changes in land use patterns and providing infrastructure. The area plans concept that is being introduced to you today provides a pathway to get there. The Regional Plan itself makes very little changes in terms of land use patterns and infrastructure, you will realize that through the area plans that are developed for locally unique areas. The expectation is that the area plan process will be efficient and effective so we can get implementation stages and have more examples throughout the Basin that we can point to that reflect where we would like to continue development as well as protection of the natural environment in the Basin. The City has already begun shifting planning efforts and dedicating resources towards these area plans and towards the issues listed in the Land Use appendix. I would encourage the Governing Board to keep the process moving and addressing the comments that come in through the EIS is going to be painful, we all know it, but we can get through it and keep things moving. Also, during the comment period it also encouraged staff to continue working on a lot of these issues; we would not want to see a lull in participation. Again, do we have the area plans as well as the issues listed in that Land Use appendix that we would like to continue working on and working on aligning the EIP and the allocation systems along with these future goals.

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Hilary Roverud
City of South Lake Tahoe

6.28.2012

Hilary Roverud, City of South Lake Tahoe said our city council is submitting three letters, two of them are technical comments on the environmental documents and one letter is comments on the general direction of the Regional Plan Update. I understand there will be plenty of opportunities to discuss policy issues, so I won't get into that here today. But there is general support for the direction of the Regional Plan, especially certain aspects that are included as well as some recommendation on other measures that could be included to help further the goals stated by the TRPA Governing Board. The comment letters on the environmental documents, a lot of the issues that were tackled in those environmental documents the City recently tackled in our EIR for our general plan update, so we've provided some recommendations on the analysis and mitigation measures on how we handled them in our document and how perhaps TRPA could take a similar direction. There is some concern with some of the mitigation measures and we will hopefully be able to work with the TRPA staff on those to be sure that they don't result in regulation that overlaps or duplicates current state and federal law. We feel that that has potential for creating greater regulatory confusion and so we really would like to be involved in developing the specifics of those mitigation measures. That is all, thank you.

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A12

STATE OF CALIFORNIA — THE NATURAL RESOURCES AGENCY

JERRY BROWN Governor

CALIFORNIA TAHOE CONSERVANCY1061 3rd Street
South Lake Tahoe, CA 96150
(530) 542-5580

June 28, 2012

Adam Lewandowski
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear Mr. Lewandowski:

Thank you for the opportunity to comment upon the Regional Plan Update's (RPU's) Environmental Impact Statement (EIS). In this letter, the California Tahoe Conservancy (Conservancy) offers the feedback regarding RPU elements that could affect Conservancy program delivery, including the Land Bank. Because of the time constraints associated with the EIS review deadline, the Conservancy has focused its review efforts at this time on the RPU alternatives and environmental analysis. We may have additional, future comments on the Code and the Goals and Policies. We appreciate the consideration of your staff during Plan development and the EIS review period.

While called out in the State of California testimony and not detailed below, the TMDL is an important part of Conservancy programs and coordination and consistency with Lahontan on crucial to the success of the RPU. The Conservancy is coordinating the EIP/TMDL implementation strategy effort and we recognize the value of consistency between agencies in program delivery.

Conservancy Key Comments

1. **EXCESS COVERAGE, LAND COVERAGE, AND LAND BANK:** Currently, the Conservancy must use fees to purchase, restore, and/or retire either potential or existing coverage (hard or soft) in a specified ratio based upon the project that elects to pay the fee. TRPA is proposing a fundamental shift that would require the Conservancy to use fees to acquire, restore, and retire only existing land coverage. The Conservancy supports this shift, as it will provide greater environmental benefit through the restoration of existing coverage as mitigation for excess land coverage.

The Conservancy appreciates the proposed lifting of the HRA restriction that will allow excess coverage to be mitigated across hydrologic transfer area boundaries. The Conservancy requests that banked, unspent Excess Coverage Mitigation Fee monies be automatically subject to these new HRA provisions, once adopted, rather than being subject to the old rules. Conversely, when coverage mitigation fees are only available for land coverage removal (not for retirement of potential coverage), the Conservancy would like to ensure that the restriction only applies to the newly collected fees and not all of the fees in the Land Bank.

While the Conservancy supports the shift to require restoration and retirement of existing land

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A12-2

- 2 -

coverage with fees, staff remains concerned that TRPA's alternatives do not go far enough to establish an economically-sustainable fee program. Under current conditions, most of these funds needed to acquire, restore, and retire existing hard coverage are set using a formula that estimates existing coverage restoration at a cost of \$8.50 per square foot. However, the current estimated cost to acquire, restore, and retire existing coverage can be two to fifteen times higher than the fee paid. Furthermore, the current market's dearth of available properties for acquisition and restoration and the deficit of over 176,000 square feet of land coverage for excess coverage mitigation challenge the efficacy of the program.

A12-2
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Additionally, unless the RPU eliminates the current "coverage retired per dollar collected" formula and allows Land Banks to use best efforts to acquire and retire as much coverage as possible with the fees, the Conservancy believes the program may not be economically viable. The Conservancy may not be prepared to continue as the California Land Bank unless the ECM fee program undergoes significant modification. The proposed program modifications, including the elimination of HRA restrictions in conjunction with the ability to use fees to acquire and restore as much low capability land coverage as possible, are positive steps towards making the program economically sustainable in the future.

The Conservancy's Land Bank MOU will require updating once the RPU is adopted, since it will contain outdated provisions.

Regarding Alternative 3's incentive for transferring coverage into community centers, many of the community centers include a substantial amount of SEZs or "constrained sites" due to groundwater, making BMP implementation more challenging. Area-wide BMP requirements must have some flexibility to achieve the greater good, even if the 20-year, one-hour storm design parameters can't be met due to site constraints.

A12-3

Lastly, Alternative 3 considers a fundamentally different way to account for and manage coverage by allowing Area Plans to manage coverage comprehensively within its boundary, replacing the system of parcel-specific coverage accounting. The Conservancy's Land Bank now manages its inventory of transferrable coverage and restoration credits based on a parcel database. To ensure proper coverage accounting for the Land Bank, the Conservancy suggests that the area-wide coverage accounting require written agreement to participate by property owners included in shared accounting areas.

2. LAND BANK: "RETIRED" PARCELS AND OTHER MARKETABLE RIGHTS: The legislative mandates for the different public lands acquisitions programs (federal and two state programs) differ. The proposed Chapter 90 definition of *retired* - "a condition in which usage, coverage, development rights, or other development potential has been extinguished pursuant to this Code" - is unacceptable to the Conservancy if it is generically applied to our landholdings. The EIS (such as page 3.7-7) implies that, through statements such as: "*In 1987, CTC authorized staff to develop and implement a land coverage (Land Bank) program. Through this program, CTC acquires properties eligible for purchase through willing sellers. The development potential on these properties is retired.*" The Conservancy acquires lands under numerous programs and authorities and it is a mischaracterization to consider all parcels as "retired" pursuant to the

A12-4

- 3 -

proposed definition. In many cases, this definition would extinguish rights found in the Conservancy's inventory, undermining the Land Bank's core purpose.

A12-4
Cont'd

The Conservancy also objects to the *Development Rights Inventory table* on page II-3 of the Goals and Policies, as we are unclear how our parcels fit in the *development rights retired* and *development rights remaining* sections. Conservancy Board decisions related to the Land Coverage and Marketable Rights Program (Land Bank), the Asset Lands Guidelines, ESL Guidelines, and the like provide direction to the agency regarding management of its assets.

A12-5

Statements that generally characterize the Conservancy's landholdings as "retired" are incorrect and should be stricken, and tables in the Goals and Policies should be double checked for accuracy following this clarification. We recommend a more specific definition of "retired" be developed in coordination with key agencies whose landholdings could be affected by the terminology. To assist with TRPA's need for an inventory of commodities available, the Conservancy will compile a list of its parcels and identify the rights (or retirement status) associated with each and offer it to TRPA. This list will provide a detailed inventory of commodities held by the Conservancy, which will also be helpful for the display in Chapter 2, Section 2.4.2 of the EIS, which does not appear to include the banked rights (RDR, ERU, TAU, CFA and commodities that are eligible for conversion under TRPA's "Conversion Ordinance") either already allocated to the Land Bank or found in the Conservancy's inventory of rights (that in the future may be allocated to the Land Bank).

A12-6

Regarding Alternative 3's Land Use Impact 3.2-1, how will the new size restrictions apply to TAUs already banked, including Land Bank-owned commodities?

A12-7

Finally, the terminology of the Tahoe Basin is quite precise; casual use of the terminology related to rights, such as Section 2.4.2's discussion under the heading "*Existing and Remaining Development Rights and Allocations*" and in the BAE study, adds elements of confusion to the RPU environmental analysis. Both discussions seem to use the term "development rights" more broadly than the Code definition.

A12-8

3. **INCENTIVE PROGRAMS:** The redevelopment and restoration that has occurred since the 1987 Regional Plan has been supported in part with public funds; the public sector invested heavily in the Region's success stories. The RPU recognizes the need to rely on private sector investment as the primary tool to effect change and proposes incentives to accomplish that goal.

The BAE economic study compares the Regional Plan alternatives, concluding that all can meet thresholds even when the alternative incentive programs differ greatly. The basis for the various incentive programs considered is unclear. Answering the question "how much incentive is enough?" is important to the analysis for creation of successful transfer programs that redevelop existing centers, reduce development in sensitive lands, improve water quality, and create compact nodes.

A12-9

The Conservancy would like to continue incentive program discussions, including how the agency can participate through adaptation and integration of its programs and activities. In order to do so, the incentives for the public agencies must also work. Additional information on

- 4 -

this topic is included in the State's Governing Board testimony.

A12-9
Cont'd

4. **RECREATION LAND USE CLASSIFICATION:** Alternative 3 proposes to amend the Code to allow development and subdivision of tourist, commercial and residential uses within the Recreation Land Use Classification. We understand that this concept will be further refined and more specifically targeted in the Final EIS. We suggest that changes to 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.

We also suggest further clarification regarding proposed Mitigation Measure 3.2-2. It discusses subsequent Area or Master Plans possibly including a list of mitigation measures, one of which implies that the proposed uses be "accessory" to the primary Recreation use. Is this a requirement, and does it require use of the Code's definition of an accessory use? It is crucial to clarify this determination for the following reasons:

A12-10

- Accessory uses do not require allocations of units of use; indeed, it could be cheaper to put in accessory uses in a Recreation area than to develop in the community centers, which could undermine the incentive program discussed in #3, above.
- Accessory uses cannot change the character or intensity of the primary use.
- Recreation accessory uses do not currently include residential or tourist accommodation uses.

The EIS does not evaluate potential for increased urban development in Recreation plan areas as part of the Scenic assessment. Much of these lands lie along Transition or Natural scenic corridors which are sensitive to change from urban development. Further, the analysis does not identify the scenic effects of the change in re-designating lands, especially private lands, from Conservation to a Recreation Land Use Classification.

5. **AREA PLANS and STREAM RESTORATION PRIORITY AREAS:** Please note that the EIS refers to *Stream Restoration Priority Areas* and the Goals and Policies document (beginning on page II-22) calls them *Stream Restoration Plan Areas*.

The Area Plan concept applies to local, state, federal and tribal governments. While applicable to many governments, the language in the Code and Goals and Policies documents is much more specific to urban planning situations. The LU-4.12 restriction on development in Conservation Districts and in the Shorezone may be appropriate for urban planning for private lands, but for public land management plans, it is not as helpful – depending upon the definition of "development" (undefined in Chapter 90). If restoration or recreation projects and trails are considered to be "development," then perhaps the proposed delegation restriction could be narrowed to "residential, commercial, or tourist accommodation development within Conservation Districts." That change would enable public land managers with adopted area plans to most efficiently manage the lands in their ownership.

A12-11

The approach to Area Plans allows more flexibility to express community character within the overall environmental framework of the Region, while TRPA ensures consistency with the

- 5 -

Regional Plan. However, the annual audit of another jurisdiction's project approvals puts TRPA in a position to evaluate conformance after a project has received approval to proceed. This is too late to prevent development of any project that doesn't pass the "review test," and places TRPA in an awkward position in the case of disagreement.

A12-11
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6. LAND USE IMPACT 3.2-2: The change in land use designation of publically acquired parcels from higher intensity uses to lower intensity uses for Alternatives 2-5 is not evaluated and requires a more detailed level of review than the review time enabled to be accomplished since the EIS text and appendices do not identify the parcels or the specific changes contemplated. The assessment concluding the current nature of these properties as compatible with this change does not recognize: 1) changes to the urban boundary upon which SEZ threshold calculations are based that could result; 2) the differences in acquisition purpose related to Conservancy lands; or 3) potentially changing public agency needs related to land management.

A12-12

7. BIOLOGICAL RESOURCES IMPACT 3.10-4: The EIS describes: *"TRPA's existing policies and Code provisions address potential impacts to special-status species through site-specific environmental review, require development and implementation of project-specific measures to minimize or avoid impacts through the design process, and require compensatory or other mitigation for any significant effects on special-status species as a condition of project approval. For any TRPA special interest wildlife species that could be affected...TRPA will not permit a project that would degrade habitat without compensatory mitigation to avoid a significant effect."*

A12-13

Is this conclusion properly characterized? Some restoration and other projects result in short-term Significant Unavoidable environmental effects during construction; for example, a stream restoration project can affect in-stream habitat for fish species of concern. The long-term benefits of project approval must be weighed against such effects, and there may be overriding considerations that result in decisions that support those choices.

Thank you for the opportunity to participate in the review of the RPU documents.

Sincerely,



Patrick Wright
Executive Director

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A13

Patrick Wright
California Tahoe Conservancy

6.28.2012

Patrick Wright, Executive Director, California Tahoe Conservancy said we have been working closely with the state agency family in California to see what extent that we could provide you with a consistent and coordinated set of comments. We met in Sacramento on June 11 among roughly among a dozen different state agencies all who have some level of presence in the Basin. We then followed up with some meetings both with TRPA staff and the other executives of the Federal, State and Local agencies. So hopefully nothing that I am going to say going will be new or surprising.

The number one comment of course is we strongly, strongly support the overall direction of the plan. Clearly the move toward more concentrated development creating sustainable walkable transit friendly communities is not only consistent with state policy, but is where state policy is really headed right now with a series of statues with everything from SB 375 to sustainability grants that TRPA and TMPO have successfully applied for so we applaud the plan's aggressive movement in that direction. Only one sort of note of caution is that here and elsewhere we need to be realistic however about what the plan itself can accomplish in that direction without significant levels of continued public funding and we need to keep the pressure up on Sacramento, Washington, Nevada etc. to make sure we also have the level of public resources we need to try to accomplish this.

It is unfortunately of course that redevelopment money is going away right at the time that this plan is coming together to give it the kind of boost that it would need, but we think at the Conservancy perhaps with the dollars that we have generated through our land bank revenue, we can get together and package that money with some incentives that the plan provides to try to give this effort the kind of jump start it really needs over the next couple years. So that is the number one overall point.

In addition to the fact that I think the agencies believe that consistent with that we would like to work with you to try to develop some interim targets over the next several years so that you've got a more solid basis upon which to evaluate whether or not this set of incentives is actually working. I know that is certainly consistent with the move that we support toward 4-year updates. We would like to make sure you have an adequate basis upon which to evaluate the success of the program particularly given the situation we are in where attainment is going to take decades in some cases, so we think having some interim milestones could be very helpful.

With respect to water quality, I am going to defer most of my comments to obviously to Lahontan. The obvious point there is we need to continue working to make sure that the Regional Plan and the TMDL provisions are consistent and coordinated. A lot of the other state agencies from Caltrans to Fish and Game and State Parks that are doing projects, clearly they want one stop shopping. They don't want to come to TRPA, go to Lahontan and the Corp and others and have a different sets of duplicative requirements, so our number one issue there is making sure we have consistency and then in addition, we clearly support the new emphasis on area-wide and watershed management again this has been the state of California priority for years and years. That is not to say that individuals shouldn't continue to have the responsibility for taking care of their own parcels, but to the extent to which that can be coordinated as part of a neighborhood or sub-watershed effort, we think it is likely to be far more cost effective than 100% parcel by parcel approach in every case.

With respect to coverage we have got and again we support the overall direction, the more we can work with TRPA through our land bank to move coverage from sensitive areas to downtown areas, the more effective we are going to be. We do think though and we support the idea of having a couple of workshops to work through the specifics on that because we are concerned about various issues related to the fee system related to the coverage incentives that may have some unanticipated consequences and we just really need to get some of the right people down together. As an example, the access coverage mitigation fee, our staff is very concerned that it is too low to give us the kind of revenue we need to adequately provide for mitigation. On the other hand, if you simply jack up the fees you are providing a disincentive for the very redevelopment that we need. So we think rather than just jacking up the fees we really need to look at the whole program. It is not structured in a way that is going to lead us to the kind of coverage reductions that we think we need. So in any case there is a series of coverage recommendations that we would like to further explore with you and your staff.

A13-1

Last couple of quick issues, one Caltrans in particular wants to make sure there is ongoing discussions with TRPA on the bike and ped master plan to make sure we don't have a conflict with Caltrans over what is feasible and doable there and then as you know the Basin Fire Chiefs are pushing really hard to see if there is any opportunity to provide any kind of limited exemption to an outright ban on biomass facilities in case there might be an opportunity for more portable or innovative approaches that might not be in front of us today. So that is a very short version of you know a set of lengthy comments, but I have confident given the staff's commitment to having further workshops and the Regional Board Committee that will have the time and support we need to work through these issues. Thank you again.

A13-1
Cont'd

A14

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June 27, 2012

Norma Santiago, Chair of the Board
 Members of the Governing Board
 Ms. Joanne Marchetta, Executive Director

Tahoe Regional Planning Agency
 Post Office Box 5310
 Stateline, NV 89449

RE: Regional Plan Update Draft Environmental Impact Statement

Dear Governing Board Members and Ms. Marchetta:

Attached please find our letter commenting on the Tahoe Regional Planning Agency's (TRPA's) Draft Environmental Impact Statement (DEIS) for its Draft Regional Plan Update. Given the length of the letter, we thought it would be useful to summarize its key points. In essence, the comments raise concerns that fall into three major categories which I will expand upon below: 1) how the DEIS analyzes new land coverage, 2) a new "Recreation District" concept that would potentially expand urban development into many rural areas, and 3) the analysis of vehicle miles travelled (VMT). We also raise some miscellaneous comparatively minor points.

Land Coverage (Comments 1-5): For many decades, Lake Tahoe's famed water transparency has been declining. The decline is due to phosphorous, nitrogen and fine sediments entering the Lake, which in turn is primarily due to poorly designed land developments. When soils are "covered" with buildings, parking lots, roads and other development, they lose their ability to absorb water. That water naturally contains these pollutants. Instead of being absorbed into the ground, which filters out pollutants, the nutrient and sediment rich water enters the Lake. To address this, TRPA limits the amount of land that can be covered (paved, etc.) for new developments, and requires old developments to reduce covered areas ("remove excessive coverage") when they are renovated.

TRPA proposes to alter its current coverage protections in various ways to allow significant increases in coverage permitted on parcels. The first five comments in our letter point

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out concerns with the DEIS's analysis of these changes. For example, the DEIS assumes that coverage can be calculated on a Basin-wide basis. That is, while current rules limit the amount of coverage on a parcel-by-parcel basis for each of Lake Tahoe's 50,000 or so parcels, the DEIS assumes that as long as the total coverage for the entire Tahoe Basin does not exceed the sum of the coverage allowed all parcels, the Lake will not be harmed. The DEIS thus assumes that the location and concentration of coverage does not matter. TRPA had previously assumed, however, that **where** coverage exists is important, and extensive evidence supports that position. The letter also points out how the DEIS's coverage calculations ignore the impacts of concentrated coverage on a disturbing increase in algae growing along portions of the Lake's shore.

The letter further explains that the DEIS recognizes that certain conditions are already bad. However, the DEIS appears to assume that TRPA can allow those existing conditions to deteriorate. Finally, we point out that the DEIS's reliance on measures to capture pollution (called "Best Management Practices" or BMPs) to offset the impacts of increased coverage ignores the fact that BMPs must be maintained to be effective, and in the past, maintenance has been a significant problem at Lake Tahoe.

Recreation Districts (Comment 6): Most development at Lake Tahoe is currently limited to urban areas. The draft Regional Plan Update (which is essentially the DEIS's "Alternative 3"), however, would potentially open up rural areas in the Tahoe Basin to development and subdivision for tourist, commercial, and residential uses. This change could affect 22% of the non-urban land in the Basin. The comment explains that the DEIS needs to disclose the potential scope of this change, along with its potential environmental impacts. While the DEIS describes the change as "potentially significant," it does not provide the necessary analysis. Finally this comment addresses the DEIS's analysis of a proposed reclassification of a single 250 acre parcel, which would open up the property to development. The comment points out that the DEIS improperly masks the impacts of this very specific proposal by lumping it together with the large "Recreation District" concept, rather than providing needed specificity about the proposed changes for this parcel and their potential impacts.

Vehicle Miles Travelled (Comments 7 and 8): The DEIS characterizes the Regional Plan Update as promoting smart growth that will help reduce reliance on the automobile. The Compact creating TRPA expressly requires reduced reliance on cars, and VMT reduction has numerous environmental benefits. The Update, however, contains a number of provisions that run counter to the promotion of smart growth. Most notably, the Recreation District concept discussed above would promote growth in rural areas which would lead to an increase in VMT. In addition, the areas designated for smart growth are overly inclusive, that is, they include many spread out areas that lack the density needed to promote transit and pedestrian uses over using the car.

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Miscellaneous Issues (Comments 9-11): These comments address comparatively less significant problems with the DEIS. For example, the DEIS analyses a proposal to reduce fees charged when a project will cause air pollution. The DEIS explains that the reduction will have potentially significant impacts. The comment letter points out that, in such a situation, the DEIS needs to, but does not, provide an alternative, meaningful manner of addressing air quality impacts.

A14-1
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Thank you for considering these comments as you continue to develop and refine the Regional Plan Update and the DEIS.

Sincerely,



DANIEL L. SIEGEL
Supervising Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

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A15

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June 27, 2012

Norma Santiago, Chair of the Board
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 Ms. Joanne Marchetta, Executive Director

Tahoe Regional Planning Agency
 Post Office Box 5310
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RE: Regional Plan Update Draft Environmental Impact Statement

Dear Governing Board Members and Ms. Marchetta:

Thank you for this opportunity to comment on the Tahoe Regional Planning Agency's April 25, 2012, Regional Plan Update Draft Environmental Impact Statement (DEIS).¹ TRPA has taken on an enormous task that staff has explained is a work in process. We hope that the following will help further that process. We look forward to working with the Governing Board and staff as TRPA refines the update and DEIS.

A15-1

The major concerns that we have identified in the DEIS are as follows:

1. The Assumption That Only Basin-Wide Land Coverage Totals Matter.

The DEIS analyzes a series of proposed changes to current land coverage restrictions. Proposed changes in Alternative 3, for example, include the following:

A15-2

¹ The Attorney General submits these comments pursuant to her independent authority to enforce environmental laws. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) This letter only addresses the DEIS's analysis of the draft Regional Plan Update rather than other matters concerning the Update.

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- Allowing coverage transfers and excessive coverage mitigation across Hydrologically Related Area (HRA) boundaries (i.e., removing the current requirement that transfers and mitigation occur within HRAs) (DEIS, p. 3.7.33),
- Increasing coverage limits in various areas from 50% to 70% (DEIS, p. 2-43),
- Removing the requirement that each parcel meet land coverage limitations and instead applying the limitations to large areas (and thereby allowing highly-concentrated coverage within portions of those large areas) without requiring that the area wide approach be environmentally comparable or superior to the parcel requirement (DEIS, p. 3.7.37),
- Exempting non-motorized public trails from current coverage requirements (DEIS, pp. 3.7.37-38), and
- Counting “pervious pavement” as only 75% coverage, rather than maintaining current regulations which provide that such pavement is a Best Management Practice (BMP) but which count it as 100% coverage (DEIS, p. 3.7.38).

A fundamental assumption underlying the analysis of those proposals is that the impact of changes should be measured against “the base allowable coverage for the [Lake Tahoe] Region.” (DEIS, p. 3.7-18.) As explained elsewhere in the DEIS, “[t]o determine the level of coverage that would be appropriate in the Region, TRPA adopted the Bailey Land Classification system presented in Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide for Planning (Bailey 1974).” (DEIS, p. 2-9.) The DEIS concludes that all of the analyzed alternatives “would result in less than the total allowable coverage for the Region as determined by the Bailey System” and that as a result “[a]ll alternatives would result in **less-than-significant** effects with regard to total coverage.” (DEIS, p. 3.7-18; emphasis in original.)

A15-2
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This assumption underlies most if not all of the DEIS’s conclusions about the water quality impact of proposed changes in coverage rules. For example, the DEIS justifies the elimination of the current Hydrologically Related Area requirement for transfers with the assertion that: “[n]o evidence has been found that coverage transfers affecting the same receiving water are more beneficial when they are in closer proximity.” (DEIS, p. 3.7-30.)

The assumption that Basin-wide coverage totals are all that matter, however, and that the location of coverage is irrelevant, is inconsistent with the Bailey threshold, and it ignores available science.

a. Inconsistent With Bailey Threshold.

As indicated in the DEIS, when TRPA adopted environmental threshold carrying capacities that the Tahoe Regional Planning Compact required, they included a soil conservation threshold standard which requires that “impervious cover . . . comply with the Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide for Planning, Bailey, 1974.” (“Bailey”) (See TRPA Resolution 82-11.) 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. It

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therefore concludes that since certain proposed coverage changes will not exceed Bailey on a Region-wide basis, the changes will not have significant soil or water quality impacts. The DEIS does not, however, provide support for that assumption. To the contrary, it both conflicts with the only Federal District Court ruling that reviewed this question, and with the environmental impact statement that supported the adoption of Bailey as a threshold standard.

In 1984, the U.S. District Court for the Eastern District of California issued a memorandum of decision in *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). The decision granted a preliminary injunction, in part, on the ground that the Regional Plan that TRPA adopted in 1984 would allow "overrides" for new projects which would allow for more coverage than under Bailey. The decision indicates that the Bailey Threshold standard requires each project to comply with those standards. The court explained as follows:

The evidence also shows that the new ordinances adopted by TRPA do not adhere to the adopted Threshold standards for impervious surface coverage. Ordinance 82-11 adopted as a Threshold a numerical system for determining the percentage of impervious coverage that a given class of land could withstand. Those guides are known as the Bailey System. Under that system, the maximum allowable impervious coverage for the least sensitive land classification (Class 7) is 30%. However, under the plan adopted by TRPA numerous violations (otherwise referred to as overrides) are permitted. Ordinance No. 84-1, §§ 1.28, 4.20 and 4.21. Even the defendant's own evidence shows that impervious coverage exceptions would be allowed (without regard to the land sensitivity classification) up to 50% and even 70%.

Thus, it appears to the Court that the purported rules TRPA would use to approve new construction projects clearly violate the requirements of the Compact.

Id., 1984 WL 6591 at *3.

On appeal to the Ninth Circuit, TRPA argued that "the threshold is to be applied on a 'watershed association' basis, rather than 'parcel-by-parcel.'" *People of State of Cal. ex rel. Van de Kamp v. Tahoe Reg'l Planning Agency*, 766 F.2d 1308, 1315-16 (9th Cir. 1985). The Ninth Circuit upheld the district court's decision, but in doing so, it did not directly address whether Bailey applies on a "watershed association" basis or to each parcel. Rather, it held that "[e]ven if we were to defer to TRPA's interpretation of the impervious cover threshold, nowhere do we find any indication that construction of these homes will meet the threshold when applied on a watershed association basis as a management standard." The Lake Tahoe Basin has 184 subwatersheds and 63 watersheds. (See DEIS, pp. 3.7-25 and 3.8-13 for the number of subwatersheds and watersheds.) Interpreting the Ninth Circuit's decision in a light most favorable to TRPA, Bailey must be applied at an absolute minimum to each of the 63 watersheds, and more

A15-3
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Page 4

likely to each parcel. In no event, however, can it be applied by aggregating Lake Tahoe's 63 watersheds and lakeside lands into one as the DEIS does.

The DEIS is also inconsistent with TRPA's Environmental Impact Statement for the Adoption of Threshold Environmental Carrying Capacities, May 1982 (hereinafter "Threshold EIS"). That document's review of how Bailey applies to new developments, subdivisions and watersheds confirms that it was not premised on a Basin-wide calculation, but rather was intended to be applied at the development, subdivision and watershed levels. It thus states that "[t]he threshold recommended for impervious coverage would insure **new development** be in compliance with the Bailey Land Classification System and provide for protection of the soil resource." (Threshold EIS, p. 88; emphasis added.) The term "new development" indicates that the Bailey threshold is to be applied to each proposed development project, rather than Basin-wide. Moreover, the Threshold EIS goes on to state: "[i]n many areas the threshold for coverage has been exceeded on a **watershed or subdivision basis**. Mitigation or retrofit is necessary to minimize those impacts created by large areas of impervious coverage." (*Id.*, emphasis added.) This further shows that the threshold was intended to be applied to areas no larger than a subdivision. The fact that the Bailey threshold applies to local areas rather than Basin-wide is also reinforced by the Threshold EIS's finding that "[c]overage overrides and variances have permitted more impervious coverage **in many areas** than can be mitigated naturally by the remaining areas not covered." (*Id.*, emphasis added.)

A15-3
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b. Inconsistent With Available Science.

The DEIS's assumption that compliance with Bailey limits Basin-wide would avoid environmental impacts, even if Bailey limits are exceeded on a parcel, subwatershed or watershed basis, is also contrary to available scientific knowledge, as well as prior TRPA determinations, all of which indicate that the location, concentration and type of coverage, not just the total Basin-wide amount, is very important. For example:

i. 2005 USDA Forest Service information in EIP # 10162.

Approximately seven years ago, the United States Forest Service, Lake Tahoe Basin Management Unit, in cooperation with TRPA, submitted a proposal for federal funds based on the need to set limits on the amount of land coverage within watersheds and/or subwatersheds within the Basin. (See "Impervious Cover/Stream Environment Zone Quality Indicator Study, EIP # 10162"; copy attached ["EIP # 10162"].) Although our understanding is that the proposal was not ultimately selected for funding, its explanation of the harm caused by concentrating coverage in a limited portion of the Basin is significant:

A15-4

As the amount of impervious cover and drainage density increase in a developing watershed, a number of results occur: (1) surface runoff increases; (2) sources of sediment increase; (3) sediment yield increases; (4) nutrient yield increases; (5)

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peak flow increases; (6) flow velocities increase; (7) stream energy and the ability to transport sediment increase; (8) lag time decreases; and (9) flow time increases.

The proposal also points to studies by TRPA and others indicating that “watershed processes are measurably disrupted by the placement of over 10 percent impervious coverage in the watershed.” (EIP # 10162, pp. 3-4.) The proposal goes on to explain that “nine (9) watersheds in the Tahoe Basin already exceed 10% cover” and that “[t]here are 12 additional watersheds exceeding 5% impervious cover that should be considered for inclusion in this study making a total of at least 21 watersheds that flow directly to Lake Tahoe that should be included in this study.” The proposal indicates that study results would help in limiting coverage “on a watershed/subwatershed basis” and thereby “minimize the transport of N[itrogen], P[hosphorous], and fine sediment from developed watersheds to the Lake.”

ii. USDA Forest Service 2000 Lake Tahoe Watershed Assessment.

This comprehensive assessment of threats to Lake Tahoe likewise indicates that concentrating coverage in a portion of the Tahoe Basin is very harmful. For example, it includes a description of a Seattle area study finding extensive erosion “when the effective impervious area of a watershed exceeded 10 percent of the total watershed area.” The Assessment goes on to suggest that at Lake Tahoe “urbanization is increasing the imperious cover in watersheds . . . resulting in high sediment yields.” (Lake Tahoe Watershed Assessment, USDA Forest Service (2000), Ch. 4, p. 281; copy attached.)

Moreover, that comprehensive assessment supports the need to disperse coverage throughout the region—as opposed to just adding up coverage Basin-wide—by acknowledging the diversity of Tahoe watersheds and the limited scientific knowledge about the impacts of coverage on any particular watershed. The assessment thus explains that: “[s]tatistical analysis of the [Lake Tahoe Interagency Monitoring Program] data suggests that no single factor, whether natural geomorphic or anthropogenic, adequately explains all the variation between and within watersheds.” (Lake Tahoe Watershed Assessment, USDA Forest Service (2000), Ch. 1, p. 11; copy attached.)

iii. TRPA’s Individual Parcel Evaluation System.

The DEIS’s Basin-wide assumption is also inconsistent with TRPA’s Individual Parcel Evaluation System (“IPES”). In contrast to the DEIS, IPES assumes that more localized conditions in the vicinity of a parcel, such as the condition of the parcel’s particular watershed and the parcel’s proximity to Lake Tahoe, significantly influence the environmental impact of developing the parcel.

TRPA established its IPES program in order to rate the environmental suitability of residential parcels for development. As the Ninth Circuit explained:

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The Agency [TRPA] describes IPES as “an objective system that rates the relative environmental suitability of vacant residential parcels for building and other modifications.” A multidisciplinary team of experts is responsible for assigning a given parcel an IPES score from 0 to 1150 based on enumerated criteria; a parcel with a higher score is environmentally more resilient, and can safely withstand more development.

Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 322 F.3d 1064, 1071 (9th Cir. 2003).

TRPA’s IPES recognizes that conditions outside of but near a parcel are very significant in determining the environmental impacts of developing the parcel. Thus, IPES scores depend to a significant degree on three factors:

- The “Condition of Watershed,”
- The “Need for Water Quality Improvements in Vicinity of Parcel,” and
- The parcel’s “Proximity to Lake Tahoe.”²

(See TRPA Code of Ordinances 53.7.5.7&8.)

However, the DEIS’s Basin-wide approach does not address these localized factors.

iv. TRPA’s 1989 Water Quality Management Plan (208 Plan).

Finally, TRPA’s 208 Plan recognizes the potential harm that can be caused by concentrating coverage in portions of the Tahoe Basin. It therefore establishes limitations on transfers in an effort to reduce the risk of concentrating coverage in over-covered parts of the Basin, explaining that: “[t]he hydrologic boundaries are essentially a risk management mechanism to prevent any given hydrologic or geographic subregion from absorbing a disproportionate amount of impacts from transfers of land coverage.” (208 Plan, Vol. VI, p. 52.)

2. Other Issues with the Coverage Analysis.

a. Undercounts Soft Coverage.

The coverage numbers upon which the DEIS bases its no significant impact conclusion do not take into account soft coverage. Soft coverage is mainly soil that has been so compacted

² Proximity to the Lake is important, as an estimated 28% of phosphorus and 5% of nitrogen enters Lake Tahoe directly (via “intervening zones”), as opposed to through streams, groundwater, the atmosphere or shoreline erosion. (See Lake Tahoe Total Maximum Daily Load Technical Report, June 2010, p. 4-1.)

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by uses such as parked cars that it has the same impacts as hard coverage. That is, it increases runoff and sediment export by preventing substantial water infiltration and by inhibiting plant growth. (DEIS, p. 3.7-9.) At a minimum, the numbers exclude some “soft” coverage, although they may exclude all soft coverage. The DEIS states that it does “not include all soft coverage” (DEIS, p. 3.7-10), implying that some soft coverage was captured. In contrast, TRPA’s Threshold Evaluation Report states that no soft coverage was included in its calculations. (Threshold Evaluation Report, p. 5-4.) The DEIS is thus confusing, but in any event the DEIS bases its no impact conclusion on inaccurate coverage numbers due to its undercounting or ignoring of soft coverage.

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b. Does Not Address Future Uses of Public Lands.

In essence, the DEIS’s Basin-wide counting of coverage approach assumes that most public lands will remain undeveloped and will therefore be able to absorb the impacts of overcoverage on private lands. The DEIS explains that approximately 90% of the land in the Tahoe Basin is publicly owned and that most of the development in the region is confined to the remaining 10% of privately owned lands. (DEIS, p. 3.9-11.) Moreover, it assumes that most if not all new development will occur on private lands. (*Id.*) By doing so, however, the DEIS ignores the potential coverage that may occur on public lands, both through acts of nature and intentionally.

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For example, the United States Forest Service manages over 75 percent of the lands in the Tahoe Basin (see DEIS, p. 3.2-3), yet TRPA has no direct authority over the amount of hard or soft coverage that may occur on Forest Service lands. In its Memorandum of Understanding (MOU) with TRPA, the Forest Service does agree to abide by Bailey coverage limits. But that means that the agency could use some, and in theory could use all, of the potential coverage on the lands under its jurisdiction. (Copy of MOU attached.) Given that fact, the DEIS should assume that the Forest Service may use its available coverage. The best way to account for that fact is to limit any Basin-wide coverage references in the DEIS to lands under TRPA’s authority.

By including public lands in its Basin-wide coverage calculations, the DEIS does not account for potential future coverage on public lands, such as the following:

i. Planned and unplanned fires.

The DEIS acknowledges that “burning” causes “significant soil disturbance” (DEIS, p. 3.7-9; see also DEIS, p. 3.8.21), yet its coverage numbers do not address the water quality impacts of prescribed burns or unplanned wildfires. Thus, the DEIS acknowledges that “prescribed burning” takes place in the Tahoe Basin, but it does not include these burns in its coverage calculations. Similarly, it explains that wildfires burning as many as 3,100 acres have recently occurred in the Basin (see DEIS, p. 3.8-19), but its coverage numbers do not include the likelihood of future burned soil due to wildfires.

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ii. Other activities.

In addition, the DEIS does not address the possibility that the Forest Service and other public entities will engage in activities other than prescribed burns that would add land coverage. This omission calls into question the DEIS's Basin-wide coverage numbers. These activities might, for example, include erosion control and watershed restoration, habitat management, limited timber harvesting, fuel reduction, and numerous small additions for roads, parking areas, campgrounds and other facilities. They could also include extensive commercial, tourist and residential development under the "Recreation District" concept discussed below. Private developments such as ski-runs, support facilities, restaurants and lodges, for example, may be placed on federal land under permit (as is the case at Heavenly Valley Ski Area).

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c. Allows Coverage Transfers Where Sending And Receiving Uses Differ And Does Not Analyze Potential Resulting Increase In Impacts.

The DEIS relies, in part, on coverage transfers to mitigate the impacts of proposed regulations that would permit property owners to exceed Bailey limits on particular parcels. (See, for example, DEIS, p. 3.8-41 to 43.) The transfer analysis, however, does not address the different levels of pollution caused by different land uses, and the possibility that coverage will be transferred from low-impact uses to high-impact uses. Significantly, receiving areas under Alternative 3 as well as other alternatives will mainly be commercial uses, yet these tend to generate more pollution than some of the potential sending area uses.

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The different levels of pollution to Lake Tahoe generated by different uses is described in the Lake Tahoe Total Maximum Daily Load Technical Report (June 2010), prepared by the California Regional Water Quality Control Board, Lahontan Region and the Nevada Division of Environmental Protection. That report includes a table listing the pollution generated by different land uses. (See Table 4-23 on p. 61.) Notably, the total suspended sediment generated for Commercial/Institutional/Communications/Utilities [CICU] is over five times greater than that generated by single family residential uses. (See TRPA 2011 Threshold Evaluation Report, p. 4-1, explaining that suspended sediment, along with nitrogen and phosphorus, are "the primary pollutants of concern in the Basin.") The DEIS needs to disclose whether a significant amount of coverage from sending parcels will be from residential parcels. If so, the DEIS needs to analyze the impact of transferring residential coverage to commercial parcels.

d. Does Not Address Impacts Of Low Excessive Coverage Mitigation Fee.

The DEIS concludes that Alternative 3 would have a "beneficial impact" on hydrology and water quality because it would allow greater flexibility in the use of excessive coverage mitigation fees. (DEIS, p. 3.8.43.) While the DEIS explains that these fees are set far below the cost of mitigating excessive coverage it does not, however, analyze the environmental impact of maintaining the excessive coverage mitigation fee program at an inadequate fee level.

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The DEIS describes the excessive coverage mitigation fee program as follows: “Property owners who have already exceeded their allocated [coverage] amount (i.e., base allowable coverage) and seek new permits from the TRPA are said to have ‘excess coverage’ and are required to remove a portion of the excess coverage, retire coverage off-site, or pay an excess coverage mitigation fee.” (DEIS, p. 3.7-13.) Under the fee option, “[f]ees are collected by TRPA for the California Tahoe Conservancy and the Nevada Division of State Lands, which use the proceeds to remove existing coverage elsewhere or purchase and retire other properties, thereby preventing the creation of additional coverage that would otherwise be allowed.” (DEIS, p. 2-9.) TRPA’s Code of Ordinances requires that TRPA base that fee upon a certified appraiser’s estimate of the cost to mitigate the excessive coverage. Specifically, it provides, in relevant part:

The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff by January 1 of each year based on a certified real estate appraiser’s estimate of the land bank’s cost to acquire and restore land coverage under this program. The appraiser shall use the methodology established in the Uniform Standards of Appraisal Practice.

(TRPA Code of Ordinances, subparagraph 30.6.1.C.2.)

According to the DEIS, however, TRPA in fact sets the fee significantly below the appraised cost of mitigation. The DEIS thus explains as follows:

Based on a recent appraisal of actual (2010) coverage acquisition and removal costs, this fee would likely vary between \$17.50 and \$85.00 per square foot, depending on the HRA (Barnett 2010). This would represent a substantial increase from the 2011 fees, which ranged from \$8.50 to \$20 per square foot.

(DEIS, p. 3.7.31.)

Moreover, we understand that even the appraiser’s cost does not take into account the administrative costs incurred by the land banks. The DEIS needs to analyze the environmental impacts of TRPA’s reliance on a fee that is too low to mitigate excessive coverage.

e. Does Not Address Potential Impacts Of “Alternative Comprehensive Coverage Management System.”

Alternative 3 includes an “Alternative Comprehensive Coverage Management System” under which local plans (“Area Plans”) can be developed which allow for more coverage on individual parcels than is allowed under Bailey or the proposed Bailey overrides as long as two conditions are met: 1) the total coverage in an area, which can be exceedingly large, is mathematically less than would otherwise be allowed by adding up all of the parcel allowances, and 2) coverage is similarly at least slightly reduced on low capability lands. (See Proposed

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TRPA Code of Ordinances, April 25, 2012, paragraph 13.5.3.B.1.) The effect of that proposal is to allow high concentrations of coverage in one portion of an area, rather than adhering to the current requirement that coverage be dispersed because it is distributed to each parcel. As outlined above, however, concentrated coverage can be significantly more environmentally harmful than dispersed coverage, especially if it is placed in an undesirable location such as near the Lake or a heavily impacted area.³

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Rather than analyzing the potential environmental impact of concentrated coverage in a vulnerable location, however, the DEIS simply concludes that because the amount of coverage will be at least slightly less under this alternative system, it will be “beneficial.” The DEIS’s quantitative approach thus ignores the qualitative environmental impact of moving and concentrating coverage.

f. Assumes That Increased Coverage Concentrations Will Not Apply To Certain Community Plans.

The DEIS assumes that Alternative 3 will allow “up to 70 percent coverage on high-capability lands for developed parcels in Town Centers, Regional Center, and the High Density Tourist District (the same as undeveloped parcels).” (DEIS, p. 2-43.) TRPA’s draft Regional Plan Update, however, also allows that coverage (which is an increase from the current 50 percent level) for “Facilities in a **Community Plan**, town center, regional center, or the High Density Tourist District.” (Draft Goals and Policies, Ch. 11-14 to 15; emphasis added.) The DEIS states that 22 areas are eligible to become Community Plans. (DEIS, p. 2-6.) We understand that, while some of these are also within Town Centers, others are not (such as Carnelian Bay, Tahoe Vista and Roundhill). Moreover, where Community Plans overlap with Town Centers, they appear to include locations that are not included in proposed Town Centers. (Compare, for example, DEIS Exhibit 2-14 [South Lake Tahoe Town Centers] with the Stateline/Ski Run Community Plan.⁴) The DEIS, however, does not appear to analyze the impact of proposed coverage changes in these Community Plan areas. The various environmental impacts of encouraging concentrated development in these additional Community Plan areas need to be disclosed and analyzed.

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g. Does Not Analyze Issues Concerning Permeable Pavement.

Alternatives 3 and 5 would provide a 25% coverage credit for the use of pervious pavement or permeable pavers. (DEIS, pp. 3.8-44 and 50.) There are three problems with the DEIS’s analysis of this proposal. First, permeable pavers are already a BMP. The DEIS needs

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³ See footnote 2, supra and discussion under 1.b.i and ii, supra.

⁴ Available on TRPA’s web site at:

http://www.trpa.org/documents/docdownlds/COMM_PLANS/Stateline/STATE-SKI-CP.pdf

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to but does not analyze the impact of allowing increases in coverage for water quality improvement designed to mitigate the impacts of coverage on a parcel.

Second, the DEIS does not analyze the experimental nature of permeable pavement. According to TRPA's BMP handbook, permeable pavement's benefits are uncertain. The handbook thus explains that "[t]o date, pervious pavements have not been extensively applied or tested in the Lake Tahoe Region and construction experience is limited." Moreover, they "[r]equire[] relatively frequent maintenance." Further, "[s]nowplow activities can damage pervious pavement dependent upon the type of equipment used and the experience of the operator." (TRPA BMP Handbook, Final Draft June 2011, Ch. 4, p. 4.)

Third, the DEIS does not analyze the fact that installation of pervious pavers results in the removal of vegetation. As the Ninth Circuit Court of Appeals pointed out in *People v. TRPA*, algal growth in Lake Tahoe is a major contributor to the decline in Lake Tahoe's clarity, and maintaining vegetation is critical for reducing that growth: "The algal growth is due to disturbance of the watershed, including the creation of impervious land coverages **and the removal of vegetation** caused by construction." (*People v. TRPA*, 766 F.2d 1308, 1316 (9th Cir. 1985); emphasis added). Although the DEIS's pervious pavers discussion does not address the importance of vegetation, it recognizes that importance elsewhere. See, for example, DEIS, p. 3.8-2&3, explaining that standards for stormwater discharges to groundwater are more lenient than discharges to surface water, in part because with groundwater there is "the potential for nutrient uptake from vegetation." In addition, see DEIS at 3.8-46, suggesting that stormwater can be treated at least in part by "infiltration and/or absorption by vegetation."

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3. Does Not Analyze Impacts Of Concentrated Coverage On Nearshore Algae.

The DEIS explains that attached algae in the nearshore is an important water quality issue, and that addressing it would have a beneficial effect on water quality. Yet the DEIS does not contain any analysis of the impacts to the nearshore of the numerous proposed changes to coverage rules contained in Alternative 3 and other alternatives.

The DEIS repeatedly points out the need to address pollution to the nearshore. For example, it explains that "[t]he nearshore is of particular concern because it is highly visible and receives more recreational use than other areas of the Lake (e.g., beach use), and recent reports indicate increased algal growth in portions of the nearshore." (DEIS, p. 2-15.) Moreover, the document explains that significant portions of the nearshore are environmentally threatened. "Of the 72 miles of Lake shoreline, Taylor identified roughly 1 mile of shoreline with extremely elevated turbidity, 2.5 miles of shoreline with moderately elevated turbidity, and 5.6 miles of shoreline with slightly elevated turbidity (Taylor 2004: p. iii)." (DEIS, p. 3.3.8.)

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Due to this environmental concern, TRPA proposes to adopt a new threshold to address nearshore algae growth. The DEIS thus explains:

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With the exception of Alternative 1, all Regional Plan Update alternatives would include a new water quality threshold standard to support actions to reduce the extent and distribution of attached algae in the nearshore. Because the new threshold standard represents a new requirement to address an important and emergent water quality issue where none exists today, Alternatives 2 through 5 would have a beneficial effect on water quality.

(DEIS, p. 3.8-18.)

Although Alternative 3 proposes numerous changes to TRPA's coverage rules that could cause coverage to be concentrated in limited parts of the Tahoe Basin, and thereby harm the nearshore, the DEIS's analysis of various contributors to nearshore algae growth does not analyze the proposed coverage changes. Rather, it explains that:

This 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.

(DEIS, p. 3.8-18.) The DEIS needs to disclose and analyze the impacts to the nearshore that could occur under the various alternatives that would promote concentrated coverage.

4. Assumption That New Development Will Not Have A Significant Impact Ignores The Impact Of Existing Development.

The DEIS concludes that new development facilitated by various alternatives is less than significant because the alternatives will allow less new coverage than was considered in the Lake Tahoe Total Maximum Daily Load (TMDL), which was conservatively estimated to generate a 2-percent increase in fine sediment loading to Lake Tahoe. (See, e.g., DEIS, p. 3.8.34.)⁵ That conclusion, however, does not explain that TRPA is currently out of compliance with its key water quality threshold, and has identified other water quality impacts that are troubling. Specifically, TRPA's 2011 Threshold Evaluation explains that the winter clarity threshold for Lake Tahoe is out of attainment (it was 84.9 feet in 2011; the threshold is 109.5 feet), and

⁵ A statement elsewhere on the same page that this increase is "within the range of modeling uncertainties" and therefore not significant does not acknowledge that while uncertainties might mean that the 2% figure is lower, it is also likely that the true figure is higher.

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summer clarity and nearshores conditions are “major areas of concern.” (2011 Threshold Evaluation, p. 4.) Moreover, the threshold for phytoplankton primary productivity is out of attainment and in “rapid decline.” (*Id.* at p. 4-15.) Yet, the DEIS appears to be saying that, because increases in development and coverage will be relatively small compared to what already exists, they are not significant.

Caselaw does not permit that approach. When an environmental condition is out of attainment, any increase in pollution is significant. As explained in *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 781 (1990):

The DEIR concludes the project’s contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the plant would emit relatively minor amounts of precursors compared to the total volume of precursors emitted in Kings County. The EIR’s analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project’s impact. In simple terms, the EIR reasons the air is already bad, so even though emissions from the project will make it worse, the impact is insignificant.

The point is not that, in terms of ozone levels, the proposed Hanford project will result in the ultimate collapse of the environment into which it is to be placed. The significance of an activity depends upon the setting. (Guidelines, § 15064, subd. (b).) The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.

Given the current lack of attainment of the water quality thresholds for phytoplankton primary productivity and winter clarity, and the concerns about summer clarity and the nearshore, the DEIS should deem any additional coverage at least potentially significant.

5. Alternative 3’s Assumptions About New Development Having BMPs Does Not Discuss The Importance Of Maintenance.

The DEIS assumes that relaxing coverage rules in various portions of the Basin will not have a significant impact, in part because the new development would be subject to “existing BMP standards to control potential increases in stormwater runoff and pollutant loading, including maintenance requirements.” (DEIS, p. 43.8-41, 42.) The DEIS does not disclose, however, that the track record for maintaining BMPs at Lake Tahoe is poor, and that its reliance on BMPs is therefore questionable. Elsewhere, TRPA has conceded that “[w]hile maintenance has long been recognized as a critical component to long term BMP performance, it is frequently neglected.” (TRPA BMP Handbook, Final Draft, June 2011, p. 3-26.) Landowners frequently

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neglect BMP maintenance even though it is mandated.⁶ Moreover, although BMPs themselves have been required on all Lake Tahoe parcels since 1986, after more than 25 years, only 34 percent of parcels are in compliance. (DEIS, p. 3.8-38.) The DEIS should disclose the history of neglected BMP maintenance and disclose the impacts of its alternatives assuming that past patterns of neglect continue into the future.

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6. The Description And Analysis of "Recreation Districts."

Alternative 3 would allow for the "development and subdivision of tourist, commercial, and residential uses" in any area in the Tahoe Basin, whether developed or undeveloped, urban or rural, as long as the development is 1) "found in conformance with the Regional Plan," and 2) is in a location designated as a "Recreation District" by an Area Plan or a Master Plan. (See DEIS, p. 3.2-69 [discussing Alternative 3's "Recreation Districts"]; draft Code of Ordinances subparagraphs 13.5.3.C⁷ (Area Plan) and 14.9.5⁸ (Master Plan).) There are a number of issues with the DEIS's discussion of this proposal.

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a. The Project Description.

The term "Recreation District" is not clear, making it difficult to determine the impact of this proposal. The term is only used twice in the draft Code, and is not defined in either place. (See two footnotes in preceding paragraph.) Moreover, in the DEIS itself the term is used as part of a "transect-based zoning system" proposed for Alternative 4 (See DEIS, p. 2-47), but not in the description of Alternative 3. (See DEIS, pp. 2-43, 44.) It is therefore not clear whether the term "Recreation Districts" used in the DEIS's Alternative 3 refers 1) to special districts that can be created within an area that has a "recreation" land use classification on TRPA's land use map

⁶TRPA's 1986 Goals and Policies state, on p. II-41: "ALL PERSONS WHO OWN LAND AND ALL PUBLIC AGENCIES WHICH MANAGE PUBLIC LANDS IN THE LAKE TAHOE REGION SHALL PUT BEST MANAGEMENT PRACTICES (BMPs) IN PLACE; MAINTAIN THEIR BMPs; PROTECT VEGETATION ON THEIR LAND FROM UNNECESSARY DAMAGE; AND RESTORE THE DISTURBED SOILS ON THEIR LAND." Similarly, its current Water Quality Management Plan for the Lake Tahoe Basin (208 Plan) contains the same requirement on p. 110.

⁷ "An Area Plan may allow the development and subdivision of tourist, commercial, and residential uses in the Recreation District outside the Urban Area if found in conformance with the Regional Plan."

⁸ "A Master Plan may allow the development and subdivision of tourist, commercial, and residential uses in the Recreation District outside the Urban Area if found in conformance with the Regional Plan."

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(whether the current map or the amended map included with Alternative 3), 2) to all land designated as “recreation” on that map, or 3) to special districts that can be created within the Tahoe Basin regardless of the designation of the land on that map. This ambiguity in defining this aspect of the proposed project makes it extremely difficult to analyze the proposal’s potential impacts, and therefore severely compromises the DEIS as an informational document. (See, e.g., *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977) [“An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.”].)

b. No Discussion Of Amount, Location Or Type Of Land Potentially Impacted.

In addition to not defining the project, the DEIS does not provide information about the potential scope of the new policy’s impact. For example, there is no discussion of the number of total acres potentially involved, their location or their land capability, or their current level of development. We note, for example, that if the policy is intended to apply to areas classified as “recreation,” it can potentially apply to over 22% of the Lake Tahoe Basin. (DEIS, p. 3.2-5 [Table 3.2-1].) Moreover, the development of some if not many of these lands could be particularly problematic.

For example, developing the following areas among others could generate significant environmental impacts and therefore deserve analysis:

- The Bijou Meadows area in the South Lake Tahoe residential neighborhood contains many small private parcels zoned recreation, totaling some 130 acres.
- The Basin’s northwest ridgeline would become eligible for subdivision. This area at the top of Northstar Ski Area is appropriately zoned for recreational uses, and subdivision of the 65 acre private land portion overlooking Lake Tahoe could have significant impacts.
- The Country Club Meadow Recreation District contains some 68 acres of private land. Some of this appears to be disturbed stream environment zone that could be proposed for development.
- The Round Mound District in Nevada appears to contain about 35 acres of private land that would become eligible for subdivision.
- Other private lands now in low-intensity uses that would suddenly become of high interest for development include:
 - Tahoe Valley Campground (77 acres of private land),
 - Homewood/Tahoe Ski Bowl (1395 acres of private land),
 - Incline Village Tourist district (70 acres),
 - Edgewood (244 acres) and
 - Kingsbury Drainage (257 acres).

The DEIS should disclose the potential for development of these lands and the potential impacts.

The need to discuss locations of potential new development is particularly important given that the new development could apparently occur on high hazard lands. The DEIS thus

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states (on page 3.7-3): “New development is allowed in LCDs [Bailey Land Capability Districts] 4–7 and is largely prohibited in LCDs 1–3 with limited exceptions, particularly in LCD 1b (SEZ [Stream Environment Zone]). Exceptions for LCDs 1–3 include development related to public outdoor recreation facilities and water quality control facilities.” The Ninth Circuit Court of Appeals has explained that LCD 1-3 land is “high hazard”: “Land capability districts 1 through 3—the steepest lands in the basin—were denominated ‘high hazard’ or ‘sensitive’ lands.” (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 322 F.3d 1064, 1070 (9th Cir. 2003).) Opening these lands up to expanded development would reverse TRPA’s long-standing approach, under which “conservation efforts have focused on controlling growth in these high hazard areas.” (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302, 308 (2002).) This proposal thus represents a major course change to TRPA’s long-standing approach to environmental protection. As such, it is particularly important that the DEIS fully disclose and analyze the scope of potential impacts of this proposal.

c. No Discussion of Existing Recreation Area Development.

In addition to providing an enigmatic description of the Recreation District proposal and not discussing potential locations of future development, the DEIS gives no indication of the current level and type of development found in areas to which the proposal might apply. That makes it impossible to assess the impacts which could occur from the increased development that could be allowed with Alternative 3. The DEIS notes, for presumably non-Recreation District areas, that “[w]ithin the developed portion of the Region (residential, commercial and public service, and tourist), the majority of land is owned for residential uses and is primarily built out with detached single-family residences. . . . Approximately 4,700 vacant parcels remain in the Tahoe Region, the majority of which are located within residentially zoned lands.” (DEIS, p. 3.2-6.) It does not, however, contain a similar explanation of the amount of residential development (or other development) that currently exists in the areas in which the proposed new Recreation District concept would potentially apply. At a minimum the description of existing conditions in areas designated for this new potential development should indicate the amount and type of existing development and the number of vacant lots. Instead, the DEIS follows an approach that is similar to the environmental analysis that was found defective in *Environmental Planning & Information Council v. County of El Dorado*, 131 Cal.App.3d 350, 358 (1982); it simply compares the impacts of Alternative 3 to the existing land use program described in the current regional plan.

d. No Analysis of Impacts.

Further, although as previously noted the description of the proposal is enigmatic, even under the narrowest of project descriptions this proposal will potentially allow new large-scale development in non-urban areas throughout the Tahoe Basin. The DEIS does not analyze many of the environmental impacts of that expanded development. These impacts include:

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i. The undermining of Alternative 3's environmental benefits by dispersing development.

The DEIS explains that a "major emphasis" of Alternative 3 is "redirecting coverage to appropriate locations where regional, area-wide or neighborhood-scale BMPs can more effectively manage runoff and reduce conveyance of pollutants to Lake Tahoe; and reducing VMT [Vehicle Miles Traveled] by redirecting development away from outlying parcels to community centers." (DEIS, p. 2-42.)⁹ Yet Recreation Districts promote development away from community centers. The DEIS needs to analyze the environmental impact of this conflict.

ii. Encouragement of roads.

One of the greatest sources of Lake Tahoe pollution is coverage associated with vehicular use, i.e., roads, parking lots and driveways. As explained in the DEIS:

A key premise of the analysis contained herein is that the quality of stormwater runoff can be reasonably predicted based upon the source of the impervious coverage from which the stormwater runoff originates; higher quality stormwater runoff (i.e., less pollutant loading) can be easier to mitigate and create less potential for adverse impacts relative to poorer quality stormwater runoff (i.e., high pollutant loading). For example, higher quality or cleaner runoff would be expected from roofs, decks, and pedestrian or bike trails, and lower quality runoff associated with motorized vehicles would be expected from driveways, parking lots, and roads. This premise is supported by the most recent scientific studies in the Tahoe Region, including the Lake Tahoe TMDL, which identify increasing concentrations of pollutants of concern across land uses within the Region as the intensity of vehicular use increases.

(DEIS, p. 3.8.33.)¹⁰

⁹ Elsewhere, the DEIS similarly states as follows:

"The more concentrated land use pattern is expected to reduce automobile reliance, reduce emissions, increase feasibility of transit and neighborhood-scale BMPs for urban runoff, decrease environmental impacts and increase the availability of affordable and moderate income housing compared to existing patterns of development." (DEIS, pp. 3.2.57-58.)

¹⁰ Elsewhere, the DEIS explains as follows:

Based on analysis of stormwater monitoring data collected during development of the Lake Tahoe TMDL, roads in the Tahoe Region are estimated to generate the highest amount of pollutants of concern to Lake clarity on a unit-area basis (LRWQCB [Lahontan Regional Water Quality Control Board] and NDEP

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Recreation Districts that allow new and expanded commercial, tourist and residential developments will by definition be located outside of urban areas. They may, therefore, require the construction of new roads to obtain access to their potentially remote locations. Moreover, an internal road system as well as parking areas and driveways would presumably be needed within these new developments. Yet the DEIS does not analyze, or even disclose, how Recreation Districts are likely to create additional roads, parking lots and driveways or discuss their impacts.

e. Rezoning 250 Private Acres Not Analyzed.

Alternatives 3 and 5 propose to reclassify 250 acres of private land from “conservation to recreation.” (DEIS, p. 3.2-69.) The DEIS does not, however, provide any information about the proposed change or its potential impacts. It merely states that “no recreation facilities or projects are currently proposed” and implies that the change “would continue to accommodate existing permissible uses.” (DEIS, p. 3.2-69.) It does not, however, describe or analyze proposed new uses that would be allowed if TRPA makes the change.

Moreover, the DEIS masks the impacts of the change by only analyzing it in combination with a very generalized analysis of Recreation Districts (which as previously noted can potentially apply to 22% of the Tahoe Basin), and concluding that the combined impacts are “potentially significant.” (DEIS, p. 3.2-69.) Given the level of specificity concerning this land use change—it apparently involves a 250 acre parcel owned by one or two entities¹¹—much more specificity about the proposed change and its potential impacts is needed. The DEIS needs to discuss the reasonably foreseeable land uses that could result from this proposed, focused land use change, along with reasonably foreseeable impacts of the new land uses on traffic, water quality, air quality, scenic quality, habitat and other environmental resources. Merely lumping this focused proposal with the much larger “Recreation District” proposal and concluding that the combination will have a “potentially significant” impact improperly obscures the impacts of reclassifying the 250 acres.

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[Nevada Department of Environmental Protection] 2009: Figures 4-33, 4-37, and 4-40). Additionally, roads have been shown to generate the highest proportion of fine sediment particle loading in stormwater runoff among developed land uses in the Region (LRWQCB and NDEP 2009: Table 4-24).

(DEIS, p. 3.8.26.) The DEIS goes on to characterize roads as “the biggest threat to Lake clarity.” (DEIS, p. 28.)

¹¹ Our understanding is that Edgewood Companies owns most of the affected private land.

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The need for this disclosure and analysis is reinforced by the fact that this land use change would narrow TRPA's discretion concerning development on the 250 acres. That narrowing of discretion will have a reasonably foreseeable impact on the environment which TRPA must disclose and analyze. Otherwise, TRPA would be approving a significant land use change but deferring the environmental analysis of the approval's reasonably foreseeable impacts.

Moreover, the lack of specificity makes it impossible to determine whether the potentially significant impacts can be avoided or reduced, or whether proposed mitigation measures would assure meeting standards of the region, as required by Article VII (a) (2) (B) and (D) of the Tahoe Regional Planning Agency Compact.

f. Mitigation Measures.

The DEIS concludes that this new concept's environmental impact, as well as the rezoning of 250 acres, is "potentially significant." (DEIS, p. 3.2-69.) To mitigate this impact, the DEIS requires that new development be "compatible with recreation district uses," "not induce substantial growth in the area" and "not conflict with any environmental policies or regulations." Most of those concepts, however, are undefined. For example, what "environmental policies" other than regulations does the DEIS refer to? Moreover, what does that condition add? Developments must comply with environmental regulations even absent this new mitigation measure. Does "substantial growth in the area" mean the immediate area of the project, or the entire Tahoe Basin? For example, would TRPA classify the transfer of 100 residential development rights from South Lake Tahoe to a rural Recreation District as inducing substantial growth in the area? And how would compatibility with recreation district uses mitigate impacts? Would it not still allow uses such as a large hotel development with a large parking area near a rural ski area?

7. Need To Clarify Vehicle Miles Traveled (VMT) Analysis.

The DEIS has determined that Alternative 3 would have a "significant" impact because it would not meet the VMT Threshold. (DEIS, p. 3.3.48.) It states, however, that it is still the best VMT outcome of the analyzed alternatives. According to the document, "[t]his is due primarily to the placement of the majority of new dwelling units (62.4 percent) in community centers. . . . A number of academic studies have found that regionally accessible, centrally located sites result in shorter trip lengths and generate less VMT than do sites along the regional periphery." (DEIS, p. 3.3-48.) As will be seen, however, there are at least three problems with that conclusion.

First, as previously outlined, Alternative 3 potentially would allow significant development in "Recreation Districts" that are located away from community centers. In contrast, the other alternatives would not facilitate that development. The DEIS needs to disclose and analyze the impacts of the new Recreation District concept in comparing the VMT impacts of the various alternatives.

A15-17
Cont'd

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Second, Alternative 3 includes provisions that allow the building of a significant number of new residential units based upon the “retirement” of other units that could never be developed. Specifically, where a land owner transfers a rural development right located on a Stream Environment Zone (SEZ) parcel to a parcel at least 1 1/2 miles away in a community center, the owner can build three new units in the community center. (DEIS, p. 2-42.) If the development right on the SEZ parcel could actually be used to build a residence on that parcel, that system might be VMT neutral or even have a VMT advantage. But development rights cannot be used on SEZ parcels. (See *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 322 F.3d 1064, 1072, n. 3 (9th Cir. 2003): “according to the Agency, owners of properties within a SEZ will still be prohibited from developing their parcels even if the IPES Line should one day drop to zero.”) Thus, to the degree that the DEIS assumes that the development right retired from a rural SEZ will reduce VMT, it is inaccurate. To the extent that the water quality and air quality analyses in the DEIS include the “benefit” of retiring development rights on rural SEZs, they are also inaccurate.

A15-18
Cont'd

Third, as described in the discussion of Centers, below, many if not most of the areas eligible for transfer incentives lack the needed densities and configurations to bring about VMT reductions.

8. The DEIS Does Not Substantiate the Benefits of “Centers.”

As previously noted, a major emphasis of Alternative 3 (and to a lesser extent some other alternatives) is to redirect development “away from outlying parcels to community centers.” (DEIS, p. 2-42.) The DEIS describes various environmental benefits that it asserts this approach will achieve. For example, it states that “[t]he more concentrated land use pattern is expected to reduce automobile reliance, reduce emissions, increase feasibility of transit and neighborhood-scale BMPs for urban runoff, decrease environmental impacts and increase the availability of affordable and moderate income housing compared to existing patterns of development.” (DEIS, pp. 3.2.57-58.) More broadly, it describes the benefits of concentrating development under a number of alternatives as follows:

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Because Alternatives 2, 3, and 4 include 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 impact would be beneficial for these alternatives.

(DEIS, p. S-26.) Notably, this approach depends to a significant degree on what amount to environmental subsidies, that is allowing additional development through coverage overrides in the centers (DEIS, p. 2-43) and “bonus units” for transferring development to these centers. (DEIS, p. 2-42.) Those subsidies, in turn, could add additional traffic and other impacts which the DEIS assumes are more than offset by the benefits of concentrating development.

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The DEIS fails to analyze, however, whether areas eligible for coverage overrides and other benefits have sufficient densities or adequate configurations to achieve VMT benefits. For example, a review of TRPA's Light Detection and Ranging (LiDAR) imagery and GoogleEarth environmental land use planner Dr. Robert Twiss (curriculum vitae attached) performed for our office indicates that Meyers, designated as a Town Center, only has around 100 dwelling units within ¼ mile of its center. That translates to roughly 1.3 dwelling units per acre. Tahoe City, designated as a Town Center, has even lower density, due in part to its being a highway strip situated between Lake Tahoe and a golf course. Dr. Twiss determined that the number of dwelling units within a quarter of a mile radius of its most dense portion is less than one unit per acre.

Moreover, many of the proposed Centers have poor configurations. The following, for example, are strips, not compact focal points:

- The "Y" has an East-West leg that is roughly 1.3 miles long by 0.3 miles wide; and a North-South leg roughly 1 mile long by 0.18 miles wide.
- The Ski Run Town Center is roughly 0.5 miles long by 0.1 miles wide.
- The Meyers Center is roughly 1 mile long by 0.25 miles wide.
- The Tahoe City Town Center is roughly 1.5 miles long.

These dimensions tend to discourage walking within the area itself, let alone walking from a central point to services or transit.

Twenty-two areas are eligible to become "Community Plans," which would qualify them for Alternative 3's proposed incentive rule allowing up to 70% coverage on a parcel. (DEIS, p. 1-6; Draft Goals and Policies, Ch. 11-14, 15.) To the extent that TRPA's traffic modeling results nevertheless indicate that Alternative 3 will generate VMT, air quality and other benefits due to concentrated densities, the modeling assumptions must be disclosed to explain how they incorporate the above, which suggest that few centers have sufficient densities or configurations to generate environmental benefits. They should reveal, for example, whether positive model results are driven by one or two centers, such as the development in and near the south casino core.¹²

¹² The DEIS suggests that is the case. It states that Alternative 2 (which has far fewer areas eligible for concentrated development—see DEIS, p. 2-24, listing three areas) would result in less VMT than Alternative 3. (See 3.3-48; 8.8 percent reduction from 1981 levels for Alternative 2; 7.2 percent reduction for Alternative 3.) But it minimizes that impact, instead characterizing Alternative 3 as having "the lowest VMT **per capita**," presumably reflecting increased development and a resultant larger residential population under Alternative 3. (DEIS, p. 3.3-48, emphasis added.)

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Cont'd

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9. The Mitigation For Loss Of Air Quality Mitigation Fees.

Alternative 4 proposes to alter the calculation of mitigation fees in a manner that would lower those fees. (DEIS, p. 3.4-47.) As a result, the DEIS deems this change “potentially significant.” (*Id.*) TRPA’s proposed mitigation, however, is conjectural. It only lists measures that it “may” enact. Moreover, measures that it lists as fully mitigating the impact of the loss of air quality fees include unspecified “regulatory changes.” (See DEIS, p. 43.4-47: “Implement regulatory changes that would ensure the same level of air quality improvements could occur with reduced fees.”) An EIS must do more, however, than provide a “perfunctory description or mere listing of mitigation measures[] without supporting analytical data.” (See *League to Save Lake Tahoe v. TRPA*, 739 F. Supp. 2d 1260, 1284 (E.D. Cal. 2010) [internal quotation marks and citation omitted].)

A15-20

10. Ambiguous Description of Alternative 1.

The DEIS’s description of the impact of Alternative 1 is confusing. It explains that Alternative 1 would keep the 1987 Plan in place. It then goes on to say that Alternative 1 would result in less development than under the 1987 Plan. But if Alternative 1 is the 1987 Regional Plan, how can it result in less development than the 1987 Regional Plan?

Specifically, the DEIS states:

Alternative 1 is the no-project alternative. With the exception of minor revisions required to extend the Plan for an additional 20 years (e.g., allowing unused allocations that were authorized under the 1987 Regional Plan to be used over the next 20 years), Alternative 1 would make no changes to the 1987 Regional Plan.

(DEIS at p. S-7.)

It goes on to state:

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 rate of development as compared to the 1987 Plan because only the remaining development rights authorized under that Plan would be used.

(DEIS at p. S-7.)

TRPA needs to explain how an alternative that keeps the 1987 Plan in place could result in less development than keeping the 1987 Plan in place.

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11. Ambiguous Treatment of Residential Development Rights.

Finally, the DEIS suggests that there are only 4,091 residential development rights remaining in the Lake Tahoe Basin. (DEIS, p. 2-13.) These are the right to potentially build a residence on a parcel. (*Id.*) The document does not, however, appear to include development rights that are being held by the California Tahoe Conservancy or by the Nevada Division of State Lands. These numbers could be significant. The California Tahoe Conservancy has acquired “more than 4,800 parcels of land,” and the Nevada Division of State Lands has acquired approximately 500 parcels. (DEIS, p. 3.2-4.) Moreover, at least the California rights may be available for development. (See DEIS, p. 3.7.7: “All rights and credits acquired by CTC are stored in a Land Bank.”) The DEIS needs to explain whether or not these development rights have been permanently retired. If not, TRPA needs to recalculate all environmental impacts that were based upon the assumption that there were only 4,091 remaining development rights in the Basin.

A15-22

Thank you again for this opportunity to comment on the DEIS.

Sincerely,



DANIEL L. SIEGEL
Supervising Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

Attachments (submitted electronically)

Dr. Robert Twiss's curriculum vitae
Impervious Cover/Stream Environment Zone Quality Indicator Study, EIP # 10162
Lake Tahoe Total Maximum Daily Load Technical Report (June 2010)
Lake Tahoe Watershed Assessment, USDA Forest Service (2000), Chapters 1 and 4
Memorandum of Decision in *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)
Memorandum of Understanding (MOU) between TRPA and the Forest Service
(October 25, 1989)
Proposed TRPA Code of Ordinances (April 25, 2012)

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Proposed TRPA Goals and Policies (April 25, 2012)
TRPA 1989 Water Quality Management Plan (208 Plan) Vol. 1, pp. 110-111;
Vol. VI, pp. 48-53
TRPA 1986 Goals and Policies BMP Provisions (pp. II-41, 42.)
TRPA BMP Handbook, Final Draft (June 2011)
TRPA Code of Ordinances
TRPA Environmental Impact Statement for the Adoption of Threshold Environmental
Carrying Capacities (May 1982)
TRPA Resolution 82-11
TRPA Stateline/Ski Run Community Plan
TRPA Threshold Evaluation Report (2011)

A16

Dan Siegel
California Attorney General's Office

4.26.12

Dan Siegel, California Attorney General's Office said his comments are not about the EISs but are about the Regional Plan. I was very glad to hear yesterday that staff and the Board are viewing the update as a starting point and not as near final product. Because we believe that the draft has serious legal defects that need to be addressed. I would like to give you three of examples of those defects to give you a flavor of our concerns. One of them involves delegation; under the Compact TRPA Governing Board is required to approve any project before it can go forward, that is mandated in the Compact. The only exception is if there is an activity that will not have a significant impact on the environment. Yet the draft Plan proposes to delegate to another entity which is usually local governments the right to approve projects without any TRPA review; and these are not only tiny projects but under the current draft there are projects as large as a Costco or other gigantic project. That is highly problematic. We do think however, I would circle back and note some of the comments made by some Board members referencing discussions that are going on by the two State administrations and the consultations they are having with various stakeholders to try and address the concerns that I am going to mention along with other concerns. I think that there may be ways to have delegation and still come within the spirit of the Compact. The current draft does not do that; but by adding safe guards such as a robust right to appeal and a very strong recertification process, along with a few other safe guards, those probably being the biggest, I think it is possible if everyone talks and works together to come up with a solution that will work. The current draft also significantly weakens coverage requirements and that is highly problematic; it could potentially result in new coverage of many hundreds of acres in the Tahoe Basin. Another problem is the current draft allows potentially significant amounts of new development through the bonus program that it is proposing. These defects need to be fixed in order to comply with the Compact. However, we think that these defects can be fixed in a way that meets the needs of the various stakeholders. They can be fixed in a way that give local governments more say in the process, fixed in a way that encourages environmentally sound redevelopment projects and fixed in a way that protects the Lake. Again, I am glad to hear that the draft Plan that was presented to you is a starting point and not a near final product.

A16-1

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A17

State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

Sierra District
P.O. Box 266
Tahoma, CA 96142
530/525-7232

June 28, 2012

Adam Lewandowski
Senior Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Subject: Lake Tahoe Regional Plan Update, Draft Environmental Impact Statement,
CA SCH# 2007092027

The California Department of Parks and Recreation appreciates the opportunity to comment on the Tahoe Regional Planning Agency (TRPA) draft Environmental Impact Statement (EIS) for the proposed Lake Tahoe Regional Plan Update. The California Department of Parks and Recreation (CDPR) is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, and a Trustee Agency as used by CEQA and its Guidelines and as defined by CCR § 15386 for the resources affected by this project within a unit of the State Park system.

The California Department of Parks and Recreation has nine park units in the Lake Tahoe Basin located in Placer and El Dorado Counties: Burton Creek State Park (SP), D.L. Bliss SP, Ed Z'berg-Sugar Pine Point SP, Emerald Bay SP, Kings Beach State Recreation Area, Lake Valley SRA, Tahoe SRA, Ward Creek Unit, and Washoe Meadows SP.

The CDPR mission statement (http://www.parks.ca.gov/?page_id=91) and the CDPR Department Operations Manual (D.O.M.) direct the Department to insure for 1) the health of the natural and cultural resources that are contained within park properties; 2) ensure the health and safety of the public (park visitors, park employees, and park residents); and also 3) for the creation and maintenance of outdoor recreation for the state's visitors and residents. The following comments reflect these internal policies and directives of the CDPR.

Land Use Designations

Continue to work with CDPR to correctly classify CDPR lands on the TRPA Regional Plan land use map. For example, Edwin L. Z'berg Natural Preserve within Ed Z'berg-Sugar Pine Point State Park is designated on the TRPA land use map as recreation. The CDPR natural preserve designation is given to distinct areas of outstanding natural or scientific significance and has overriding environmental constraints on its use and management. The TRPA recreation land use designation is in conflict with the CDPR land classification and land use designation.

A17-1

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CDPR Comments

Hydrology and Water Quality

- Non-motorized public trails from coverage per Code of Ordinances 30.4.6, Exemptions, 3. Non-Motorized Public Trails—This section states “Trail routes shall generally be consistent with trail networks identified in Map 5 of the Regional Plan, “Bicycle and Pedestrian facilities” or adopted federal, state, tribal, or local government plans.” However, the draft EIS Table S-2, Mitigation Measure E. Non-Motorized Trail Exemption, limits the trails to networks on the Lake Tahoe Region Bike Trail and Pedestrian Plan or other necessary trail connections to trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan. CDPR would like TRPA to increase flexibility by considering other agencies’ non-motorized trail plans for coverage exemption to achieve the goal of connectivity in the basin.
- We support Alternative 4 ADA coverage exemption.
- Pesticide use—Recommend changing Alternative 2 to read “Promote integrated pest management and limited use of outdoor pesticides.” Non-native invasive species are increasing in the Lake Tahoe Basin. Public land managers need a variety of methods to eradicate and/or control non-native invasive species. Some non-native invasive species have life cycles or reproductive strategies such that eradication or control is not possible by only manual and/or mechanical methods.
- CDPR does not support using wastewater for wildfires on CDPR lands.
- Code of Ordinances, Table 53.11.5 Condition of Watershed Table. Replace No. 1, Tahoe State Park with Tahoe State Recreation Area.

A17-3

Water Quality—Goals and Policies

- WQ3.35 states “Restore 25% of SEZ lands in accordance with the Environmental Improvement Program” (EIP). EIP is integral to achieving TRPA thresholds. Recommend TRPA provide coverage exemption and streamline permitting for all qualified EIP projects.
- CDPR supports WQ3.5, “Promote infiltration facilities and function flood plains along stream corridors as a strategy for removing instream loads of sediment and nutrients.”

A17-4

Vegetation and Wetlands—Goals and Policies

- Goal VEG-1—CDPR appreciates the loss of natural fire as a natural process in the forest ecosystem and recognizes of the multiple benefits of vegetation, including wildlife habitat. CDPR also supports vegetation management in the circumstances identified, particularly to increase vegetation health of the in context of the entire ecosystem.
- Policy-VEG-4.6—CDPR supports the use of prescribed fire as the preferred approach to reduce fire hazard and perpetuate desired natural ecological processes where appropriate.
- Goal VEG-5—CDPR supports continued inclusion of snag retention and downed woody debris; this is critical for wildlife habitat and complete ecosystem function.
- Policy, Veg-1.10—“Work to eradicate and prevent spread of invasive species.” Recommend using similar but stronger language like policy AIS FI-1.9 such as

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CDPR Comments

"Prohibit release/planting of non-native invasive species in the region in cooperation with public and private entities. Control or eradicate existing populations of these species and take measures to prevent accidental or intentional release of such species." Another option is to create one policy that treats aquatic and terrestrial invasive species the same.

- Veg-2.2—2nd sentence "resoration" should be "Restoration"
- Policy WL-1.2--Riparian restoration should also be encouraged in all appropriate areas, not just existing protected habitat.

A17-5
Cont'd

Bears

- Policy CD-2.1--Request the addition of a requirement for bear-proof garbage facilities, to include both permanent and temporary structures (locking dumpsters, garbage lockers, or screw top trash cans such as the BeariCuda bins).
- Policy WL-1.5—CDPR appreciates the bear issues included. We recommend including more enforceable or incentivized specifics. Some of the current issues include the need for refuse companies to use self-locking dumpsters. In addition, bear issues are larger than just the urban environment. Bears travel great distances, so a bear that is found in urban areas may also visit non-urban public use areas in the front country and in the backcountry. To have a truly effective bear policy in the region, there needs to be consistency in requirements and enforcement throughout the Tahoe Basin, not just limited to the urban areas. We suggest this section could be amended to also encourage public agencies to have a Bear Plan, or Human-Bear Management Plan, in place. Incentives may include exempting bear proof facilities like garbage can receptacles and food storage lockers from coverage determinations.
- CDPR recommends the EIS include discussion of how the different alternatives would affect the bear population, and more specifically the potential for human-bear interactions. Increased development can have a negative impact. However, if policies requiring bear proof containers, whether through enforcement or incentive programs, can decrease this impact to less than significant or result in net benefits.

A17-6

A17-7

Lahontan Cutthroat Trout--Fisheries

- Policy FI-1.8-Lahontan cutthroat trout are currently present in Meiss Meadows due to earlier reintroduction efforts and have more recently been reintroduced to Lake Tahoe. Therefore, is reintroduction still considered infeasible?
- EIS, page 3.10-4 Lahontan Cutthroat Trout and page 3.10-7 Fish Resources—Conflicting statements--This document states to support reintroduction in response to justifiable evidence under Lahontan Cutthroat Trout then unqualified support under Fish Resources. The "Goals and Policies" document states support in streams but not in the lake due to a lack of supporting scientific evidence.
- EIS, page 3.10-20, 5th paragraph--The stocking of Lahontan Cutthroat Trout into Lake Tahoe by NDOW at Cave Rock is specifically mentioned. Fish were also stocked in Emerald Bay.

A17-8

A17-9

Page 4
CDPR Comments

Recreation

- Policy R-1.3--This section should include mountain biking to reflect current recreational use in the Region.
- EIS, page 3.11-4, State, California Department of Parks and Recreation. Change Sugar Pine Point State Park to Ed Z'berg-Sugar Pine Point State Park.
- EIS, page 3.11-6, 3.11.3 Affected Environment, Land Ownership, California. Insert hyphen between Ed Z'berg and Sugar Pine Point State Park. Also change Ward Creek Park Property to Ward Creek Unit.
- EIS, page 3.11-15, Education Programs and Interpretive Facilities, Recent examples... Please change to "several reroute and new trails at Ward Creek Unit (in process, DPR)

A17-10

A17-11

Goshawk--Threshold Standards

- We support change to the northern goshawk disturbance zone from a defined distance around a nest to the designation of the best 500 acres of habitat, to include 0.25 mile around known nest sites. This change will better protect goshawk habitat than the previous buffer, which had the potential to include unsuitable habitat instead of including the best available habitat and therefore allow degradation of desirable habitat.
- The wildlife thresholds should be amended to also include a stream environment zone (SEZ) indicator species, such as the willow flycatcher or yellow warbler. The northern goshawk threshold standard provides feedback for mature forests, but none of the species currently on the indicator species list do the same for SEZs yet these are purported to be two of the most important and limiting habitats in the Region.
- Draft Environmental Impact Statement: Biological Resources--Support Alternatives 2, 3, 4, and 5 with regard to northern goshawk disturbance zone changing from 0.5 mile nest radius to best 500 acres of habitat. Request the addition of defined limited operating periods.
- Impact 3.10-4 Special-Status and Common Plant and Wildlife Species--Support Alternatives 2 – 5 change to the Threshold for northern goshawk to define the non-degradation zone based upon the best 500 acres of habitat, including a minimum of 0.25 mile distance from a nest site. This will better meet the goal of protecting northern goshawk habitat than the current 0.5 mile buffer.

A17-12

EIS--3.10.1 Regulatory Background

- It states that the thresholds will be reviewed every 5 years while the Regional Plan is reviewed every 4 years. We recommend that the threshold evaluation review should be timed such that it informs the Regional Plan update.

A17-13

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CDPR Comments

Thank you for the opportunity to comment. For further clarification or explanation of our comments, please do not hesitate to contact me.

Sincerely,



Tamara Sasaki
Sr. Environmental Scientist

cc: Marilyn Linkem
Jay Chamberlin
State Clearinghouse

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A18

State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

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June 28, 2012

Karen Fink
Senior Planner
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Stateline, NV 89449

Subject: Mobility 2035 Regional Transportation Plan/Sustainable Communities
Strategy, Draft Environmental Impact Report/ Environmental Impact
Statement, CA SCH# 2011082070

The California Department of Parks and Recreation appreciates the opportunity to comment on the Tahoe Metropolitan Planning Agency (TMPA)/Tahoe Regional Planning Agency (TRPA) draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the proposed Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy. The California Department of Parks and Recreation (CDPR) is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, and a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this project within a unit of the State Park system.

A18-1

The California Department of Parks and Recreation has nine park units in the Lake Tahoe Basin located in Placer and El Dorado Counties: Burton Creek State Park (SP), D.L. Bliss SP, Ed Z'berg-Sugar Pine Point SP, Emerald Bay SP, Kings Beach State Recreation Area, Lake Valley SRA, Tahoe SRA, Ward Creek Unit, and Washoe Meadows SP.

The CDPR mission statement (http://www.parks.ca.gov/?page_id=91) and the CDPR Department Operations Manual (D.O.M.) direct the Department to insure for 1) the health of the natural and cultural resources that are contained within park properties; 2) ensure the health and safety of the public (park visitors, park employees, and park residents); and also 3) for the creation and maintenance of outdoor recreation for the state's visitors and residents. The following comments reflect these internal policies and directives of the CDPR.

CDPR recommends any evaluation of transportation and/or transit safety should address the two-lane highway system constrictions in areas where there is no continuous alternate route. The current two-lane highway system is subject to construction related traffic delays, emergency vehicle response and service delivery

A18-2

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CDPR Comments

delays, and could cause potentially devastating traffic back-ups in a basin wide emergency scenario, e.g. extreme flood, snowfall, wildfire or earthquake.

A18-2
Cont'd

Figure 3.4

- The proposed waterbourne transit connection indicates Kings Beach as a destination. If the waterbourne transit landing is at or near Kings Beach SRA under the current conditions, the parking, bicycle and pedestrian congestion would impact the Kings Beach SRA visitor experience and facilities. We recommend the TMPA work with CDPR, the North Tahoe PUD (entity that operates Kings Beach SRA under an operating agreement with CDPR), the California Department of Boating and Waterways (an adjacent public land owner) and the California Tahoe Conservancy (an adjacent public land owner) to discuss the possibility of an integrated plan to address potential impacts of a waterbourne transit landing.

A18-3

Figure 3.9

- Skylandia, a unit of Tahoe State Recreation Area, which is a California State Park, is shown incorrectly as a regional/county park. Skylandia is operated under an operating agreement with the Tahoe City Public Utility District (PUD).
- Firestone Property Adjacent to Dollar Property is public land owned by the North Tahoe PUD.
- There is no Historic Site designation for the Gatekeepers Cabin at Outlet Parcel (a unit of Tahoe State Recreation Area) of State Parks.
- There is no Historic Site designation at Ed Z'berg-Sugar Pine Point State Park for the Pine Lodge Complex (Ehrman Mansion). However, the Pine Lodge Complex (Ehrman Mansion) is listed in the National Register for Historic Places by the U.S. Department of the Interior.
- There is no Historic Site designation at Emerald Bay State Park for Vikingsholm. However, Vikingsholm is listed in the National Register for Historic Places by the U.S. Department of the Interior.

A18-4

Table S-1

Impact 3.4-2

- Construction delays create many hours of additional wasteful vehicle operation each day, and substantially increasing the average daily local trip time while causing additional localized air pollutant and greenhouse gas emissions directly associated with each roadway maintenance and improvement project on all two lane corridors where no alternate detour routes exist.

A18-5

Impact 3.9-1

- Ferries running on regular repetitive schedules and courses will impact the scenic quality by adding additional traffic on the lake, particularly given the large size of commercial ferry vessels.

A18-6

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CDPR Comments

Impact 3.10-5

- Import fill and road-base even “clean” material could result in the transport and spread invasive weed species into and around the basin. Vehicle born contamination with invasive species will also no doubt continue to occur. Under the mitigation measure equipment should be more broadly defined to include transport vehicles.

A18-7

3.11-1

- Impact to the operations of managed destination recreation areas will increase with greater accessibility through alternate transportation modalities. CDPR charges vehicle parking fees at our State Park units and does not charge for pedestrian and bicycle entrance as our park boundaries have many access points. CDPR in particular anticipates loss of revenue due to an increase in pedestrian and bicycle traffic and a decrease in vehicular traffic. In addition, greater congestion on trails and beaches will create increased need for law-enforcement and medical response and will negatively affect the park operations along with the visitors’ experience.

A18-8

Thank you for the opportunity to comment. For further clarification or explanation of our comments, please do not hesitate to contact me.

Sincerely,



Tamara Sasaki
Sr. Environmental Scientist
530/525-7232

cc: Marilyn Linkem
Jay Chamberlin
Bill Lindemann
State Clearinghouse

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A19**BOARD OF COMMISSIONERS**

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COUNTY MANAGER
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June 21, 2012

Norma Santiago, Chair
Governing Board
Tahoe Regional Planning Agency
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RECEIVED
JUN 26 2012
TAHOE REGIONAL
PLANNING AGENCY

RE: Tahoe Regional Planning Agency Draft Regional Plan and Draft Environmental Impact Statement, Draft Code of Ordinances (Phase II), and Draft Regional Transportation Plan and Draft Environmental Impact Statement

Dear Madame Chair:

On behalf of Douglas County, we would like to thank the members of the Tahoe Regional Planning Agency (TRPA) staff, Governing Board, Advisory Planning Commission, Regional Plan Update (RPU) Committee, and Nevada and California Bi-State RPU Consultation Group for moving the update of the Regional Plan forward and engaging local jurisdictions throughout the process. Overall, Douglas County supports the TRPA's efforts to create a land use system for the Lake Tahoe Basin that:

- Protects the natural environment, encourages the environmental redevelopment of the built environment, and promotes economic vitality; and
- Is predictable and understandable.

Douglas County also supports the TRPA's efforts to transform the Agency into a truly "regional" planning agency. Douglas County plans to support this effort by developing Area Plans consistent with the Regional Plan and TRPA Code of Ordinances, as well as taking on permitting responsibilities.

In order to continue to move forward with the desired direction, Douglas County is in support of the Draft Regional Plan endorsed by the RPU Committee, Draft Code of Ordinances (Phase II) prepared by the Technical Working Group, Draft Regional Transportation Plan (Mobility 2035), and Alternative 3 in the Draft EISs. The County is also looking forward to reviewing the Nevada and California Bi-State RPU Consultation Group recommendations and is committed to continuing discussions to resolve controversial issues to ensure adoption by December 2012. With this in mind, the County would also appreciate the Governing Board's consideration of the comments provided by the Douglas County Community Development Department in the attached letter.

Mailing Address: P.O. Box 218, Minden, NV 89423

A19-1

TRPA Regional Plan Update
Page 2 of 2


Thank you for your time and attention to this matter. We are looking forward to working collaboratively with the TRPA in the future.

Sincerely,



Lee Bonner, Chairman

Nancy McDermid, Vice Chair

Greg Lynn

Michael Olson

Doug Johnson

Attachment:

1. Douglas County Community Development Department Letter regarding TRPA Regional Plan Update

cc: Joanne Marchetta, Executive Director
John Hester, Planning Manager
Arlo Stockham, Regional Plan Update Coordinator
Carl Hasty, Tahoe Transportation District Manager

A19-1
Cont'd

**COMMUNITY DEVELOPMENT**

1594 Esmeralda Avenue, Minden, Nevada 89423

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Planning Division
 Engineering Division
 Building Division
 Regional Transportation
 Code Enforcement

June 21, 2012

Norma Santiago, Chair
 Governing Board
 Tahoe Regional Planning Agency
 P.O. Box 5310
 Stateline, NV 89449

RE: Tahoe Regional Planning Agency Draft Regional Plan and Draft Environmental Impact Statement, Draft Code of Ordinances (Phase II), and Draft Regional Transportation Plan and Draft Environmental Impact Statement

Dear Madame Chair:

The Douglas County Community Development Department has reviewed the Tahoe Regional Planning Agency (TRPA) Draft Regional Plan and Draft Environmental Impact Statement (EIS), Draft Code of Ordinances (Phase II), and Draft Regional Transportation Plan (Mobility 2035) and Draft EIS and would appreciate your consideration of the following comments:

High Density Tourist Commercial

Under the Draft Regional Plan TRPA will continue to review projects in the High Density Tourist District (ref. LU-4.12), except for minor improvements as further specified in the Code of Ordinances. The Draft Code of Ordinances does not specify what types of "minor improvements" will be exempt from TRPA review in the High Density Tourist District. The Draft Code of Ordinances defines a "project" as "an activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region." Douglas County would like to recommend revising the policy language in the Regional Plan and language in the Code of Ordinances to reflect that TRPA will review projects as further defined in the Code of Ordinances, Section 2.2., Project Review, in the High Density Tourist District, and that "exempt activities" as further defined in the Code of Ordinances, Section 2.3., will be reviewed by local jurisdictions, when a local jurisdiction requires a permit.

Source: Draft Regional Plan, Land Use Policy LU-4.12, Page 11-16.

MAILING ADDRESS: P.O. Box 218, Minden, Nevada 89423

A19-1
 Cont'd

A19-2

Douglas County Master Plan

The final Regional Plan, Code of Ordinances, and Regional Transportation Plan, and EISs need to reference the 2011 Douglas County Master Plan, adopted on March 1, 2012, by the Board of Commissioners.

A19-3

Regional Plan Attachment 4 - Preliminary List of Priority Projects

Add the recommendations in Chapter 13: *Conclusions and Recommendations* of the 2011 Threshold Evaluation Report, and mitigation measures identified in the EIS, for the Alternative adopted by the Governing Board, to Attachment 4 – Preliminary List of Priority Projects. The mitigation measures that require action within 12 months should be placed at the top of the list. Furthermore, it would be helpful if the list was prioritized, responsible entities identified, funding sources identified, and target dates established and the list taken to the Governing Board for consideration shortly following the adoption of the Regional Plan.

A19-4

Housing

Prioritize developing a housing strategy at the top of Attachment 4 – Preliminary List of Priority Projects. Douglas County adopted a new Housing Element as part of the 2011 Master Plan and a Population and Housing Technical Report for Douglas County, Nevada, was prepared by Rex Massey, Research & Consulting Services, Inc., which includes recommendations to address housing issues in the Tahoe Basin portion of Douglas County. For Tahoe communities, the Technical Report found that:

Additional workforce housing is needed to maintain the permanent population. Affordable housing may require a certain percentage of market rate housing units. Affordable and workforce housing regulations, although well intended, function as a penalty for development or redevelopment because the requirements cannot be easily implemented. Transit and temporary workforce housing is needed for seasonal workforces with high turnover rates.

A19-5

At the current time, only developments which have 100 percent affordable housing and which serve households at or below 80 percent of median income are exempt from the residential allocation requirements. In order to encourage more mixed-use development, including affordable housing near transit, the Regional Plan should expand the definition of affordable housing to include mixed-income developments and should also exempt moderate-income housing (defined as households with incomes up to 120 percent of median income) from the residential allocation system within the Town Centers, such as Kingsbury. If these strategies are adopted as part of the Regional Plan Update, this will require corresponding revisions to the Code of Ordinances.

A related issue concerns provision for density bonuses in the TRPA Code of Ordinances. At the current time, TRPA allows up to a 25 percent density bonus for

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affordable housing. The maximum density for multi-family housing is now limited to 15 units per acre. If the density bonus is expanded to cover mixed-income as well as moderate income housing, this may encourage the development of more affordable housing at Lake Tahoe (Page 54 of 56).

A19-5
Cont'd

The Douglas County Planning Division plans to prepare a Housing Technical Report for the Lake Tahoe portion of Douglas County and provide it to TRPA to include in their future housing strategy.

Technical Working Group

It would be best if the Regional Plan and Code of Ordinances (Phase II) were adopted in December 2012, and then for TRPA to form a Technical Working Group in 2013 to evaluate the Code of Ordinances (Phase III) and identify topics that could be modified to be more understandable and effective, such as height standards and coverage requirements. Representatives from all of the local jurisdictions need to be invited to participate, as well as representatives from applicable federal, state, and local agencies. Thus, the development of a Technical Working Group to evaluate the Code of Ordinances and identify topics that could be modified to be more understandable and effective should be prioritized at the top of the list.

A19-6

Variance Process

Prioritize evaluating the opportunity for a variance process. Currently, the County processes variances to design standards, such as setbacks, and TRPA takes into consideration variances processed by the County when reviewing permits. TRPA does not have a variance process. Therefore, anytime a project proposes any type of deviation from the code it is addressed through a code amendment, which is a long and costly process. It also results in an overly complex code, with provisions for specific projects. Thus, TRPA needs to develop a variance process and tell local jurisdictions which types of variances that they will be able to process. The variance process needs to be designed to ensure that the environmental thresholds will not be negatively impacted.

A19-7

Land Use Change – 250 Acres from Conservation to Recreation

Since the Draft EIS found that the proposed land use change of 250 acres, adjacent to the proposed High Density Tourist District, from conservation to recreation in Alternative 3 could result in a potentially significant impact and because Douglas County plans to move forward with the South Shore Area Plan following the adoption of the Regional Plan, it would be helpful for TRPA to address Mitigation Measure 3.3-2: *Revise Requirements for Development in the Recreation District* and clarify what will be permissible in the Recreation District with the adoption of the Regional Plan in December 2012.

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Please confirm if the land uses called out in the Draft Code of Ordinances, Table 21.4-1: List of Primary Uses and Definitions, for "recreation" are the land uses the Recreation District will be limited to.

A19-8
Cont'd

Source: Draft EIS, Table S-2, Page S-26 to S-28, & Draft Code of Ordinances, Table 21.1, Pages 21-8 to 21-20

Air Quality Mitigation Funds

Taking into consideration that more buildings are being held vacant for longer periods of time as a result of the economic recession, consider the proposal in Alternative 4, 3.4-9: *Extension of Time for Air Quality Mitigation Fee Basis*, extending 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, and move forward with Mitigation Measure 3.4-9: *Maintain Level of Air Quality Mitigation Improvements* to mitigate the potentially significant impacts. The current requirements are discouraging new businesses from utilizing existing vacant buildings, which is leading to a slower economic recovery.

A19-9

Source: Draft EIS, Table S-2, Page S-37

Land Use

On Page 2-33 of the Draft EIS it states that Alternative 3 defines four types of special planning designations—Town Center, Regional Center, and High Density Tourist District, which are areas targeted for redevelopment and collectively referred to as community centers, and Stream Restoration Priority Area, which denotes areas prioritized for restoration. It then goes on to discuss the community center overlay district. The issue is that the community center overlay district is not shown on Map 1, *Conceptual Regional Land Use*, or discussed anywhere else. Thus, community centers should probably not be referred to as an overlay district. The other question is whether or not the "special planning districts" are "overlay districts" and if they are, they should be called out as overlay districts on Map 1.

A19-10

Source: Draft EIS, Land Use Planning, Page 2-33

Comprehensive Coverage Management System

Please clarify the requirements for a comprehensive coverage management system. For redevelopment projects, does the coverage need to be reduced to 70 percent or is a simple reduction sufficient when a site is already over covered? For example, if a site is covered by 90 percent, would a 10 percent reduction in coverage be sufficient?

A19-11

Source: Draft Code of Ordinances, Section 13.5.3.B., Page 13-4

Plan Amendments

Footnote 22 on Page 13-11 of the Draft Code of Ordinances asks: "Is there an opportunity for distinguishing major and minor plan amendments (with the later perhaps going on a

A19-12

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consent agenda)?" This issue should be addressed with the code update or added to the Preliminary List of Priority Projects and addressed by the Technical Working Group in 2013.

A19-12
Cont'd

Source: Draft Code of Ordinances, Section 13.6.6., Page 13-11

Area Plans

The entire Draft Code of Ordinances needs to be updated to reflect the new Chapter 13: *Area Plans*. There are a number of areas throughout the code where community plans and plan area statements are referenced, but area plans are not. For example, Section 14.6 discusses the relationship of specific plans or master plans to plan area statements and community plans, but does not discuss the relationship to area plans. The Code also needs to be updated to reflect that incentives, such as Commercial Floor Area (CFA), Tourist Accommodation Units (TAUs), or Bonus Units, are to be used within existing Community Plans or town centers, regional centers, or the High-Density Tourist District.

A19-13

Mixed-Use Project Density

The calculations for maximum density, especially for mixed-use projects, in Section 31.5, *Calculation of Maximum Density*, of the Draft Code of Ordinances are extremely confusing. Thus, this section needs to be reviewed by the Technical Code Working Group following the adoption of the Regional Plan.

A19-14

Source: Draft Code of Ordinances, Section 31.5, Pages 31-4 to 31-9

Driveway and Parking Standards

Remove Chapter 34: *Driveway and Parking Standards* from the Draft Code of Ordinances. Driveway and parking standards should be regulated by a local jurisdiction's development code and improvement standards.

A19-15

Source: Draft Code of Ordinances, Chapter 34, Pages 34-1 to 34-3

Height

Chapter 37: *Height* needs to be simplified; there are too many different standards and exceptions. The new code language should also allow for variances to height requirements, if it can be found that the environmental thresholds will not be negatively impacted. Due to the complexity, this Chapter needs to be reviewed by the Technical Working Group following the adoption of the Regional Plan.

A19-16

Source: Draft Code of Ordinances, Chapter 37, Pages 37-1 to 37-18

Performance Review System

The TRPA needs to begin working with local jurisdictions to discuss changes to the Performance Review System.

A19-17

Source: Draft Code of Ordinances, Section 50.4.2.E., Pages 50-9 to 50-12

Floodplain Management

As recognized in the Compact, responsibilities for safeguarding the public, who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government. With regards to floodplain management, local governments must follow the National Flood Insurance Program (NFIP) adopted Code of Federal Regulations (CFR) Title 44, as amended. Pursuant to CFR Title 44, local jurisdictions must adopt floodplain management ordinances to further regulate development in all floodplains.

The Douglas County Floodplain Management Ordinance (Title 20, Chapter 20.50) regulates all properties that are located within a FEMA designated special flood hazard area identified by the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRMs). The problem with the FIRMs for the Lake Tahoe Basin are that many properties with an elevation above 6,229.1 feet are shown in a special flood hazard area (A Flood Zone) that are adjacent to Lake Tahoe. A Federal Court Decree limits the maximum permissible elevation of Lake Tahoe to 6,229.1 feet. Thus, there are many properties shown within a special flood hazard area around Lake Tahoe that are not subject to flooding and should not be shown within a special flood hazard area.

Douglas County addressed this issue by adopting the following provision with the Floodplain Management Ordinance:

20.50.120 (N) Base flood elevation for Lake Tahoe. A professional engineer licensed in the state of Nevada may use 6,229.1 Lake Tahoe Datum as a base flood elevation for properties located adjacent or near Lake Tahoe where Lake Tahoe is the only flooding source.

Thus, when a residential structure is proposed within a 100-year floodplain adjacent to Lake Tahoe, as shown on a FIRM, a licensed surveyor can use 6,229.1 as the base flood elevation when preparing an Elevation Certificate.

It should be noted the County enforces the FIRMs and adopted floodplain regulations, in order to maintain a Community Rating System (CRS) of 6, which reduces the flood insurance premiums by 20 percent for Douglas County residents.

Current Practice

In practice, TRPA conducts field verifications of land capability to ensure development does not occur on steep slopes, in Stream Environment Zones (SEZs), or in the area of wave run-up around Lake Tahoe. Development is further limited through the allocation provisions and coverage and scenic requirements. After all of these requirements have been met and plans have been approved by TRPA, Douglas County processes development within floodplains shown on FIRMs per the adopted floodplain management ordinance. Thus, TRPA ensures that the impact of new development is minimized in order to protect the Lake Tahoe environment and the County ensures that the provisions of the County's floodplain management ordinance have been met.

A19-18

Regional Plan and TRPA Code of Ordinances

The problem is that the 1987 Regional Plan and Draft Regional Plan do not reflect how floodplain management is actually handled in the Lake Tahoe Basin. The Draft Regional Plan Policy NH-1.2 reads as follows:

NH-1.2 PROHIBIT ADDITIONAL DEVELOPMENT, GRADING, AND FILLING OF LANDS WITHIN THE 100-YEAR FLOOD PLAIN AND IN THE AREA OF WAVE RUN-UP EXCEPT FOR PUBLIC RECREATION FACILITIES, PUBLIC SERVICE FACILITIES, NECESSARY CROSSINGS, RESTORATION FACILITIES, AND AS OTHERWISE NECESSARY TO IMPLEMENT THE GOALS AND POLICIES OF THE PLAN. REQUIRE ALL FACILITIES LOCATED IN THE 100-YEAR FLOOD PLAIN AND AREA OF WAVE RUN-UP TO BE CONSTRUCTED AND MAINTAINED TO MINIMIZE IMPACTS ON THE FLOOD PLAIN.

The Tahoe Region is often subject to rain or storm events which cause extreme fluctuations in stream flows or wave run-up which can result in flooding and damage to property. Grading, filling, and structural development within the flood plain causes alteration of the stream flow and may accentuate downstream flooding.

During the RPU Committee meetings, Douglas County made a request for Policy NH-1.2 to be revised as follows:

Development in floodplains shall be managed to protect the integrity of the Lake Tahoe environment and must follow the National Flood Insurance Program adopted Code of Federal Regulations (CFR) Title 44, as amended. Pursuant to CFR Title 44, local jurisdictions are encouraged to create floodplain management ordinances to further regulate development in all floodplains.

The other local jurisdiction representatives at the meeting spoke in favor of the proposed change. However, TRPA staff told the RPU Committee that the change was substantial and would negatively impact the findings in the EIS.

Draft EIS

The Draft EIS on Page 4-35 states:

Flood Hazards

The potential for flooding to occur within the Region is generally limited to the 100-year flood plain and areas subject to wave run-up. The 1987 Regional Plan prohibits construction, 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). 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. Therefore, with continued implementation of these policies, no significant cumulative flood hazard impacts exist.

All Regional Plan Update alternatives would allow for some amount of new development, redevelopment, and/or restoration activities. New development could place people at risk for

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exposure to flood hazards if structures are located within areas subject to flooding. However, Natural Hazards, Goal 1, Policy 2, described above, would be preserved in the Regional Plan under all proposed alternatives. Consistency with this policy would ensure that all cumulative development under Regional Plan Update Alternatives 1 through 5 would not result in new flooding issues or the exacerbation of existing flooding issues that would expose occupants and/or structures to flood hazards (Impact 3.14-2). Therefore, none of the alternatives would result in a cumulative flood hazard impact.

The Draft EIS on Page 3.14-4 states:

FEDERAL EMERGENCY MANAGEMENT AGENCY

The National Flood Insurance Act of 1968 and the Flood Disaster Prevention Act of 1973 established the National Flood Insurance Program (NFIP). The Federal Emergency Management Agency (FEMA) administers the NFIP to provide subsidized flood insurance to communities complying with FEMA regulations. Flood Insurance Rate Maps (FIRMs) delineate both the 100-year and 500-year flood hazard event areas. In some instances, FEMA develops floodway boundaries, defined as the portion of the watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, typically 1 foot. Development is typically not allowed in a floodway.

To qualify for the NFIP, candidate municipalities and unincorporated county areas must adopt local floodplain development policies and enforce flood control measures for new construction and redevelopment projects within their jurisdictions. A key element for NFIP coverage is that municipalities must require that development within a flood hazard area have the lowest floor elevations raised above the base flood elevation (BFE). FEMA prepares Flood Insurance Studies (FIS) and associated FIRM maps to assist communities in local land use planning and flood control decision making.

Thus, the Draft EIS recognizes FEMA regulations and that "candidate municipalities," such as Douglas County, must adopt local floodplain development policies. However, the Draft EIS fails to reflect how floodplain management is actually handled in the Lake Tahoe Basin.

Recommendation

Since TRPA is transitioning into a more regional planning agency, Douglas County would like to recommend that the TRPA's floodplain management policies and regulations be removed in the final Regional Plan and TRPA Code of Ordinances, because floodplain management is handled by local jurisdictions, or at a minimum the following modifications to the TRPA Code of Ordinances be made:

- The existing code language regarding floodplain management is outdated in that it refers to intermediate Regional Flood and 100-year flood established by the U.S. Army Corps of Engineers. It is the County's understanding that the U.S. Army Corps of Engineers uses FIRMs prepared by FEMA. Thus, the references to the

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U.S. Army Corps of Engineers should be removed from the TRPA Code of Ordinances.

- The existing code language does not clearly state how a floodplain is determined. In order to be consistent with FEMA regulations and local floodplain ordinances, a floodplain should be determined by the applicable FIS and adopted FIRMs.
- Adopt code language recognizing that Lake Tahoe cannot rise above 6,229.1 per Federal Court Decree. For properties located adjacent or near Lake Tahoe where Lake Tahoe is the only flooding source, prohibit development below 6,229.1 and in the area of wave run-up.
- Adopt policy language that recognizes that conducting field verifications to ensure development does not occur on steep slopes, in SEZs, or in the area of wave run-up around Lake Tahoe is the responsibility of TRPA, and that once those code provisions have been addressed, along with coverage and scenic requirements, development within a floodplain as shown on a FIRM is regulated by a local jurisdiction's floodplain management ordinance.

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TRPA and Douglas County staff have met to discuss these issues.

Douglas County recognizes that TRPA has added floodplain management to Attachment 4 - Preliminary List of Priority Projects and plans to address the issue after the Regional Plan is adopted. However, Douglas County has 365 improved parcels impacted by the 100 year floodplain in the Lake Tahoe Basin and is concerned with how the existing and proposed policy and code language will impact these property owners. Therefore, the County would like to see this issue resolved with the Regional Plan Update.

Biofuel (Biomass) Facilities

In order to reduce the risk of wildfires and promote the use of renewable energy, Douglas County would like to see the recommendations made by the Tahoe Basin Fire Chiefs in their letter dated April 17, 2012, regarding the future of biofuel (biomass) facility opportunities at Lake Tahoe, incorporated into the final Regional Plan and Code of Ordinances (Phase II).

A19-19

Source: Draft Code of Ordinances, Section 65.1.6.F

Conversion of Retired Tourist Accommodation Units (TAUs)

As part of the Regional Plan Update, consider the conversion of retired Tourist Accommodation Units (TAUs) to support condominium development to provide a more affordable housing option for the local workforce, as well as housing options for second home owners.

A19-20

Draft Regional Transportation Plan

The local funding portion of the constrained scenario discussed on Page 6-3 identifies a huge amount of anticipated funding; however it is not clear that the estimates are accurate. For example, in Figure 6-2 the assumed 2 percent annual increase in local

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funding does not seem realistic for Douglas County in that the County 1 percent Tax on Transient Occupancy collected at Lake Tahoe has declined every year for the past five years. Furthermore, in order for staff to gain a better understanding of the various revenue sources provided in Appendix F, *Funding Source Detail*, it would be beneficial to put the information into a spreadsheet showing anticipated revenues (and expenditures) by funding source on a year-by-year basis.

Source: Mobility 2035, Pages 6-3 & 6-6 and Appendix F

Conclusion

The Douglas County Community Development Department appreciates your consideration of the above comments and is looking forward to working collaboratively with the TRPA, other local jurisdictions, and the public to ensure the certification of the EISs and adoption of the Regional Plan, Code of Ordinances (Phase II), and Regional Transportation Plan by December 2012.

If you have any questions regarding this letter, please contact Brandy McMahon, AICP, Senior Planner, at (775) 782-6215 or bmcMahon@co.douglas.nv.us.

Sincerely,



Mimi Moss, AICP, Director
Douglas County Community Development Department

cc: Joanne Marchetta, Executive Director
John Hester, Planning Manager
Arlo Stockham, Regional Plan Update Coordinator
Carl Hasty, Tahoe Transportation District Manager

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Cont'd

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**Douglas County Technical Comments on TRPA Draft Regional Plan, Draft EIS, and Code of Ordinances -
Updated by B. McMahon on June 15, 2012**

#	Chapter/Section	Page	Comment
DRAFT REGIONAL PLAN			
1	Attachment 4 - Preliminary List of Priority Projects	Pages A4-1 to A4-2	Change the code reference from 93.2.F to 65.2.3.F. in "Evaluate TRPA Code Section 65.2.3.F, specifically the requirement for use operation for 24 consecutive months to qualify as a "previous use."
DRAFT ENVIRONMENTAL IMPACT STATEMENT			
2	Exhibit 3.14-2	Page 3.14-8	What is the source of the floodplain information used for Exhibit 3.14-2, <i>Floodplains in the Lake Tahoe Region</i> ? For Douglas County, is the information from the FEMA FIRM adopted January 2010?
DRAFT CODE OF ORDINANCES (PHASE II)			
3	2.2.2.E.1.a.	Page 2-4	Remove extra space after 3,500.
4	2.2.2.F.1.e. & f.	Page 2-5	Delete the "and" following line e and replace the period following line f. with "; and"
5	2.3.7.A.2.	Page 2-14	Local jurisdictions adopt building and fire codes. They are different in the State of Nevada and California. Consider revising the first sentence to require structural modifications to existing structures to comply with adopted building and fire code standards. Place a ; after c.(ii) and after (iv), before the "and".
6	2.3.7.A.3.	Page 2-14	Place a period after vii.
7	2.3.7.B.6.	Page 2-17	Refer directly to the Rules and Procedures, not subparagraph 65.2.4.D.
8	4.4.2.A.4.	Page 4-2	Place a period after 4.
9	6.4.7.	Page 6-2	Insert "(APN)" after the first time that assessor's parcel number is used and then use APN throughout the rest of the page.
10	6.7.3.B.3.	Page 6-7	Place a period after 3.
11	10.3.3.C.	Page 10-2	Please provide a copy of the Natural Hazard Maps used to determine flooding zones in Douglas County to Douglas County Planning Staff.
12	11.6.2.	Page 11-1	Revise the language to reflect that there are seven land use classifications, not five.
13	11.6.2.A.5.c.	Page 11-3	Insert an "and" after c.
14	11.6.3.D.	Page 11-5	Is there a map that shows the location of preferred affordable housing area designations throughout the Tahoe Basin? If so, please provide a copy to Douglas County Planning.
15	11.8.4.C.	Page 11-10	Insert a space between walk and (e.g. in C.1.B. and delete "transit oriented development" before (TOD) in C.3. because TOD was defined at the top of the page.
16	13.1.1 to 13.1.3.	Page 13-1	Bold section numbers.
17	13.3.1 to 13.3.3.	Page 13-2	Bold section numbers.

Douglas County Technical Comments on TRPA Draft Regional Plan, Draft EIS, and Code of Ordinances - Updated by B. McMahon on June 15, 2012

18	Entire Document (Example in 13.6.5.7.)	Page 13-10	The term Stream Environment Zone (SEZ) is sometimes capitalized, sometimes not, and sometimes the acronym SEZ is used. Since the acronym SEZ is commonly used, it is recommended that it be defined once at the beginning of a chapter and then the acronym used throughout the rest of the document. This is also a problem with some other commonly used acronyms, such as APC (see Page 12-11, Section 13.6.6.), MOU (see Page 13-12), CFA, TAU, etc.
19	Table 21.4-1	Page 21-7	Based on the new land uses proposed on Map 1 of the Regional Plan, update Table 21.4-1: <i>List of Primary Uses and Use Definitions</i> to include permissible uses for the new land uses. Local jurisdictions need guidance on what will be allowed in the new land use districts when developing area plans.
20	15.6.4.E.	Page 15-5	Insert a space between of and 70.
21	16.8.2.B.	Page 16-6	Insert "and" after "capacity,".
22	21.3.1.B.	Page 21-3	Figure 21.1.1 - Is this picture from Tahoe? If not, use a picture from Tahoe or another Alpine community.
23	22.7.6.	Page 22-4	The reference to the South Wye, needs to be changed to South Y.
24	Chapter 23: Structures Housing Gaming	Page 23-1	Does this chapter still need to be reserved for Structures Housing Gaming?
25	30.4.6.C.a.	Page 30-24	Insert an "and" after a.
26	31.4.3.	Page 31-3	This section states that "The amount of deviation from the density standards shall be established by a density analysis report, as defined in Section 90.2." However, there is no definition for a density analysis report provided in 90.2
27	33.1.1 to 33.1.4.	Page 33-1	Bold section numbers.
28	33.3.7	Page 33-1	Insert a space between "and" and 33.3.7.
29	33.3.6.A.2.i.	Page 33-5	Remove the extra space after "groundwater".
30	33.3.6.B.1.	Page 33-5	Delete the "and" after 1.
31	33.4.1.A.12	Page 33-7	Insert a) after located.
32	Entire Document		Throughout the Code there is a reference made to the Goals and Policies, but it does not specify that these are the Goals and Policies of the Regional Plan. It might be helpful to the reader to insert Regional Plan before references to the Goals and Policies.
33	39.1.3.F.	Page 39-2	Revise text to read: "Resubdivision, adjustment, or consolidation, or parcels within an existing urban area as part of a TRPA-approved redevelopment plan shall be reviewed in accordance with the applicable provisions of Section 39.2." Also, what is the purpose of this section if it is regulated by 39.2?
34	39.2.4.L.	Page 39-7	Revise text to read: "Parcels with secondary residences approved on or after July 1, 1987, shall not be subdivided."

Douglas County Technical Comments on TRPA Draft Regional Plan, Draft EIS, and Code of Ordinances - Updated by B. McMahon on June 15, 2012

35	50.5.1.	Pages 5-13 to 50-15	Are the existing accessory commercial uses (shops, restaurants, etc.) within the casinos considered existing CFA?
36	50.5.3.A.	Page 50-16	Subparagraph (3)c below is referenced, but there is no (3)c.
37	50.5.3.B.	Page 50-17	Can this be deleted because the dates have passed? Also, it references subparagraph 3 below, but there is no subparagraph 3.
38	50.5.3.C.	Page 50-18	If the allocation time limits specified in subparagraphs 1 and 2 are no longer applicable, why not just delete the time limits and this subsection?
39	50.5.4.A. 1. & .2	Page 50-19	Can these two subsections be deleted because the dates that have been established have passed?
40	50.5.4.D.3.a.	Page 50-20	Update to reflect the 2011 Threshold Evaluation Report once it is adopted.
41	65.2.5.E.2.	Page 65-12	Delete "or" following the sentence.
42	65.4.6.	Page 65-16	TTD has been defined earlier in the page. It does not need to be defined again in this subparagraph.
43	38.2.3.D.6.	Page 83-3	El Dorado County, is spelled "El Dorado", not Eldorado. Make sure it is spelled correctly throughout the document.
44	83.8.1	Page 83-6	Put a space after 30 and before percent in A and B.
45	83.9.1	Page 83-6	Put a space after 15 and before to and after 30 and before percent in A and B.
46	84.4.1 & 84.4.2	Page 84-1 and 84-2	Can these sections be deleted because the dates that are referenced have passed?
47	Chapter 86: <i>Mitigation Fee Requirements</i>	Page 86-1	Fees should not be located in the Code because they are often amended. Fees should be adopted by resolution and made available to the public.
48	Chapter 90	Page 90-3	"Adjacent Parcels" are defined as "Parcels near or close to each other but separated by a right-of-way in such a manner that, if the right-of-way was removed, the boundaries would touch." The definition of adjacent parcels should also include parcels separated by a lot line.
49	Chapter 90	Page 90-3	Ensure that regulatory language is not within the definitions.
50	Chapter 90	Page 90-3	Provide a definition for Hydrologically Related Areas.

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A21**Brandy McMahon**
Douglas County**4.26.12**

Brandy McMahon, Douglas County would also like to thank the members of the Regional Plan Update Committee, the local government committee and TRPA staff for getting us to this point I feel good about the Regional Plan draft that was developed and just as Ms. Roverud said I am looking forward to working with TRPA staff to address the number of issues put on the list of priority projects that were identified those are very important to local governments issues such as working on cleaning up the Code to making it more understandable and predictable and addressing housing issues so we are looking forward on those items and I am looking forward to reading through all of the documents.

A21-1

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A22**COUNTY OF EL DORADO****DEPARTMENT OF TRANSPORTATION**

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KIMBERLY A. KERR
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June 27, 2012

Board Chair
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

RE: County of El Dorado Comment Letter – Tahoe Regional Planning Agency's Regional Plan Update and Regional Transportation Plan Environmental Impact Statements

Dear Madam Chair:

The County of El Dorado (County) appreciates the opportunity to review and comment on the Tahoe Regional Planning Agency's (TRPA) Environmental Impact Statements (EIS) for the Regional Plan Update (RPU) and the Regional Transportation Plan (RTP). The County's review focused on how the policies outlined in the proposed documents' could have an effect on the environment. The County also commented on some policy related items where there were concerns. Those policy items will be further commented on at a later date when the hearings on the RPU Preferred Project Alternative take place.

In general, the County is supportive of the majority of the proposed amendments to the RPU and the RTP and the planning direction in general that the TRPA is taking; however, the County does have outstanding comments and questions for your review and formal response during this EIS public comment period, which are outlined below.

Concerns and Questions

1. Construction Related Impacts

In the RPU EIS, on page 3.4-28 – the first bullet point of Mitigation Measure 3.4-2: *Develop and Implement a Best Construction Practices Policy for Construction Emissions* states: "Construction contractors shall prepare and submit an inventory of heavy duty equipment over 50 horsepower and used an aggregate of 40 or more hours during construction. The equipment inventory shall demonstrate that the project wide fleet average will achieve a minimum 20 percent NOX and 45 percent particulate matter emissions reduction compared to the most recent statewide average. Acceptable options for reducing emissions may include use of late model engines, low emission diesel products, alternative fuels, engine retrofit technology, after treatment products, and/or other options as they become available."

The County has concerns that the requirement to have contractor's equipment achieve a minimum 20 percent NOX and 45 percent particulate matter emissions reduction compared to the most recent statewide average will add undue burden and cost to Environmental Improvement Program (EIP) Project construction. This standard may, in fact, be impossible to achieve for local contractors, which could prevent them from being awarded construction contracts. Therefore, the County requests that TRPA reconsiders the wording in this

A22-1

A22-2

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TRPA
RPU Comment Letter
Page 2 of 4

Mitigation Measure to make the requirement less burdensome, while still protecting the environment.

A22-2
Cont'd

2. Mitigation Funds

- a. Air Quality – RPU EIS Page S-17 discusses the fact that Air Quality Mitigation Funds may be allowed to be used across jurisdictional boundaries for regional priorities in Alternatives 2, 3 and 4. The County has the following questions on the proposed change:

- How will the nexus remain between the action requiring mitigation and the action the mitigation funds are directed to when funds may be used anywhere in the basin instead of in the same local jurisdiction where the impact is made?
- The Tahoe Transportation District, a regional transportation authority, is listed in Chapter 93 of the TRPA Code of Ordinances as being eligible to receive Air Quality Mitigation Funds, so why must another regional entity be established to determine where the funds will be spent?
- Who will decide on the regional priorities where the funds are spent and how will that remain a fair and unbiased process so that actions are truly mitigated?
- How can local jurisdictions forecast and plan for future construction projects when the Air Quality Mitigation Funds for that jurisdiction become uncertain?

A22-3

Also, on RPU EIS page 3.4-9 – the *Extension of Time for Air Quality Mitigation Fee Basis* section contains potential changes that the County is concerned about in Alternative 4 where the concept of reducing available Air Quality Mitigation Funds is proposed. Again, how can local jurisdictions forecast and plan for future construction projects when the Air Quality Mitigation Funds for that jurisdiction become uncertain?

- b. Water Quality – The County prefers the flexibility to be able use an increased portion of the Water Quality Mitigation Funds for operations & maintenance practices. However, as mentioned in the RPU on page S-21, how the fees will be modified in Alternatives 3 and 4 to 'better reflect water quality impacts and benefits from development and redevelopment activities in different areas of the Region, and to remove barriers to redevelopment' is unclear and requires further explanation.

3. Coverage Transfers

Regarding the Coverage Transfer Ratios outlined on page S-17 of the RPU EIS, the County wants to ensure that proper oversight is built into the process to protect water quality that prevents coverage from being transferred from 'disconnected' sensitive land capability districts to potentially 'highly connected' less sensitive land capability districts. This could occur, for instance, when coverage is transferred from a land capability district 1(b) parcel that is far away from a water course or water body to a higher land capability parcel that is adjacent to a stream or Lake Tahoe.

A22-4

4. Grading Season Exceptions

On page S-19 of the RPU EIS, under Alternatives 2, 3 and 4 there is a proposed action to "Develop objective standards based on weather conditions and other criteria" for extending the Grading Season. Because this can affect the County's EIP Project construction schedules, and potentially negatively affect the environment, the County would like TRPA to better define what 'other criteria' entails.

A22-5

5. Land Use

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- a. Coordination with General Plan – RPU EIS pages 3.2-76 and 3.2-77 discuss the El Dorado County General Plan (General Plan) and direction that TRPA is providing to the County regarding coordination between the RPU and the General Plan. Because the General Plan is currently being updated, the County respectfully requests that TRPA provide a reasonable process and timeframe for the County to further amend the General Plan so that its policies are in line with the RPU in the Tahoe Basin.
- b. Land Use Changes – Impact 3.2-2 identifies potential significant impacts from changing the land use for 250 acres in Alternative 3 from conservation to recreation. (Pages S-29 and 3.2-71) The proposed mitigation identifies five measures that would reduce the impact to less than significant. One of the measures, *the geographic extent of development shall be limited* is vague. The measure is meaningless unless there is more specificity as to what is intended by this measure.

A22-6

6. Pesticide Use

RPU EIS page S-21 discusses prohibiting pesticide use in the Lake Tahoe Basin under Alternative 2. The County is concerned about this ban and feels that it will potentially create a dangerous environment for mosquito borne illnesses for the residents of El Dorado County.

A22-7

7. TMDL

RPU EIS page S-21 outlines that Alternatives 1, 3 and 4 will have "no official adoption or recognition" of the TMDL, which was adopted by the Lahontan Regional Water Quality Control Board. The County is concerned that if one of those Project Alternatives is selected and the TMDL is not officially adopted or recognized, that alternate water quality standards could be required by TRPA which are not in line with the TMDL, which will add undue burden and cost to the County, without further protecting the environment. The County therefore suggests that TRPA adopt or recognize the TMDL in all Project Alternatives since the TMDL adoption process has been fully vetted and accepted by all basin agencies with a stake in water quality in the Lake Tahoe Basin.

A22-8

8. Greenhouse Gas Emissions

The proposed mitigation for the increase in greenhouse gas emissions suggests on page 3-37 that within 12 months the TRPA, working with local jurisdictions, will "coordinate implementation of a GHG Emission Reduction Policy". Given the numerous demands on local jurisdiction staff and resources, development of such a policy within 12 months may not be realistic.

A22-9

9. Noise

Mitigation measures 3-6.1 through 3-6.4 all address significant noise impacts from traffic, construction, ground vibration, and land use compatibility (pp. S-40 through S-45.) These measures each include several steps that could be taken to reduce noise levels, however, in some cases such measures could be infeasible, or would fail to fully limit noise impacts. The resulting noise could still be significant. The measures state in some cases that they would only be applied where feasible. The costs of implementing some of the measures may make them infeasible. Others are impractical and unrealistic. Since the technology is unproven for all sites, the resulting impact after mitigation should be significant and unavoidable rather than less than significant. Additionally, the measure imposes a time frame, 12 months, which is impractical for local jurisdictions to develop such programs.

A22-10

10. Housing

As with greenhouse gas emissions and noise, the mitigation for impacts to affordable housing imposes a 12-month timeframe for TRPA to work with local jurisdictions "to develop and

A22-11

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implement a Regional Housing Needs Program."

El Dorado County is concerned that there are insufficient staff resources to develop this and all the other programs anticipated to be established within this time frame.

A22-11
Cont'd

Concurrence

8. *Transportation*

As outlined in the RPU EIS on page S-53, the County is in favor of TRPA's direction regarding Non-Motorized Trail Exemptions for coverage in high capability lands. The County feels that there is evidence to support the fact that by building capacity for alternative modes of transportation that substantial environmental gain can be achieved which offsets the effects of the additional coverage needed to construct non-motorized trails.

9. *Roadway Operations & Maintenance*

The County is in favor of the direction TRPA is taking with improving roadway operations and maintenance practices as a key way to improve water quality. These strategies are outlined in the RPU EIS on page 3.8-31 - Roadway Operations & Maintenance Practices Mitigation Measure 3.8-3: *Facilitate Improved Roadway Operations and Maintenance Practices that Protect Water Quality*. The County has been leading the Basin-wide efforts related to these practices for several years and is encouraged to see this direction being pursued on a regional basis. Should TRPA require further guidance in this arena, the County is a willing partner.

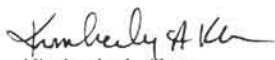
A22-12

10. *BMPs*

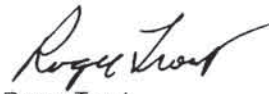
As outlined on RPU EIS page S-21, the County is in favor of TRPA's direction to allow 'area-wide water quality treatments' in lieu of site specific BMPs. The County feels this is a positive step toward improving water quality from private property and that this will encourage property owners to accelerate private property BMP implementation.

The County has and will always be committed to continuing its role as a key player in helping to protect Lake Tahoe and will work hard within its resources to remain doing so. In order to continue this due diligence, we respectfully ask TRPA to consider and respond to all of our comments and questions so that we can be better informed to make key management decisions during this difficult economic period. If you have any questions on this submittal please don't hesitate to contact Brendan Ferry at (530) 573-7905 or Peter Maurer at (530) 621-5331.

Sincerely,



Kimberly A. Kerr
Interim Director of Transportation



Roger Trout
Director of Development Services Department

TRPA
RPU Comment Letter
Page 5 of 5

cc: John Knight, El Dorado County Supervisor, District I
Ray Nutting, El Dorado County Supervisor, District II
Jack Sweeney, El Dorado County Supervisor, District III
Ron Briggs, El Dorado County Supervisor, District IV
Norma Santiago, El Dorado County Supervisor, District V
Lou Green, El Dorado County Counsel
Roger Trout, Director, Development Services
Steve Kooyman, Deputy Director, Transportation Planning & Land Development
Peter Maurer, Principal Planner
Brendan Ferry, Senior Planner

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A23

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 28, 2012

Adam Lewandowski, Senior Planner
Tahoe Regional Planning Agency
PO Box 5310,
Stateline, NV 89440

Subject: EPA Comments on the 2012 Lake Tahoe Regional Plan Update Draft Environmental Impact Statement

Dear Mr. Lewandowski:

The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to provide feedback on the Draft 2012 Lake Tahoe Regional Plan Update (RPU) Environmental Impact Statement (DEIS). EPA is committed to the goal of incorporating environmental and community considerations early in regional planning processes. This early coordination results in greater opportunities to avoid sensitive resources and receptors and minimize impacts. EPA provides the following water quality and solid waste generation recommendations for incorporation into the Final EIS.

A23-1

Water Quality

1. The Final Environmental Impact Statement (FEIS) of the Regional Plan Update (RPU) should incorporate or recognize California's and Nevada's respective Lake Tahoe Total Maximum Daily Loads (TMDLs) and clarify how revisions to TRPA's Regional Plan would facilitate or accelerate attaining TMDL goals and related threshold standards. TMDLs may be incorporated and/or acknowledged while concurrently reinforcing the States' respective authorities and jurisdictions over TMDL implementation. While EPA does not consider it necessary for TRPA to directly incorporate TMDL load allocations, milestones, and related permit requirements into the Regional Plan, TRPA should identify the relationship between the various planning documents (TMDLs, Regional Plan, and the Clean Water Act (CWA) Section 208 Water Quality Management Plan) and clearly articulate the respective roles, responsibilities and authorities of the various entities implementing the TMDLs.
2. EPA recommends TRPA adopt TMDL-related policies such as those described in Mitigation Measure 3.8-3 into the FEIS, regardless of which Alternative is selected. EPA notes that the DEIS integrated TMDL policies for Alternatives 2 and 5 (page S-21), and local load reduction plans as mitigation for Alternatives 1 and 5 only (pages S-50 and S-51). EPA recommends TRPA include the sediment loading from road operations requirements of Alternatives 2 and 3 (pages 3.8-29 and 3.8-30) and Mitigation Measure 3.8-3 required in Alternatives 1 and 5 for all Alternatives in the FEIS.

A23-2

A23-3

- | | |
|--|---------------------------------|
| <p>3. EPA recommends that TRPA include a mechanism in the FEIS for conducting a gap analysis concerning TMDL implementation, and a means by which subsequent Regional Plan Updates will address identified gaps. An example of new information that might trigger or inform such an analysis are the Pollutant Load Reduction Plans (PLRPs) and Stormwater Load Reduction Plans (SLRPs), due by August 2013.</p> | <p>]</p> <p>A23-4</p> <p>]</p> |
| <p>4. EPA acknowledges that updating the Regional Plan may trigger a need to update TRPA's Water Quality Management Plan developed under Section 208 of the Clean Water Act. EPA is available to work with TRPA staff, in conjunction with staff from the Lahontan Regional Water Quality Control Board and Nevada Division of Environmental Protection, to determine how and when best to address this need.</p> | <p>]</p> <p>A23-5</p> <p>]</p> |
| <p>5. EPA notes that TMDL budgets for some of the "unconstrained" Transportation Strategy Packages (Table 3.3-10) in the DEIS are \$0. EPA recommends TRPA explain these choices so that decision makers can better compare the Alternatives and Transportation Strategy Packages.</p> | <p>]</p> <p>A23-6</p> <p>]</p> |
| <p>6. TRPA should clarify in the FEIS whether the water quality programs described in Appendix A of the DEIS are required or voluntary. The language in Appendix A (p. II-64, Goal WQ-3.11) is confusing by both making requirements and asking for voluntary compliance (p. II-65).</p> | <p>]</p> <p>A23-7</p> <p>]</p> |
| <p>7. TRPA should clarify why discussion of the CWA Section 208 Water Quality Management Planning in Appendix A (pp. II-53 and II-54) is being removed and what it will be replaced with. EPA recommends retaining that description of the 208 Plan.</p> | <p>]</p> <p>A23-8</p> <p>]</p> |
| <p>8. TRPA should explain why the pelagic lake management standard is being proposed for retention in a new Appendix B that contains changes to threshold standards for water quality. Retaining dissolved inorganic nitrogen load reductions from an undefined 1973-1981 annual average baseline may be less useful than the recently adopted total nitrogen load reduction milestones from a 2004 baseline adopted in the California and Nevada Lake Tahoe TMDLs.</p> | <p>]</p> <p>A23-9</p> <p>]</p> |
| <p>9. EPA recommends TRPA clarify several parts of the table entitled "Summary of Coordinated Water Quality Policies, Programs, Laws & Monitoring/Tracking" in the revised Appendix A, Goals and Policies.</p> <p style="margin-left: 40px;">a. TRPA should describe the relationship between the Environmental Improvement Program's Stormwater Management Program and implementing best management practices (BMPs) on private roads (final row, p. II-56). EPA recommends BMPs be "accelerated" instead of "facilitated" to be consistent with the proposed approach to residential BMP implementation.</p> <p style="margin-left: 40px;">b. EPA recommends that the "Roadway abrasive and snow disposal limits" described in the "TRPA Regional Plan" column and "Urban Uplands" row (final row, p. II-56) be clearly indicated as the regional abrasive standards and best available technology described in Mitigation Measure 3.8-3 if that is the case. EPA recommends the policies described in Mitigation Measure 3.8-3 be added to the "Summary of Coordinated Water Quality Policies, Programs, Laws, & Monitoring/Tracking" table, and/or to the Best Management Practices Handbook's Roadway and Parking Lot Pollution Prevention Standards.</p> | <p>]</p> <p>A23-10</p> <p>]</p> |

- c. TRPA should describe in both this table and in the FEIS how State highway catchment credit schedules and TMDL load reduction projects and practices can be better integrated with parallel efforts of local jurisdictions in the same areas (final row, p. II-56).
- d. EPA recommends that “Stream Environment Zones” (first row, p. II-58), “State and Local TMDL Programs” (fourth column) bullet be amended to read “Development and implementation (or application) of stream load reduction tool.”

A23-10
Cont'd

10. The DEIS describes Alternatives (2, 3, and 4) which allow an exchange of areas with soil compaction and coverage (“coverage transfers”) between Hydrologically Related Areas (HRAs) to encourage smart growth redevelopment and restoration and conservation of sensitive land. In the FEIS, TRPA should describe how these transfers will protect all beneficial uses, maintain existing higher water quality consistent with State antidegradation policies, and conform with California’s Basin Plan Amendment adopting the Lake Tahoe TMDL. Page 11 of the Basin Plan Amendment

(http://www.swrcb.ca.gov/rwqcb6/water_issues/programs/tmdl/lake_tahoe/docs/bp_amnd041911.pdf) reads: “A municipality must 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.”

A23-11

Generation of Solid Waste and Greenhouse Gas Mitigation

1. The DEIS acknowledges that all Alternatives will involve development that will increase the generation of solid waste (3.13-3) from the Lake Tahoe area, and that there is a greenhouse gas dimension to solid waste generation (Table S-2). While Lockwood Regional Landfill may have enough capacity to conventionally dispose of the expected solid waste, EPA recommends that TRPA include California’s 75% recycling goal (<http://www.calrecycle.ca.gov/75percent/>) in the DEIS of the Lake Tahoe Regional Plan Update.

A23-12


2. EPA also encourages TRPA to consider diverting solid wastes from landfill as another component of TRPA’s greenhouse gas mitigation strategies. EPA has tools and presentations outlining the climate-materials management connection.

- http://www.epa.gov/oswer/docs/ghg_land_and_materials_management.pdf
- http://www.epa.gov/region2/webinars/pdfs/climaterials_presentation.pdf

A23-13

EPA values the opportunity to be involved in the regional planning processes. We hope that this involvement will lead to more efficient project planning and improved environmental and public health outcomes. If you have any questions about our comments, feel free to contact me at Appleton.zac@epa.gov or by phone at 415-972-3321, or Jacques Landy at landy.jacques@epa.gov or by phone at 775-589-5248.

Sincerely,



Zac Appleton
Environmental Review Office
Communities and Ecosystems Division

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A24

Jack Landy
USEPA, Lake Tahoe Basin Coordinator

6.28.2012

Jack Landy, Lake Tahoe Basin Coordinator for the US Environmental Protection Agency said I am sorry I wasn't available earlier with all the other agencies. EPA commends TRPA and the Governing Board for undertaking the ambitious and much needed update of the Regional Plan. The documents reflect the hard work and serious consideration that has been invested in this effort.

We are primarily interested in how the Regional Plan Update incorporates California's and Nevada's respective Tahoe TMDLs and whether revisions to TRPA's Regional Plan would facilitate or accelerate attaining the TMDL goals and thus the related Threshold Standards. We believe that there is a way to incorporate and acknowledge the TMDLs while concurrently clearly reinforcing the states respective authorities and jurisdictions over the TMDL implementation. While EPA does not consider it necessary for TRPA to directly incorporate TMDL load allocations, milestones and related permit requirements into the Regional Plan. TRPA should identify the relationship between the various documents, the TMDL, Regional Plan, 208 Plan, etc. and clearly articulate the respective responsibilities and authorities of the various entities implementing the TMDLs. This clarification on roles and responsibilities can be included in both the final EIS of the RPU and in the Clean Water Act Section 208, Water Quality Management Plan. EPA recommends that TRPA include the sediment loading from road operation requirements in Alternatives 2 & 3 and the mitigation measure 3.8-3 required in Alternatives 1 & 5 for all alternatives in the final EIS.

We recommend as well that TRPA include a mechanism in the final EIS and the Regional Plan for conducting a gap analysis concerning TMDL implementation and a means by which subsequent Regional Plan Updates will address and identify gaps. An example of new information that might trigger or inform such an analysis is the pollutant load reduction plans and stormwater load reduction plans that is due by August of 2013. The draft EIS identifies several ways for insuring that the RPU addresses stormwater runoff and necessary load reductions from upland and urban sources. We encourage TRPA also to consider how the Regional Plan can be revised to also ensure comprehensive load reductions from the other major sources, forested uplands, stream channel erosion and atmospheric deposition.

EPA acknowledges that incorporating these recommendations into the final RPU may trigger a need to update TRPA's 208 Water Quality Management Plan. EPA is available to work with TRPA staff in conjunction with staff from Lahontan Regional Board and the Nevada Division of Environmental Protection to determine when and how best to address this need.

The draft EIS describes Alternatives 2, 3 & 4 which allow an exchange of areas with soil compaction or coverage transfers between hydrologic related areas to encourage smart growth redevelopment and restoration and conservation of sensitive land. In the final EIS TRPA should describe how these transfers will protect all beneficial uses maintaining existing higher water quality consistent with state anti-degradation requirements and conform with California's Basin Plan amendment adopting the TMDL which states that a municipality must demonstrate on a catchment basis that no increase loading in fine sediment particle, nitrogen or phosphors will result from any land disturbing activities permitted in the catchment. Thank you very much.

A24-1

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A25

Lahontan Regional Water Quality Control Board

June 28, 2012

Adam Lewandowski, Senior Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

REGIONAL PLAN UPDATE COMMENTS

Lahontan Regional Water Quality Control Board (Water Board) staff have reviewed the draft Environmental Impact Statement (EIS), draft Goals and Policies, and initial draft Code of Ordinances prepared by the Tahoe Regional Planning Agency (TRPA) as part of the Regional Plan Update (RPU) process.

The RPU offers a unique opportunity to set the framework for watershed management in the Lake Tahoe basin for the next 25 years. By relying on the most up-to-date science and monitoring information, the RPU's stated focus on watershed restoration well complements the Water Board's mission. Coupled with the emphasis on redevelopment and town center enhancement, the RPU sets appropriate land use policies in these challenging economic times.

Water Board staff appreciate the opportunity to review the draft documents, are grateful for the time and resources that went into their development, and respectfully submit the following comments.

1. The RPU does not adequately describe the linkage between the RPU and the Lake Tahoe Total Maximum Daily Load (TMDL), nor does the RPU discuss TRPA's role and responsibility in TMDL implementation.

This is the most critical missed opportunity in the RPU. Although the draft EIS and draft Goals and Policies document reference the TMDL, the documents lack a specific discussion of the policy and regulatory relationship between the RPU and the Lake Tahoe TMDL.

The documents and proposed policies do not adequately reflect updated science and policy established by the TMDL, nor is there information to demonstrate how the proposed RPU policy shifts provide consistency with the TMDL implementation plan and associated regulatory measures. For three of the five alternatives, the EIS describes the Lake Tahoe TMDL as "not officially adopted or recognized". This is a messaging problem that perpetuates the perception that the TRPA is not working together with the Water Board to ensure that the agencies' regulatory approaches are aligned.

Don Jardine, Chair | Patty Z. Kouyoumdjian, Executive Officer

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | www.waterboards.ca.gov/lahontan



A25-1

A25-2

Adam Lewandowski
Tahoe Regional Planning Agency

- 2 -

June 28, 2012

Because the RPU documents are not well integrated with the TMDL, the EIS, Goals and Policies, and draft Code of Ordinances present a piecemeal view of the TMDL implementation plan. Rather than present a comprehensive overview of all pollutant sources and associated control measures, the EIS and Goals and Policies selectively reference the TMDL to support narrowly interpreted implementation options. For instance, fertilizer management is mentioned in the Lake Tahoe TMDL as one mechanism for reducing groundwater nutrient loading, yet the RPU highlights fertilizer controls as a critical implementation component. Such selective referencing can lead to misunderstanding regarding the magnitude of the major pollutant sources and the relative importance of different implementation options.

The RPU documents also fail to describe TRPA's role and responsibility in implementing the Lake Tahoe TMDL. Through its management of development rights, the TRPA is uniquely positioned to support local government efforts to pair water quality improvement efforts with development and redevelopment projects to achieve TMDL pollutant load reduction requirements. With respect to atmospheric pollutant deposition, the Lake Tahoe TMDL implementation plan references TRPA's lead role in transportation and air quality management as the cornerstone of needed implementation efforts.

A25-2
Cont'd

Suggested Improvements

The RPU documents should include language describing how existing and proposed policies are consistent with, and supportive of, the Lake Tahoe TMDL implementation plan and associated regulatory measures. The Lake Tahoe TMDL should be referenced as the basis for water quality improvement policy in the Lake Tahoe basin and the Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (in California) and future Memoranda of Agreement (MOA) (in Nevada) should be described within the RPU as a mechanism for water quality accountability at the local government scale.

The Goals and Policies should include a Lake Tahoe TMDL section that describes each major pollutant source (Urban Uplands, Forest Uplands, Atmospheric Deposition, and Stream Channel Erosion) and discuss how proposed (or existing) TRPA policy is aligned with the adopted TMDL implementation plan and related regulatory measures for each source. Within this discussion, the documents should discuss TRPA's roles and responsibilities regarding TMDL implementation for each pollutant source.

The Goals and Policies document includes a section entitled "Relationship to Other Plans" – this would be a logical place for discussing the TMDL. Elevating Lake Tahoe TMDL implementation to a standalone policy may be another way to better demonstrate RPU and TMDL consistency and integration.

Adam Lewandowski
Tahoe Regional Planning Agency

- 3 -

June 28, 2012

At a minimum, the EIS should express support for the approved Lake Tahoe TMDL and acknowledge the relationship between the TMDL and TRPA policy documents.

A25-2
Cont'd

2. The "Area Plan" concept offers local government implementation flexibility

The Water Board supports the proposed "area plan" concept as an important and positive policy shift. By allowing local government the option to prepare localized "area plans", the draft RPU documents provide a mechanism to align land use proposals with sub-watershed scale improvement efforts, including infrastructure improvements and enhanced operations and maintenance practices. The concept is consistent with the NPDES Permit and the associated Lake Clarity Crediting Program and allows local government to more holistically plan for change and enhance opportunities to leverage private equity for environmental benefit.

Suggested Improvements

The proposal should be expanded to allow local government to assess impervious coverage on a sub-watershed (or "catchment") scale rather than using the established parcel-based coverage regulations. In doing so, coverage assessments could more comprehensively account for total watershed impervious surfaces, including roadway infrastructure. The TRPA should provide local government with flexibility that is equal to or greater than that provided by the NPDES Permit. The Lake Clarity Crediting Program and associated assessment tools provide a robust framework for evaluating the water quality impact of such policy.

The EIS should consider the potential impacts associated with more broad-scale impervious coverage management options and reference the Lake Clarity Crediting Program and associated regulatory measures as the mechanism to assure water quality protection.

A25-3

3. Concentration-based stormwater effluent limits remain unchanged

The RPU provides the opportunity to align Water Board and TRPA storm water treatment standards. Unfortunately, the EIS does not acknowledge this opportunity, and the Code of Ordinances retains concentration-based storm water effluent limits that apply to all stormwater discharges.

The outdated language is inconsistent with the Lake Tahoe TMDL regulatory approach that relies on average annual mass- and particle number-based limits to assess water quality compliance. By defining water quality improvement requirements in terms of average annual loading of the pollutants of concern, the policy shift adopted by the Water Board provides a direct link to the transparency

A25-4

Adam Lewandowski
Tahoe Regional Planning Agency

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June 28, 2012

impairment, the Lake Tahoe TMDL, and all associated research and monitoring findings.

Suggested Improvements

The Code of Ordinances should be updated to be consistent with the amended Water Quality Control Plan for the Lahontan Region. Specifically, the Code should rely on NPDES load reduction requirements as the standard of compliance for urban municipalities and clarify the application of concentration-based limits in a manner consistent with Water Board requirements, as stated in the Water Quality Control Plan. The approved Basin Plan Amendment adopted for the Lake Tahoe TMDL can be found on the Water Board website at:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/docs/bp_amnd041911.pdf

See page 30 of the linked document for specific details regarding the Water Board's adopted storm water treatment policy for the Lake Tahoe basin.

The EIS must discuss the shift away from concentration-based limits for municipal storm water discharges in the context of the Lake Tahoe TMDL and associated regulatory measures. As noted above, the mass- and particle number-based limits are directly linked to the TMDL research and monitoring findings and provide a more protective storm water treatment standard.

4. Proposed water quality improvement policies and associated local government reporting aren't aligned with Municipal NPDES Permit and future MOA requirements.

The Water Board and the Nevada Division of Environmental Protection (NDEP) have worked with municipal partners to develop and implement a detailed water quality improvement tracking program known as the Lake Clarity Crediting Program. On the California side of the Lake Tahoe basin, the Crediting Program is implemented through the Municipal NPDES Permit, while on the Nevada side the program is expected to be implemented through MOA between NDEP and local government agencies. The NPDES Permit and MOA provide the framework for tracking pollutant load reduction progress and for holding municipalities accountable for pollutant load impacts associated with land use change. Although the draft RPU documents mention the NPDES Permit and MOA in passing, the proposed policies related to local government are not consistent with the existing NPDES Permit and future MOA requirements.

For example, several EIS alternatives include requirements to establish road abrasive materials specifications and require municipalities to report material application and recovery data. Such requirements are inconsistent with – and duplicative of – existing NPDES Permit and future MOA reporting requirements

A25-4
Cont'd

A25-5

Adam Lewandowski
Tahoe Regional Planning Agency

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June 28, 2012

on road operation and maintenance activities. Rather than link water quality improvement progress to the established Lake Clarity Crediting Program, the RPU "Performance Review" requirements for residential development allocation release are still linked to outdated environmental indicators and require local government to submit an annual Maintenance Efficiency Plan. These requirements are inconsistent with NPDES Permit and future MOA elements and perpetuate redundant reporting burdens for local government.

Suggested Improvements

Where TRPA proposes to place policy and reporting requirements on local government, such requirements should rely on the existing NPDES Permit and future MOA annual reporting requirements and avoid any duplication with established existing programs (such as the Lake Clarity Crediting Program) to track and report the water quality impacts of implementation efforts.

The RPU documents should clearly describe how TRPA will leverage established water quality tracking and reporting efforts (i.e. the Lake Clarity Crediting Program) to assess local government progress at achieving water quality goals and evaluate the pollutant load impacts of development and redevelopment proposals. Where appropriate, the EIS and Goals and Policies should articulate how this information could be used to incentivize Regional Plan implementation efforts.

5. Allowing Water Quality Mitigation Fees to be spent on municipal operations and maintenance activities will help reduce pollutant loading

Funds generated by TRPA water quality mitigation fees are critically important for supporting local government storm water program planning and operations and maintenance activities, and the Water Board supports the proposal to provide municipal governments with additional flexibility regarding the use of these funds.

Initial pollutant load reduction planning efforts conducted by Placer County indicate that improved operations and maintenance practices are by far the most cost effective methods for reducing fine sediment discharges from urban runoff. Given that traditional public funding sources can only be used for capital improvements, local government is in desperate need of dedicated, consistent revenue for water quality related operations and maintenance efforts.

Suggested Improvements

The RPU should further support local government roadway management efforts by describing and linking pavement improvement and other transportation projects to water quality improvement that better leverage transportation enhancement funds.

A25-5
Cont'd

A25-6

Adam Lewandowski
Tahoe Regional Planning Agency

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June 28, 2012

6. Area-wide stormwater treatment alternatives enhance efficiency and effectiveness

The proposed policy shift to allow for area-wide storm water treatment will provide a much-needed alternative to parcel-based best management practice implementation requirements. Local government should have the opportunity to offer centralized treatment at a sub-watershed (or catchment) scale to ease the burden on private property owners and provide for more effective and cost efficient storm water treatment and facilities maintenance. The policy also provides justification for local government to consider levying fees to support storm water program implementation.

Suggested Improvements

The EIS should 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. As noted above, the Water Board and NDEP have established a robust water quality accountability process through the TMDL that can be relied upon to ensure water quality protection.

A25-7

7. The Air Quality Threshold update does not to describe atmospheric fine sediment particle impacts on water quality, nor do the documents refer to atmospheric pollutant load reductions described by the TMDL

The RPU documents need to recognize the nexus between atmospheric pollutant transport and water quality concerns. The proposed Air Quality Threshold adjustments emphasize human-health related PM 10 and PM 2.5 standards. While this is appropriate, the proposed changes fail to acknowledge the water quality impacts associated with airborne pollutants or the benefits to water quality anticipated from air quality management efforts. There is no clear relationship between the RPU air quality threshold implementation approach and the impact on Lake Tahoe's transparency associated with atmospheric pollutant deposition.

Suggested Improvements

Include reference to Lake Tahoe TMDL findings regarding atmospheric pollutant deposition and reference basin-wide load reduction targets (TN, TP, and FSP) in the Air Quality Threshold update. The EIS and Goals and Policies should also describe the relationship between measures taken to achieve human-health related standards and the reduction of pollutants deposited on the Lake's surface from atmospheric deposition. A discussion of fugitive dust, including possible sources and control measures, is warranted.

A25-8

Adam Lewandowski
Tahoe Regional Planning Agency

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June 28, 2012

8. Mitigation for proposed coverage exemptions is not well described

The EIS alternatives include a series of exemptions for impervious coverage for temporary structures, pervious decks, and non-motorized trails. Although the EIS provides some general estimates of the potential coverage increase associated with non-motorized trails, other exempted coverage is not accounted for. The proposed coverage assessment method appears limited to development units and does not account for potential coverage needs associated with public service and recreation projects.

With respect to new coverage in sensitive lands, the EIS erroneously concludes that new SEZ coverage associated with the non-motorized trail exemption would be considered jurisdictional wetlands and thus subject to mitigation measures prescribed by the Water Board, NDEP, and/or the United States Army Corps of Engineers; while all jurisdictional wetlands are considered SEZ, not all SEZs are considered jurisdictional wetlands.

Suggested Improvements

For alternatives that include coverage exemptions, the EIS should provide a detailed summary of the expected coverage increase associated with such policy. The additional coverage should then be discussed in context of the expected coverage reductions associated with changes in coverage transfer and other proposed policies. Regarding new non-motorized trail coverage in SEZs, the EIS should not only look at expected coverage reductions in the future, but should consider coverage reduction associated with past restoration actions to more comprehensively assess the relationship between public service and recreation coverage in the context of programmatic restoration.

A25-9

Water Board staff look forward to working with our TRPA partners to refine the draft EIS and related documents to address these broad policy concerns. Given the preliminary nature of the draft Code of Ordinances, we focused our review on the draft EIS and Goals and Policies documents. We understand that additional time to provide feedback on the Code of Ordinances will be afforded as that document is further refined. We are available to meet with TRPA staff in the coming months to discuss specific issues and work toward solutions that will meet our shared goals.

A25-10

If you have any questions or concerns, please contact me at (530) 542-5412 or Robert Larsen at (530) 542-5439.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

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A26

Patty Kouyoumdjian
Lahontan Regional Water Quality Control Board

6.28.2012

Patty Kouyoumdjian, Executive Officer for the Lahontan Regional Water Quality Control Board and I also wanted to introduce myself and I have just started recently here in the Basin and look forward to working with you in the future on many projects. I am going to follow up on Patrick's comments and say that Lahontan also supports the Regional Plan efforts and what you have put forth today. We think it is a great opportunity to improve water quality in the Basin and we are very pleased with the foundation and framework it has set forth. We have been also collaborating with our sister agencies as Patrick mentioned and I think we are sort of in common agreement on many of the water quality issues that we are going to provide comments on. I am also happy to report that we have been working closely with our colleagues in Nevada and that we will present you with a joint letter by the end of today from both states with unison comments.

There are three things I would just like to kind of cover I think that are important to us. Other comments will be in our comment letter at the end of today, but as Patrick also mentioned the linkage of the plan to our TMDL and our permit are very important to us. Again, we also do not want to duplicate efforts between local governments in implementing, we would like it to work together in unison. We are happy to work with her staff in crafting language or working through issues so we can get it to that place where it is workable for all. We all know that local governments are cash strapped and that implementation of the TMDL is not easy, so to the extent that we can work together as a team to do that I think I would like to do that and I offer my commitment as the new COO to help do that moving forward.

We also are here in support of the area-wide plan it is also very consistent with how we are implementing our TMDL, our Basin plans, use of catchments and other things that affords the flexibility within an area to grapple with our complicated stormwater and other water quality problems. So I really believe it is a very innovative way that benefits both your planning and our water quality requirements. So we really like that part of your plan very much.

The other point I would like to point up and it is related to the first comment of the TMDL, is that the monitoring reporting provisions is another area where we would like to get some consistency, again it just makes everything better to have some consistent way of monitoring and reporting so we are not duplicating and conflicting efforts amongst the various jurisdictions and local government entities. I have actually begun some discussion with Joanne and how we can do that. We are seeking some bond funding and the regional board is a little shy of a million dollars that we are trying to seek to help coordinate this effort and so again I give my commitment as a new executive officer to work through these issues so that we can have a more effective implementation of both the plan and the TMDL. I had done some earlier work in my career on the Water Quality Monitoring Council statewide and we had done some work on oceans and bays where there were multiple agencies doing multiple water quality monitoring and it was duplicative and expensive. So a lot of work was done with that council with statewide protocols to ensure that we get the water quality monitoring that we need in the most efficient and cost effective way possible. So I would like to bring some of that experience to the Basin as well as hopefully if we get some funding, work our way forward on this issue. Thank you for listening to some of my comments and we will provide you more detailed comments by the end of today.

A26-1

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A27

Kindred Murillo
Lake Tahoe Community College

6.28.2012

Kindred Murillo, Superintendent/President of Lake Tahoe Community College and I am also a Board Member for the Tahoe Chamber. I am a resident of South Lake Tahoe and I just wanted to thank you for this opportunity to comment on the Regional Plan Update and the Environmental Impact Statement. We wanted to express three things to you today.

One, we are in general support of the direction that you are taking with the Regional Plan Update. We really think it is important to really fare it out, Alternative 3 and the reason being is we don't believe that Alternative 1 is something that will benefit this whole community.

We also think it is very important to streamline project review and permitting processes.

Also having had a lot of experience in sort of regional planning and local planning, we really believe that it is important to have an entire region look at planning and to delegate the local issues to the local agencies.

I have provided a letter to you with a little more detail, but I just wanted to make sure I introduced myself and made sure that we are in support of what you are doing right now because we think that you are headed in the right direction. Thank you very much and the college is there for you and we will partner with you in any way possible in providing space for you to continue have hearings and workshops. We really enjoyed your workshop that you had at the college. Thank you.

A27-1

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A28**Skip Canfield**

From: Alex Lanza
Sent: Thursday, May 03, 2012 8:56 AM
To: Skip Canfield
Subject: RE: Nevada State Clearinghouse Notice E2012-205 - Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy

Good morning Skip;

The Nevada Division of Environmental Protection (NDEP) - Bureau of Water Pollution Control (BWPC) - does not have any comments regarding **Notice E2012-205 - Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy, Nevada.**

A28-1

Please note that the entity who manages this **Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy**, may be subject to BWPC permitting associated with any of its discharges – including, but not limited to well development, wastewater, Diminimis, UIC, and domestic sewage discharges.

A28-2

Thank you for the information and the opportunity to comment.

If you have any questions, please contact me at (775) 687-9468.

Respectfully,

Alexi Lanza

Alexi Lanza, P.E.
Permits Branch - Bureau of Water Pollution Control
Nevada Division of Environmental Protection
901 S. Stewart St., Ste 4001
Carson City NV 89701
Phone: 775.687.9468 - Fax: 775.687.4684
www.ndep.nv.gov

Please visit BWPC's main website: <http://ndep.nv.gov/bwpc/index.htm>

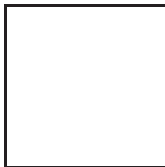
Please join our electronic mailing lists: <http://ndep.nv.gov/bwpc/email.htm>

From: scanfield@lands.nv.gov [mailto:scanfield@lands.nv.gov]

Sent: Wednesday, April 25, 2012 9:43 AM

To: Alan Jenne; Alisanne Maffei; bthompson@dot.state.nv.us; clytle@lincolnnv.com; cstevenson@ndow.org; Brad Hardenbrook; dmouat@dri.edu; djohnston@dps.state.nv.us; ed.rybold@navy.mil; gderks@dps.state.nv.us; James Morefield; Jennifer Newmark; Jennifer Scanland; kirk.bausman@us.army.mil; cohn@nv.doe.gov; Mark Freese; Madams@ag.nv.gov; deborah.macneill@nellis.af.mil; escomm2@citlink.net; Octavious.Hill@nellis.af.mil; Pete Konesky; Rebecca Palmer; Robert K. Martinez; chetelat@snhdmail.org; ryan@nevadadc.org; Sandy Quilici; Steven Siegel; tcompton@dot.state.nv.us; tmuellet@dot.state.nv.us; Tod.oppennborn@nellis.af.mil; tpearl@dps.state.nv.us; WHowle@ag.nv.gov; William.Cadwallader@nellis.af.mil; zip.upham@navy.mil; Joe Strolin; Tim Rubald; Alex Lanza; Dave Marlow; Michael Visher; Kevin J. Hill; dziegler@lcb.state.nv.us; Richard A. Wiggins; Skip Canfield; rgregg@lands.nv.gov; Shimi.Mathew@nellis.af.mil; whenderson@nvaco.org; Cliff Lawson; Edward Foster; John Walker; Karen Beckley; mstewart@lcb.state.nv.us; Mike Dondero; Pete Anderson; Rich Harvey; Russ Land; sscholley@lcb.state.nv.us

Subject: Nevada State Clearinghouse Notice E2012-205



NEVADA STATE CLEARINGHOUSE

Department of Conservation and Natural Resources, Division of State Lands
901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 04/25/2012

Tahoe Regional Planning Agency

Nevada State Clearinghouse Notice E2012-205

Project: Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy

Follow the link below to find information concerning the above-mentioned project for your review and comment.

[E2012-205](http://clearinghouse.nv.gov/public/Notice/2012/E2012-205.pdf) - <http://clearinghouse.nv.gov/public/Notice/2012/E2012-205.pdf>

- Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.
- Please reply directly from this e-mail and attach your comments.
- Please submit your comments no later than Thursday June 14th, 2012.

[Clearinghouse project archive](#)

Questions? Skip Canfield, Program Manager, (775) 684-2723 or nevadaclearinghouse@lands.nv.gov

____ No comment on this project ____ Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

Requested By:

Distribution:

- Division of Emergency Management
Alan Jenne - Department of Wildlife, Elko
Alex Lanza -
Alisanne Maffei - Department of Administration
Bill Thompson - Department of Transportation, Aviation
Cliff Lawson - Nevada Division of Environmental Protection
Cory Lytle - Lincoln County
Craig Stevenson - Department of Wildlife, Las Vegas
D. Bradford Hardenbrook - Department of Wildlife, Las Vegas
Dave Marlow -
Dave Ziegler - LCB
David Mouat - Desert Research Institute
Denesa Johnston - Fire Marshal
Ed Foster - Department of Agriculture
Ed Rybold - NAS Fallon
Gary Derks - Division of Emergency Management
James D. Morefield - Natural Heritage Program
Jennifer Newmark -
Jennifer Scanland - Division of State Parks
John Walker - Nevada Division of Environmental Protection
Joseph C. Strolin - Agency for Nuclear Projects
Karen Beckley - State Health Division
Kevin Hill - Nevada State Energy Office
Kirk Bausman - Hawthorne Army Depot
Linda Cohn - National Nuclear Security Administration
Mark Freese - Department of Wildlife
Marta Adams - Attorney General
Michael J. Stewart - Legislative Counsel Bureau
Michael Visser - Division of Minerals

Mike Dondero - Division of Forestry
Ms. Deborah MacNeill - Nellis Air Force Base
Nancy Boland - Esmeralda County
Octavious Q. Hill - Nellis Air Force Base
Pete Anderson - Division of Forestry
Pete Konesky - State Energy Office
Rebecca Palmer - State Historic Preservation Office
Rich Harvey - Division of Forestry
Richard A. Wiggins - State energy office
Robert Gregg - NTRT
Robert Martinez - Division of Water Resources
Rory Chetelat - Clark County
Russ Land - Nevada Division of Environmental Protection
Ryan McGinness - Washington Office
Sandy Quilici - Department of Conservation & Natural Resources
Shimi Mathew - Nellis AFB
Skip Canfield, AICP - Division of State Lands
Steve Siegel - Department of Wildlife, Director's Office
Susan Scholley - Legislative Counsel Bureau
Terri Compton - Department of Transportation
Tim Rubald - Conservation Districts
Timothy Mueller - Department of Transportation
Tod Oppenborn - Nellis Air Force Base
Traci Pearl - Office of Traffic Safety
Wayne Howle - Attorney General
Wes Henderson - NACO
William Cadwallader - Nellis Air Force Base
Zip Upham - NAS Fallon

A29

From: Mahmood Azad [<mailto:mazad@ntcd.org>]
Sent: Monday, April 30, 2012 1:13 PM
To: Arlo Stockham
Cc: Moss, Mimi; Brandy McMahon
Subject: comments on RPU

Arlo;
Plz see some minor comments below on the RPU.

Water Quality Subelement

- Reducing phosphorus based fertilizer is the correct thing to do considering that the Lake has now become P-limited and addition of P may cause near-shore and deep-water algal issues. Please note tho that the fertilizer may have to be re-formulated with K, Fe and S. Without re-formulation the fertilizer may not work as well and people may bootleg high P fertilizer into the basin to get the effect of fertilizing plants, especially flowering ones; and
- It is very possible that the use of treated municipal wastewater is not a “discharge”. Per the Clean Water Act, reuse is not the same as discharge. Use of a more palatable word may make the proposed change more acceptable.

May I please suggest that fertilizer reformulation be driven by hard science and not from an emotional viewpoint. In other words, please allow investigators from UC Davis and UNR to do the research for fertilizer reformulation. From the educational viewpoint and acceptance we may not want to “phase out the sale and use of P fertilizer ...”, but rather phase in a reformulated fertilizer. Phase-out is negative while phase-in is positive.

Mahmood Azad, PE
Principal Engineer/Fisheries Biologist
Nevada Tahoe Conservation District
(775) 586-1610 X31

A29-1

A29-2

A29-3

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A30

EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

June 29, 2012

JUL 06 2012

Adam Lewandowski
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Subject: Tahoe Regional Plan Update EIS
SCH#: 2007092027

Dear Adam Lewandowski:

The State Clearinghouse submitted the above named Draft EIS to selected state agencies for review. The review period closed on June 28, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

A30-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.oar.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2007092027
Project Title Tahoe Regional Plan Update EIS
Lead Agency Tahoe Regional Planning Agency

Type EIS Draft EIS
Description Note: Review Per Lead

The Regional Plan Update is focused on priorities established by the Tahoe Regional Planning Agency (TRPA) Governing Board, which include accelerating water quality restoration by targeting environmental redevelopment opportunities and Environmental Improvement Program investments, focusing TRPA's resources more on regional planning with simplified land use framework for local governments, and implifying and streamlining the permit review process. The Regional Plan Update EIS considers five alternatives, which each address the five major elements of the Regional Plan, as prescribed in the TRPA Compact: land use, transportation, conservation, recreation, and public services and facilities, plus the elements required for implementation.

Lead Agency Contact

Name Adam Lewandowski
Agency Tahoe Regional Planning Agency
Phone 775 588 4547 **Fax** 775-588-4527
email trpa@trpa.org
Address P.O. Box 5310
City Stateline **State** NV **Zip** 89449

Project Location

County El Dorado, Placer
City
Region
Lat / Long
Cross Streets
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways
Airports Tahoe
Railways Amtrak
Waterways Lake Tahoe
Schools Tahoe Basin
Land Use

Project issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Native American Heritage Commission; Public Utilities Commission

Document Details Report
State Clearinghouse Data Base

Date Received 04/25/2012 **Start of Review** 04/25/2012 **End of Review** 06/28/2012

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A31

From: Jennifer Montgomery [JenMonten@placer.ca.gov]
Sent: Wednesday, May 16, 2012 1:11 PM
To: Jeff Cowen; Jennifer Merchant
Subject: RE: TRPA presentation to Supervisors in Tahoe

Jeff,

What I would ask for is an extension of the Public Comment period to 90 days as the County requested initially. This would allow your presentation to our Board within the Public Comment period and therefore in a fashion that would require response under CEQA.
So my request is twofold—extend the public comment period to 90 days and then meet with our Board within that 90 day period.

Thanks for your consideration,

Jennifer

A31-1

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A32**COUNTY OF PLACER**
Community Development Resource Agency

Michael J. Johnson, Agency Director

PLANNING
SERVICES DIVISION

Paul Thompson, Deputy Director

June 19, 2012

JUN 29 2012

Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5300
Stateline, NV 89449

SUBJECT: Placer County Comments - Tahoe Regional Planning Agency Draft Regional Plan

Dear Ms. Marchetta:

Thank you for providing Placer County the opportunity to review the Tahoe Regional Planning Agency (TRPA) Draft Regional Plan Update Environmental Impact Statement, Draft Regional Plan, Draft Code of Ordinances, and related documents. Placer County has been actively participating throughout this process and has a strong interest in the ability for future development and redevelopment within its North Lake Tahoe region. The County supports the policies of your organization that allow for development and redevelopment activities that accomplish the simultaneous goals of protecting the natural environment, improving substandard housing conditions, upgrading deficient infrastructure, revitalizing the local economy, and improving the quality of life for local residents, workers, and visitors. Placer County has invested significant resources to pursue these goals by targeting investment and redevelopment project efforts in strategic locations that are considered best placed to provide the greatest overall community benefit. Similarly, the County has allocated significant resources to provide staff resources to not only monitor the Regional Plan Update as it develops, but also to begin the work on the Area Plans that will further advance the efforts of TRPA.

A32-1

Below is a summary of comments from various County departments. Because of the County's desire to assist TRPA in achieving its December 2012 mandate, the comments focus on the most significant points to be addressed under the approval of these documents. In an effort to retain the opportunity to comment on items the County believes should be changed (but may not be practical to address in this review) the County has provided some comments within this letter on items that should be evaluated and taken up as part of the "To-Do List". Speaking to that issue, the County would appreciate if the "To-Do List" could be published in a format that includes prioritization and deadlines completion, particularly as it relates to the requested changes to the Individual Parcel Evaluation System scoring, Housing needs assessment, and other similar items of interest to the County.

Engineering and Surveying Comments on the Draft Regional Plan & Code of Ordinances:

- The Engineering and Surveying Department provided comments related to the language used in the sections pertaining to land divisions and development within the 100-year floodplain. The suggested language changes are intended to make certain that the language from TRPA in the Regional Plan is consistent with the requirements of the County related to these processes.

A32-2

Engineering and Surveying Comments on the Regional Plan Update EIS:

- Related to Mitigation Measure 3.3-1, which applies to all of the Regional Transportation Plan Alternatives, staff recommends the language in the draft be modified to include language, "if feasible" as it relates to the mitigation for enhanced non-motorized and public transportation projects and services. As this could be construed as an unfunded mandate, County staff proposes to modify the language to provide flexibility should funding not be available.

A32-3

Facility Services Comments on the Regional Plan:

- Museums – The plan indicates that TRPA will confer with local, state and federal authorities to maintain a list of significant architectural and archaeological sites. The Department of Museums asks the questions: Who at TRPA will maintain this list? Where exactly will the list be kept? Would it be possible to get a copy of this list?

A32-4

- Parks – The memorandum from the Parks Department provided a number of suggested changes that were more technical in nature such as the correction of names for locations, clarification on terms used such as surface "hardening," and suggested policy modifications to further the efforts on recreational items such as trails.

A32-5

Facility Services Comments on the TRPA Regional Plan EIR/EIS– Chapter 3.11:

- Speaking to the technical adequacy of the EIS, Section 3.11.1 states "no changes of the Recreation Element of the Goals and Policies are proposed as part of this Regional Plan Update." However, the Goals and policies listed under Section 3.11.2 "Regulatory Background" do not match the Goals and Policies of Chapter V, Recreation Element, of the draft TRPA Regional Plan Goals & Policies. Staff requests that TRPA rectify and/or explain this contradiction.

A32-6

Similarly, a number of other suggestions were provided for technical amendments to the EIS, specifically related to name changes and text modifications, which is further defined in the attached memorandum.

A32-7

Facility Services Comments on the TRPA Code of Ordinances:

- The County requests that TRPA modify Section 85.7 Vegetation to add language allowing public agencies to maintain vegetation in the backshore for the purpose of public safety, public access, and vegetative health in publicly maintained beach areas.

A32-8

Facility Services General Comments:

- The County identified that the lists of sample recreation features for disbursed, developed, and urban recreational facilities vary within the various documents and sections. A list of features for each category should be produced and used uniformly.

A32-9

- The new "Mixed-Use" designation has replaced the current Commercial and Public Service designation. The Town Centers District, Regional Center District, and High Density Tourist District are also new land use designations. However, Attachment 6 (Land Use and Management Designations for Planning Areas) does not indicate these new designations for any of the Plan Area Statements. The County requests that TRPA clarify if this is an oversight or an intentional omission, such that those designations are not presently intended for the current Plan Area Statement (PAS) in place.

A32-10

Planning Services Division Comments on the TRPA Regional Plan EIR/EIS:

- Chapter 3 (Greenhouse Gas Emissions and Climate Change) of the RPU and RTP EIS lists the California Strategic Growth Council-Funded Sustainability Planning – the Sustainability Plan and

A32-11

the Lake Tahoe Sustainability Collaborative under the "Regulatory Background" for the State in Section 3.5.2. The County has concern with this reference, given that as a partner in this effort, it has been the County's understanding that the Sustainability Plan is not being prepared to serve as a regulatory document that local California governments are required to adopt and comply with. Furthermore, it is the County's understanding that the Sustainability Collaborative was not established to serve as a governing body and would have no authority or oversight over local planning efforts. However, based upon the reference in the RPU EIS and RTP EIS, it would appear that the Sustainability Plan would provide regulations related to the Climate Change and reduction of impacts associated with Greenhouse Gas Emissions, and that the Sustainability Collaborative would also serve in a regulatory function, overseeing mitigation implementation tools.

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- In addition, throughout the EIR/EIS, the Sustainability Plan is referenced as a tool to implement mitigation measures related to Greenhouse Gas Emissions impacts. Based upon the website created for the Sustainability Collaborative, the purpose of the Collaborative is to *"coordinate sustainability efforts and help define and implement the Sustainability Action Plan and related tools tailored to the Tahoe-Truckee region"*. This website also provides clarification regarding the relationship between the Sustainability Collaborative and the TRPA, noting that, the *"Tahoe Regional Planning Agency (TRPA) Governing Board provides oversight through the authority of the Bi-State Compact (PL96-551) for regional planning and environmental protection; in particular to guide and regulate land use practices that may adversely impact environmental sustainability. While some of the tools developed by the Sustainability Collaborative will be of value to TRPA, the TRPA mission does not extend to the broader framework envisioned for the Sustainability Collaborative. The Sustainability Collaborative is non-regulatory and non-governmental"*.

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This is consistent with the County's understanding of the Sustainability Collaborative, and therefore the County believes that the inclusion of the Sustainability Plan as a tool to implement mitigation measures in the RPU EIS and RTP EIS is in conflict with the Tahoe partner's intent of the Sustainability Plan (as a non-regulatory document) and the overall purpose of the Sustainability Collaborative (as a non-governing body with no regulatory oversight, but to oversee the development of the Sustainability Plan). The County asserts that the Sustainability Plan is not a regulatory document and the Sustainability Collaborative is not a governing body that has authority over a regulatory document, and therefore, the RPU EIS and RTP EIS should not be referencing the Sustainability Plan or the Sustainability Collaborative in the RPU EIS and RTP EIS.

- 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. An example of this is the Chapter on Greenhouse Gases and Climate Change (Chapter 3.5). At a minimum, the applicable documents should be referenced and, ideally, the mitigation measures should be consistent with the existing regulations in place such that the measures reduce redundant and duplicative review.
- Transportation Strategy Package B- 3.3-32- It is unclear what type of capital and operational improvements to TART would be proposed or acceptable for mitigation associated with metered development allocations and as such is impossible to analyze. It is also impossible to analyze what bike trail segments would be required to be constructed in Placer County that would meet mitigation standards required to allocate development commodities. The document needs to clarify these sections, or at least refer to an Appendix that may have a specific list of proposed projects, programs and operational improvements.

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- 3.3-42- Regarding LOS standards in Tahoe City being exceeded at LOS E because it is a rural area: how was a rural determination made? FHWA maps show Kings Beach and Tahoe City in Placer County as urbanized areas. Additionally, the EIS should analyze rural versus urban standards in context of the Tahoe Basin, which has peak traffic flows beyond what would be expected when only considering full time population bases, due to significant tourist influx. With roughly as many as 20,000 cars per day on a peak day, Tahoe City would not be considered rural by any traffic standard, and therefore a LOS E for a period of four hours or less should not be considered a "significant" impact.
- MM 3.3-3- The proposed system of mitigation tied to roadway Level of Service (LOS) is a disincentive to environmental redevelopment in Placer County, and will result in undermining threshold attainment. The Kings Beach Commercial Core Improvement Project (KBCCIP), is a key mitigation project included in Transportation Strategy Package B, which is tied to Alternatives 2, 3 and 4. The KBCCIP was approved by Placer County and TRPA and intentionally reduces roadway capacity in order to attain Pedestrian Transit Oriented Development goals preferred in the Compact. Both jurisdictions approved the project with the knowledge that the capacity reduction would degrade LOS, because it resulted in meeting TRPA's goal of focusing travel demand toward bicycle and pedestrian use, rather than automobile use. The KBCCIP is included in all Transportation Strategy Packages analyzed in the EIS as a capital transportation mitigation project. However, because this project will degrade LOS standards while also making the desired bicycle and pedestrian standard improvements, (as preferred by TRPA) this project will result in the allocation of fewer development commodities based on the mitigation system proposed. It now appears that TRPA proposes to meter development in Placer County to mitigate development impacts until and unless LOS can be improved to a 10 percent reduction from 1981 VMT. This is untenable and will result not only in degraded capacity to redevelop blighted properties, will result in significant negative impacts to the economy and capacity for future environmental improvement projects. In areas where TRPA-mandated projects have been completed, rather than dis-incentivise development, special considerations should be made to create an incentive-based system that commodities where those associated environmental redevelopment projects are consistent with TRPA's focus on Pedestrian and Transit Oriented Development (PTOD). TRPA cannot on one hand require that a project be implemented in its mitigation strategies, and on the other hand refuse to allocate development commodities because that project resulted in an LOS reduction, as planned and approved by TRPA. TRPA should eliminate from consideration use of LOS as a mitigation measure and allocation lever and consider utilizing only true air quality measures in each jurisdiction (CO and PM10), and ozone regionally, rather than the outdated VMT standard that does not measure or result in air quality improvements.
- 3.3-44- Why are there no sample projects for the Tahoe City or Kings Beach areas on this list. At least one for each should be added.
- As discussed on Page 3.2-2, Redirection of Development is the land use focus of TRPA's updated Regional Plan. Unfortunately, this concept misses the mark for attaining quality of life, economic sustainability and environmental improvements in the Placer County portion of the Tahoe basin, as its basis for creation lies in the attempt to remediate overdevelopment in Stream Environment Zones that occurred in South Lake Tahoe in the 1960s, and has little or no nexus with development patterns in eastern Placer County. This "one size mitigates all" approach is overly-prescriptive for a Regional Plan and fails to acknowledge differences in the built environment found in distinct jurisdictions and communities.

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- There is no analysis that illustrates that the proposed 1:3 development commodity (coverage, commercial floor area and tourist accommodation units) transfer ratios proposed under Alternative 3, and the 1:2 ratio proposed in Alternative 4 (Pages 3.2- and 3.2-15) will result in the incentives necessary to spur the significant level of environmental redevelopment necessary to achieve TRPA threshold attainment. Until an environmental redevelopment program is developed that is certain to result in actual, not conceptual incentives, the economic model for redevelopment of the Tahoe basin is likely to continue to fail and result in further blight, flight and environmental degradation.

This is no better illustrated than in Exhibit 3.2-7, which maps sensitive and non-sensitive areas by sub-region. As noted in North Lake Tahoe, Placer County, a vast majority of commercial area along the state highway system are in non-sensitive land classification areas. As such, there is limited capacity in Placer County to transfer existing coverage off sensitive lands to Town Centers with soil classification appropriate as a receiving area for new and redevelopment. Ironically, the only commercial area noted as sensitive is downtown Tahoe City, which is largely encompassed on sensitive lands, yet is identified in the plan as a Town Center in a future community plan and a receiving area for coverage and other development commodities. Additionally, under Alternative 4, Exhibit 3.2-15 contemplates non-sensitive lands as sending areas. While this addresses the concern about seeking coverage outside a project's jurisdiction, it calls into question the purpose of requiring development to be removed from non-sensitive areas, in favor of moving to Town Centers.

Further, the EIS seems to contain no analysis that illustrates that the limited height restrictions proposed under Alternative 3 in Placer County's two Town Centers (two stories on the south side of SR 28 and Kings Beach and three stories on the north- Exhibit 3.2-11, as an example) will result in enough density to make LOS improvements necessary to trigger the allocation of development commodities needed to implement such projects (see Transportation 3.3-29-30).

- Finally, while TRPA has certain authorities and responsibilities as a regional planning agency, TRPA must recognize local jurisdiction boundaries and the complications that could arise when one jurisdiction must depend on goals and interests of another jurisdiction in order to capture rights necessary to accomplish public and private development projects. It is easy to envision scenarios in which attainment of those rights might make a project financially infeasible, if attainment of those rights were granted at all. The analysis should include commodity allocation programs that acknowledge jurisdictional differences, rather than the current one size mitigates all approach currently proposed.

Planning Services Division Comments on the Draft Regional Plan:

- Throughout the Draft Plan, it is stated that more project review authority should be transferred to the local jurisdictions. However, the requirements that TRPA places on the local jurisdictions leave little latitude to actually provide independent review authority. At times, it can be frustrating to have discussions regarding the ability to determine the local jurisdiction's own destiny by way of Area Plans, but then to have details as specific as height and setbacks pre-determined in the Regional Plan. It would be preferred that the Regional Plan provide guidance to make certain that specific topics are addressed in the Area Plan, but to allow the specificity of those items to be determined through the Area Plans. The County believes that leaving these items out would not be in conflict with the Regional Plan, as each Area Plan will need to be found in conformance with the Regional Plan prior to adoption.
- The County has consistently provided requests to reduce duplicative review. The Draft Plan continues to impose unfunded mandates on regulatory authorities. Examples of duplicative review include, but are not limited to, noise, Best Management Practices (BMP), Water Quality and the

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Total Maximum Daily Load (TMDL), the need to have "historic" structures reviewed at both TRPA and the County's Department of Museums, and an urban bear strategy.

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- The County believes the Allocation system of review needs to be further refined, specifically the method/process for releasing allocations. In addition, the County has concerns over the proposed units of commodities proposed for distribution as noted below:
 - The County is concerned with how the residential units will be distributed and whether there are sufficient quantities to provide the needed housing in the region. The preferred Alternative 3 suggests an allocation of 2,600 Residential Allocations. While this may be sufficient to address the needs of the region, the County would ask that this be re-evaluated as part of the "To-Do List" as a priority. Part of this re-evaluation should include a housing needs study to substantiate the number of allocations arrived at.
 - The Commercial Floor Area to be released is not adequate to cover the 20-year time period that this Regional Plan will cover (as proposed, the Commercial Floor Area equates to 10,000 square feet per year to be distributed amongst all jurisdictions).
 - Tourist Accommodation Units – The County continues to convey its position on TAUs, and that the science does not support a problem with TAU morphing. The analysis provided by County staff suggests that the concerns with TAU morphing occur only in the perception of some individuals. There are a number of other constraints that limit the size of TAUs (including density, setbacks, and height). Traffic analysis further indicates that the size of a TAU does not result in an increase to the trip generation for a TAU project.
- Allowances need to be made to reflect the existing built environment. TRPA has ambitious goals within the Draft Plan that should be encouraged for how to direct development or redevelopment. However, certain allowances, including the ability to process variances and provide effective incentives, need to be provided in order to be effective in this effort. To this end, flexibility to modify incentives provided needs to be made available to the process. The Plan should allow for minor changes to be made if the transfer incentives (such as coverage) are not encouraging enough to result in the activity that is identified and desired from the planning process.
- More detail on Area Plan Conformance, including a complete definition and a description of what it would entail, has been requested by the County and other jurisdictions. TRPA recently suggested a "pilot" plan to ensure the conformance process works. The County believes such a "pilot" plan could result in additional delays in the review of the County's Area Plans. In the event there are issues with the particular "pilot" plan identified that are unique to that plan as opposed to Area Plans in general, the jurisdictions would be left waiting for those issues to be resolved in order to move forward with its own Area Plans. Furthermore, because each region is unique, the County has determined that it is unreasonable to believe that one template could be created and utilized for the entire basin. Also related to this topic, County staff has concern over the need to review conformance with the Regional Plan of the Area Plans on an annual basis. It is the County's position that once found in conformance upon adoption and with annual review of the permitting activities, that sufficient safeguards are in place to protect against any concerns with lack of conformance.
- The County feels that TRPA has, in certain instances, improperly identified which items should be goals, policies, or implementation measures. Input provided by the County and other local jurisdictions indicated that goals and policies were, at times, too specific, and some of the

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implementation measures were too general and therefore not enforceable. This creates uncertainty from staff as to which document to reference if what is actually a goal and policy resides in the implementation measures and vice versa.	A32-26 Cont'd
<ul style="list-style-type: none"> Subdivisions – The County would ask that TRPA place the Two-Step Subdivision process requirement on the “To-Do List” to be further refined and improved upon. 	A32-27
<ul style="list-style-type: none"> Height – The County would request that TRPA modify the methodology for measuring height. Understanding this may not be feasible prior to the Regional Plan adoption due to the need to be evaluated in the EIS, the County would ask that this be made a priority on the “To-Do List”. The County does feel that the use of stories as a unit of measurement can and should be addressed with the current review. County staff does not support the use of stories as a method for measurement. It is the position of staff that height should be measured in an understandable method by staff, professionals, and the layperson and be measured in terms of feet. 	A32-28
<ul style="list-style-type: none"> Biomass – The RPU suggested that no biomass projects will be accepted without first having the environmental analysis completed, where this review would typically be done subsequent to the application submittal. This will result in a review and debate on the merits of the practice of biomass facilities prior to even being able to submit for a project. While there may not be any need for this in the near future, it seems unnecessary to add another requirement that already exists. Any project will already need to evaluate the environmental impacts of that project. This can result in lengthier review timeframes for a project. When a project such as a biomass facility is to be funded with grant money or similar funding strategies any delay could result in the project not being feasible simply from a timing standpoint. 	A32-29
<ul style="list-style-type: none"> Community Design – This section includes many of the very same provisions that can be found in the zoning codes or future Area Plans for the local jurisdictions resulting in another example of duplicative review. Constraining provisions such as setbacks, height, signage, lighting, landscaping, view sheds, and similar items are incorporated into the existing and proposed TRPA Code of Ordinances that do not allow flexibility when there is specific mention to the numbers of stories, or specific requirements for signage. Instead, County staff would prefer the Regional Plan provide guidance to what to include or avoid when creating the Area Plans and allow each Area Plan the flexibility to be creative in addressing the concerns identified in the Regional Plan. 	A32-30
<ul style="list-style-type: none"> Water Quality – This section is another example of duplicative review that is also regulated by state or local agencies. In many instances, the requirements may be the same. At a minimum, it results in a lengthier review process and/or conflicting requirements and direction. The discussion on this topic was particularly important as it relates to the TMDL unfunded mandate. 	A32-31
<ul style="list-style-type: none"> Wildlife – The Regional Plan Update Committee was adamant about “encouraging local governments to develop and enforce an urban bear strategy”. The County and other local jurisdictions commented that this is not a “regional planning” matter. All jurisdictions reported that their respective municipalities already have policies in place to address the conflict between bears and refuse collection. The County would ask that this unnecessary requirement be removed from the document. 	A32-32
<ul style="list-style-type: none"> Soils –The County appreciates that your agency has agreed to evaluate the flaws in the mathematical equation as part of the County's plea to lower the Individual Parcel Evaluation System (IPES) line. The Code of Ordinances has a mathematical equation to determine the IPES score for a jurisdiction, which includes the number of vacant and retired parcels. Placer County has suffered 	A32-33

from the parcels in Kings Beach that contain multiple lots that became consolidated prior to being retired. This has negatively impacted the County's scoring, resulting in Placer County being the only jurisdiction with a required IPES score above 1 in order to deem a parcel developable. TRPA currently requires that parcels within Placer County achieve a minimum IPES score of 726 in order to develop that parcel. Once addressed, this will hopefully eliminate Placer County being the only jurisdiction within the authority of TRPA that would contain parcels that cannot be developed by lowering the County's required buildable IPES score to a minimum of 1, matching that of all other jurisdictions. This is one of the items that the County requests to be a top priority on the future "To-Do List".

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- Transit Level of Service – The Levels of Service included in the Regional Plan are already unattainable levels in that many roadways are functioning below the levels listed within the Regional Plan. The County's concern is that environmental analysis of future projects will always identify issues with traffic based on this document. This could result in future projects automatically having significant and unavoidable impacts identified in the traffic analysis.
- Placer County learned from its Tahoe Basin Community Plan Update workshop that a desire exists amongst residents to focus on increasing the percentage of primary residents in the basin. As stated at the workshop, existing residents believe having an increased number of primary residents in the Basin is the key to creating a sustainable, diverse, and vibrant community. Policy LU-1-1 suggests that TRPA is not focused on livability for full-time residents as much as TRPA needs to be.
- A mixed use and/or light industrial category needs to be added to Policy LU -2.1 (Additional Development Permitted in the Region).
- It is unclear how Policy LU-2.4 and LU-2.5 (Nonconforming Uses and Structures) will assist Placer County and Truckee River landowner's whose properties are currently categorized as being non-conforming make improvements/upgrades to said properties? These policies should note consideration of Regional Plan Amendments brought forward by way of local plans found in conformance and as a way to recognize existing land uses. As was mentioned at the RPU Committee meetings, history has shown that simply identifying nonconforming uses and disallowing changes does not result in the removal of the non-conforming structure. In fact, it can be argued that not allowing improvements almost guarantees those buildings and uses will not be removed and simply deteriorate over time and become health and safety hazards.
- Policy LU-3.4, which speaks to existing development patterns in residential neighborhoods outside Town Centers, seems restrictive in nature, and may limit local plans from bringing forward zoning districts that allow for a mix of uses related to residential services within residential neighborhoods. For example, residents in many neighborhoods in the North Tahoe Basin area have indicated a desire to allow for a reasonable mix of uses in their neighborhoods, including neighborhood markets or restaurants, coffee shops on some designated areas, where the primary district is residential in nature, however the integration of residential service uses provides for a more vibrant neighborhood.

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Conclusion

Knowing the commitment that TRPA has made to assuring the success of the Regional Plan Update, the County comments above reflect the County's commitment to assisting TRPA in preparing a Regional Plan that is complete, accurate and, most importantly, implementable.

Placer County remains committed in achieving the overall goal of protecting Lake Tahoe and its surrounding environment while sustaining the vitality and well-being of the various Placer County communities and citizens who reside nearby. The County looks forward to having a meaningful discussion with TRPA and its staff to more fully integrate the previous County comments, as well as the comments included in this letter.

Should you have any questions regarding the information in this letter, please do not hesitate to call me at (530) 745-3197. I look forward to working together with you and your team on the successful completion and adoption of the Regional Plan Update.

Sincerely,

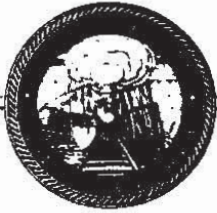


MICHAEL J. JOHNSON, AICP
Agency Director

ATTACHMENTS

Attachment 1: June 19, 2012 Staff Report to Placer County Board of Supervisors

cc: Holly Heinzen, Interim County Executive Officer
Jennifer Merchant, Tahoe County Executive Office
Karin Schwab, County Counsel's Office
Loren Clark, Assistant Planning Director
Paul Thompson, Deputy Planning Director
Rick Eiri, Engineering and Surveying Department
Dan Dottai, Engineering and Surveying Department
Steve Buelna, Supervising Planner
Crystal Jacobsen, Supervising Planner
Ken Grehm, Department of Public Works Director
Peter Kraatz, Deputy Public Works Director
Nick Trifiro, Associate Planner



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Michael J. Johnson, AICP
Agency Director
DATE: June 19, 2012
SUBJECT: Tahoe Regional Planning Agency Background Presentation and Placer County
Comments - Tahoe Regional Planning Agency Draft Regional Plan

ACTION REQUESTED

The Community Development/Resource Agency requests the Board direct staff to submit comments to the Tahoe Regional Planning Agency on the Regional Plan Update and related documents as set forth in the draft letter included as Attachment 1. Tahoe Regional Planning Agency and Community Development/Resource Agency staff are providing the Board with an update on the status of the Regional Plan Update and Agency staff is providing a recommendation for comments to the Tahoe Regional Planning Agency on the Draft Regional Plan.

BACKGROUND

As was presented at the April 24, 2012 Board meeting in Tahoe, the Tahoe Regional Planning Agency (TRPA) has recently released the Draft Regional Plan Update. At that meeting, staff presented anticipated comments based on staff's participation in the Regional Plan Update Committee meetings. This subcommittee (which includes TRPA Governing Board members) was created in an effort to reach a compromise on a number of issues with the Draft Plan prior to its release. Since the April 24, 2012 meeting, Public Works, Planning, Engineering and Surveying, County Executive Office, and Facility Services staff have reviewed the Draft Regional Plan and related documents and have provided comments, which have been incorporated into this staff report and are included in a proposed letter to TRPA (Attachment 1), as well as in Attachment 2.

Issues that are addressed in this update of the Regional Plan include a revision to the existing Environmental Threshold Carrying Capacities (thresholds) and an update to the TRPA Code of Ordinances. The first phase of the update to the Code of Ordinances consisted of reformatting the Code to produce a more efficient and predictable document by reducing redundancies, combining definitions in a single section, eliminating obsolete information, and adding indexes and headings. These changes took effect on March 1, 2012 and have been well received by the County staff. As anticipated, staff has found the revised Code to be more user-friendly and predictable in that it utilizes a more consistent format resulting in more efficient and intuitive navigation of the document.

At its April 25 and 26, 2012 Governing Board meeting, TRPA conducted a public hearing to inform the public of the release of the Draft Regional Plan and associated Environmental Impact Statement for public review. The public comment period for the Environmental Impact Statements closes on June 28, 2012. Public comment on the Draft Regional Plan will be ongoing until adoption.

STATUS

Throughout this review process, Placer County staff has consistently taken a team approach in the review of the information produced by TRPA. Input has been provided from Public Works, Planning, Engineering and Surveying, the County Executive Office, Facility Services, and the former Redevelopment Agency with respect to how TRPA's current and proposed code relates to each County discipline. Staff has participated in all meetings of the committees and subcommittees that were developed to shape this update of the TRPA Regional Plan.

Because of staff's goal to assist TRPA in achieving its State-imposed deadline to adopt the Regional Plan by December 2012, the draft comment letter to TRPA (Attachment 1) focuses on the most significant points and suggests that the less consequential items be addressed as part of future updates to the Regional Plan. The following is a summary of the comments from each department/division. Individual department/division memorandums are attachment to provide further detail on each comment:

Engineering and Surveying Comments on the Draft Regional Plan & Code of Ordinances:

- The Engineering and Surveying Department provided comments related to the language used in the sections pertaining to land divisions and development within the 100-year floodplain. The suggested language changes are intended to make certain that the language from TRPA in the Regional Plan is consistent with the requirements of the County related to these processes. The comments largely focus around word-smithing changes and are not likely to generate substantial discussion and/or controversy from TRPA.

Engineering and Surveying Comments on the Regional Plan Update EIS:

- Related to Mitigation Measure 3.3-1, which applies to all of the Regional Transportation Plan Alternatives, staff recommends the language in the draft be modified to include, "if feasible" as it relates to the mitigation for enhanced non-motorized and public transportation projects and services. As this could be construed as an unfunded mandate, County staff proposed to modify the language to provide flexibility should funding not be available.

Facility Services Comments on the Regional Plan:

- Museums – The plan indicates that TRPA will confer with local, state, and federal authorities to maintain a list of significant architectural and archaeological sites. The Department of Museums asks the questions: Who at TRPA will maintain this list? Where exactly will the list be kept? Would it be possible to get a copy of this list?
- Parks – The memorandum from the Parks Department provided a number of suggested changes that were more technical in nature such as the correction of names for locations, clarification on terms used such as surface "hardening," and suggested policy modifications to further the efforts on recreational items such as trails. Similar to the comments from Engineering and Surveying on the Regional Plan and Code of Ordinances, staff does not anticipate the noted comments will generate much discussion and/or controversy from TRPA.

Facility Services Comments on the TRPA Regional Plan EIR/EIS– Chapter 3.11

- Speaking to the technical adequacy of the EIS, Section 3.11.1 states "no changes of the Recreation Element of the Goals and Policies are proposed as part of this Regional Plan Update." However, the Goals and policies listed under Section 3.11.2 "Regulatory Background" do not match the Goals and Policies of Chapter V, Recreation Element, of the draft TRPA Regional Plan Goals & Policies. Staff would ask that TRPA rectify and/or explain this contradiction.

Similarly, a number of other suggestions were provided for technical amendments to the EIS, specifically related to name changes and text modifications, which is further defined in the attached memorandum.

Facility Services Comments on the TRPA Code of Ordinances

- Staff would ask that TRPA modify Section 85.7 Vegetation to add language allowing public agencies to maintain vegetation in the backshore for the purpose of public safety, public access, and vegetative health in publicly maintained beach areas.

Facility Services General Comments

- The County identified that the lists of sample recreation features for disbursed, developed, and urban recreational facilities vary within the various documents and sections. A list of features for each category should be produced and used uniformly.
- The new "Mixed-Use" designation has replaced the current Commercial and Public Service designation. The Town Centers District, Regional Center District, and High Density Tourist District are also new land use designations. However, Attachment 6 (Land Use and Management Designations for Planning Areas) does not indicate these new designations for any of the Plan Area Statements. Staff asks that TRPA clarify if this is an oversight or an intentional omission, such that those designations are not presently intended for the current Plan Area Statement (PAS) in place.
- Although TRPA has decided not to apply any land use changes (including the use of the Transect concept) with this version of the TRPA Regional Plan in order to meet their adoption deadline, the County would ask to be kept informed of any mid-cycle update that may include such changes.

Planning Services Division Comments on the TRPA Regional Plan EIR/EIS:

- Chapter 3 (Greenhouse Gas Emissions and Climate Change) of the RPU and RTP EIS lists the California Strategic Growth Council-Funded Sustainability Planning – the Sustainability Plan and the Lake Tahoe Sustainability Collaborative under the "Regulatory Background" for the State in Section 3.5.2. The County has concern with this reference, given that as a partner in this effort, it has been the County's understanding that the Sustainability Plan is not being prepared to serve as a regulatory document that local California governments are required to adopt and comply with. Furthermore, it is the County's understanding that the Sustainability Collaborative was not established to serve as a governing body and would have no authority or oversight over local planning efforts. However, based upon the reference in the RPU EIS and RTP EIS, it would appear that the Sustainability Plan would provide regulations related to the Climate Change and reduction of impacts associated with Greenhouse Gas Emissions, and that the Sustainability Collaborative would also serve in a regulatory function, overseeing mitigation implementation tools.
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This is consistent with the County's understanding of the Sustainability Collaborative, and therefore the County believes that the inclusion of the Sustainability Plan as a tool to implement

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mitigation measures in the RPU EIS and RTP EIS is in conflict with the Tahoe partner's intent of the Sustainability Plan (as a non-regulatory document) and the overall purpose of the Sustainability Collaborative (as a non-governing body with no regulatory oversight, but to oversee the development of the Sustainability Plan). The County asserts that the Sustainability Plan is not a regulatory document and the Sustainability Collaborative is not a governing body that has authority over a regulatory document, and therefore, the RPU EIS and RTP EIS should not be referencing the Sustainability Plan or the Sustainability Collaborative in the RPU EIS and RTP EIS.

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- Transportation Strategy Package B- 3.3-32- It is unclear what type of capital and operational improvements to TART would be proposed or acceptable for mitigation associated with metered development allocations and as such is impossible to analyze. It is also impossible to analyze what bike trail segments would be required to be constructed in Placer County that would meet mitigation standards required to allocate development commodities. The document needs to clarify these sections, or at least refer to an Appendix that may have a specific list of proposed projects, programs and operational improvements.
- 3.3-42- Regarding LOS standards in Tahoe City being exceeded at LOS E because it is a rural area: how was a rural determination made? FHWA maps show Kings Beach and Tahoe City in Placer County as urbanized areas. Additionally, the EIS should analyze rural versus urban standards in context of the Tahoe Basin, which has peak traffic flows beyond what would be expected when only considering full time population bases, due to significant tourist influx. With roughly as many as 20,000 cars per day on a peak day, Tahoe City would not be considered rural by any traffic standard, and therefore a LOS E for a period of four hours or less should not be considered a "significant" impact.
- MM 3.3-3- The proposed system of mitigation tied to roadway Level of Service (LOS) is a disincentive to environmental redevelopment in Placer County, and will result in undermining threshold attainment. The Kings Beach Commercial Core Improvement Project (KBCCIP), is a key mitigation project included in Transportation Strategy Package B, which is tied to Alternatives 2, 3 and 4. The KBCCIP was approved by Placer County and TRPA and intentionally reduces roadway capacity in order to attain Pedestrian Transit Oriented Development goals preferred in the Compact. Both jurisdictions approved the project with the knowledge that the capacity reduction would degrade LOS, because it resulted in meeting TRPA's goal of focusing travel demand toward bicycle and pedestrian use, rather than automobile use. The KBCCIP is included in all Transportation Strategy Packages analyzed in the EIS as a capital transportation mitigation project. However, because this project will degrade LOS standards while also making the desired bicycle and pedestrian standard improvements, (as preferred by TRPA) this project will result in the allocation of fewer development commodities based on the mitigation system proposed. It now appears that TRPA proposes to meter development in Placer County to mitigate development impacts until and unless LOS can be improved to a 10 percent reduction from 1981 VMT. This is untenable and will result not only in degraded capacity to redevelop blighted properties, will result in significant negative impacts to the economy and capacity for future environmental improvement projects. In areas where TRPA-mandated projects have been completed, rather than disincentivise development, special considerations should be made to create an incentive-based system that commodities where those associated environmental redevelopment projects are

A32-39
Cont'd

- 3.3-44- Why are there no sample projects for the Tahoe City or Kings Beach areas on this list. At least one for each should be added.
- As discussed on Page 3.2-2, Redirection of Development is the land use focus of TRPA's updated Regional Plan. Unfortunately, this concept misses the mark for attaining quality of life, economic sustainability and environmental improvements in the Placer County portion of the Tahoe basin, as its basis for creation lies in the attempt to remediate overdevelopment in Stream Environment Zones that occurred in South Lake Tahoe in the 1960s, and has little or no nexus with development patterns in eastern Placer County. This "one size mitigates all" approach is overly-prescriptive for a Regional Plan and fails to acknowledge differences in the built environment found in distinct jurisdictions and communities.
- There is no analysis that illustrates that the proposed 1:3 development commodity (coverage, commercial floor area and tourist accommodation units) transfer ratios proposed under Alternative 3, and the 1:2 ratio proposed in Alternative 4 (Pages 3.2- and 3.2-15) will result in the incentives necessary to spur the significant level of environmental redevelopment necessary to achieve TRPA threshold attainment. Until an environmental redevelopment program is developed that is certain to result in actual, not conceptual incentives, the economic model for redevelopment of the Tahoe basin is likely to continue to fail and result in further blight, flight and environmental degradation.

This is no better illustrated than in Exhibit 3.2-7, which maps sensitive and non-sensitive areas by sub-region. As noted in North Lake Tahoe, Placer County, a vast majority of commercial area along the state highway system are in non-sensitive land classification areas. As such, there is limited capacity in Placer County to transfer existing coverage off sensitive lands to Town Centers with soil classification appropriate as a receiving area for new and redevelopment. Ironically, the only commercial area noted as sensitive is downtown Tahoe City, which is largely encompassed on sensitive lands, yet is identified in the plan as a Town Center in a future community plan and a receiving area for coverage and other development commodities. Additionally, under Alternative 4, Exhibit 3.2-15 contemplates non-sensitive lands as sending areas. While this addresses the concern about seeking coverage outside a project's jurisdiction, it calls into question the purpose of requiring development to be removed from non-sensitive areas, in favor of moving to Town Centers.

Further, the EIS seems to contain no analysis that illustrates that the limited height restrictions proposed under Alternative 3 in Placer County's two Town Centers (two stories on the south side of SR 28 and Kings Beach and three stories on the north- Exhibit 3.2-11, as an example) will result in enough density to make LOS improvements necessary to trigger the allocation of development commodities needed to implement such projects (see Transportation 3.3-29-30).

- Finally, while TRPA has certain authorities and responsibilities as a regional planning agency, TRPA must recognize local jurisdiction boundaries and the complications that could arise when one jurisdiction must depend on goals and interests of another jurisdiction in order to capture rights necessary to accomplish public and private development projects. It is easy to envision scenarios in which attainment of those rights might make a project financially infeasible, if

attainment of those rights were granted at all. The analysis should include commodity allocation programs that acknowledge jurisdictional differences, rather than the current one size mitigates all approach currently proposed.

Planning Services Division Comments on the Draft Regional Plan:

- Throughout the Draft Plan, it is stated that more project review authority should be transferred to the local jurisdictions. However, the requirements that TRPA places on the local jurisdictions leave little latitude to actually provide independent review authority. At times, it can be frustrating to have discussions regarding the ability to determine the local jurisdiction's own destiny by way of Area Plans, but then to have details as specific as height and setbacks pre-determined in the Regional Plan. It would be preferred that the Regional Plan provide guidance to make certain that specific topics are addressed in the Area Plan, but to allow the specificity of those items to be determined through the Area Plans. It appears TRPA staff is concerned that leaving these items out would be in conflict with the Regional Plan. County staff does not believe this is not a valid concern, as each Area Plan will need to be found in conformance with the Regional Plan prior to adoption.
- Despite continuous requests from the County and other local jurisdictions to reduce duplicative review, the Draft Plan continues to impose unfunded mandates on regulatory authorities. Examples of duplicative review include, but are not limited to, noise, Best Management Practices (BMP), Water Quality and the Total Maximum Daily Load (TMDL), the need to have "historic" structures reviewed at both TRPA and the County's Department of Museums, and an urban bear strategy. County staff would suggest that the existing regulations that are already in place be acknowledged and that TRPA defer to those regulations as much as possible to reduce the redundancies in review and the possibility of conflicting provisions.
- The Allocation system is a distribution of residential single-family home commodities that is contained within the Code to regulate the rate and extent of development within the Basin. This system of review needs to be further refined, specifically the method/process for releasing allocations. In addition, staff has concerns over the proposed units of commodities proposed for distribution as noted below:
 - There is concern as to how the residential units will be allocated to each agency and whether there are sufficient quantities to provide the needed housing in the region. The preferred Alternative 3 suggests an allocation of 2,600 Residential Allocations; what it is not known is how the units will be distributed to each agency. Under the current system, the distribution occurs based on performance as determined by the annual performance review audit. While 2,600 Residential Allocations may be sufficient to address the needs of the region, staff would ask that this be re-evaluated as part of the "To-Do List" as a priority. Part of this re-evaluation should include a housing needs study to substantiate the number of allocations arrived at.
 - The Commercial Floor Area to be released is not adequate to cover the 20-year time period that this Regional Plan will cover (as proposed, the Commercial Floor Area equates to 10,000 square feet per year to be distributed amongst all jurisdictions). As a comparison, Placer County allocated 128,623 square feet of Commercial Floor Area between the 1986 and 2011.
 - Tourist Accommodation Units – The County continues to convey the Board's direction on TAUs, and that the science does not support a problem with TAU "morphing" (the conversion of smaller, 400 square foot motel units into much larger, 2,500 square foot timeshare units that more closely resemble single-family dwellings). The analysis provided by County staff that has been acknowledged by your Board suggests that the concerns with TAU morphing occur only in the perception of some individuals. There are a number of other constraints that limit the size of TAUs (including density, setbacks, and height). Traffic analyses further indicates that the size of a TAU does not result in an increase to the trip generation for a TAU project.

A32-39
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Accordingly, the science suggests that there are no additional impacts on the environment from TAU "morphing" that would justify the need for TRPA to limit the size of TAUs.

- Allowances (variances, transfer incentives, acknowledgement within the Code for non-conforming uses and structures) need to be made to reflect the existing built environment. TRPA has ambitious goals within the Draft Plan that should be encouraged for how to direct development or redevelopment. However, certain allowances, including the ability to process variances and provide effective incentives, need to be provided in order to be effective in this effort. To this end, flexibility to modify incentives provided needs to be made available to the process. The Plan should allow for minor changes to be made if the transfer incentives (such as coverage) are not encouraging enough to result in the activity that is identified and desired from the planning process.
- The Regional Plan envisions the creation of Area Plans, which will become part of the Regional Plan upon adoption through a determination by the Governing Board that they are in conformance with the Regional Plan. TRPA determined that the land use changes that were requested would not be feasible to have addressed prior to the December 2012 deadline. Accordingly it was determined that such changes should be considered as part of the future creation of Area Plans. Area Plans would address the land use designations as well as provide area specific design criteria such as setbacks, height, and other similar requirements. County staff suggests that more detail on Area Plan Conformance, including a complete definition and a description of what it would entail, has been requested by the County and other jurisdictions. TRPA recently suggested a "pilot" plan to ensure the conformance process works. Staff believes such a "pilot" plan could result in additional delays in the review of the County's Area Plans. In the event there are issues with the particular "pilot" plan identified that are unique to that plan as opposed to Area Plans in general, the jurisdictions would be left waiting for those issues to be resolved in order to move forward with our own Area Plans. Furthermore, because each region is unique, staff has determined that it is unreasonable to believe that one template could be created and utilized for the entire basin. Also related to this topic, staff has concern over the need to review conformance with the Regional Plan of the Area Plans on an annual basis. It is staff's position that once found in conformance upon adoption and with annual review of the permitting activities, that sufficient safeguards are in place to protect against any concerns with lack of conformance.
- TRPA has, in certain instances, improperly identified which items should be goals, policies, or implementation measures. Input provided by the County and other local jurisdictions indicated that goals and policies were, at times, too specific, and some of the implementation measures were too general and therefore not enforceable. This creates uncertainty from staff as to which document to reference if what is actually a goal and policy resides in the implementation measures and vice versa.
- Subdivisions – Although there was discussion regarding eliminating the prohibition against subdivisions, TRPA will not be addressing this change as part of the Regional Plan update, as the issue of subdivisions was not addressed in the Environmental Impact Study (EIS) prepared for the Regional Plan update. Staff would ask that TRPA place the Two-Step Subdivision process requirement on the "To-Do List" to be further refined and improved upon.
- Height – Despite recent TRPA height allowances associated with the Community Enhancement Program projects (Boulder Bay and Homewood), TRPA will not revisit the height calculation methodology because it is not evaluated in the EIS. Additionally, County staff does not support the use of stories as a method for measurement. It is County staff's position that height should be measured in a method that is understandable by staff from all jurisdictions, professionals, and the layperson and be measured in terms of feet.

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- Biomass – The RPU suggested that no biomass projects will be accepted without first having the environmental analysis completed, where this review would typically be done subsequent to the application submittal. This will result in a review and debate on the merits of the practice of biomass facilities prior to even being able to submit for a project. While there may not be any need for this in the near future, it seems unnecessary to add another requirement that already exists. Any project will already need to evaluate the environmental impacts of that project. This can result in lengthier review timeframes for a project. When a project such as a biomass facility is to be funded with grant money or similar funding strategies any delay could result in the project not being feasible simply from a timing standpoint.
- Community Design – This section includes many of the very same provisions that can be found in the zoning codes or future Area Plans for the local jurisdictions resulting in another example of duplicative review. Constraining provisions such as setbacks, height, signage, lighting, landscaping, view sheds, and similar items are incorporated into the existing and proposed TRPA Code of Ordinances that do not allow flexibility when there is specific mention to the numbers of stories, or specific requirements for signage. Instead, County staff would prefer the Regional Plan provide guidance to what to include or avoid when creating the Area Plans and allow each Area Plan the flexibility to be creative in addressing the concerns identified in the Regional Plan. Just as an example, perhaps certain areas may be appropriate for increased height with no adverse impacts if it could be offset by other areas that allow less height.
- Water Quality – This section is another example of duplicative review that is also regulated by state or local agencies. In many instances the requirements may be the same for erosion control and the required Best Management Practices. At a minimum the duplicative review of multiple agencies results in a lengthier review process and/or conflicting requirements and direction. The discussion on this topic was particularly important as it relates to the TMDL unfunded mandate.
- Wildlife – The Regional Plan Update Committee was adamant about "encouraging local governments to develop and enforce an urban bear strategy". The County and other local jurisdictions commented that this is not a "regional planning" matter. All jurisdictions reported that their respective municipalities already have policies in place to address the conflict between bears and refuse collection.
- Soils – Significant progress was made when TRPA agreed to evaluate the flaws in the mathematical equation as part of the County's plea to lower the Individual Parcel Evaluation System (IPES) line. The Code of Ordinances has a mathematical equation to determine the IPES score for a jurisdiction, which includes the number of vacant and retired parcels. Placer County has suffered from the parcels in Kings Beach that contain multiple lots that became consolidated prior to being retired. This has negatively impacted the County's scoring, resulting in Placer County being the only jurisdiction with a required IPES score above 1 in order to deem a parcel developable. TRPA currently requires that parcels within Placer County achieve a minimum IPES score of 726 in order to develop that parcel. Once addressed, this will hopefully eliminate Placer County being the only jurisdiction within the authority of TRPA that would contain parcels that cannot be developed by lowering the County's required buildable IPES score to a minimum of 1, matching that of all other jurisdictions. This is one of the items that have been moved to the future "To-Do List".
- Transit Level of Service – The Levels of Service included in the Regional Plan are already unattainable levels in that many roadways are functioning below the levels listed within the Regional Plan. The County's concern is that environmental analysis of future projects will always identify issues with traffic based on this document. This could result in future projects automatically having significant and unavoidable impacts identified in the traffic analysis.

A32-39
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- Placer County learned from its Tahoe Basin Community Plan Update workshop that a desire exists amongst residents to focus on increasing the percentage of primary residents in the basin. As stated at the workshop, existing residents believe having an increased number of primary residents in the Basin is the key to creating a sustainable, diverse, and vibrant community. Policy LU-1-1 suggests that TRPA is not focused on livability for full-time residents as much as TRPA needs to be.
- A mixed use and/or light industrial category needs to be added to Policy LU -2.1 (Additional Development Permitted in the Region).
- It is unclear how Policy LU-2.4 and LU-2.5 (Nonconforming Uses and Structures) will assist Placer County and Truckee River landowner's whose properties are currently categorized as being non-conforming make improvements/upgrades to said properties? These policies should note consideration of Regional Plan Amendments brought forward by way of local plans found in conformance and as a way to recognize existing land uses. As was mentioned at the RPU Committee meetings, history has shown that simply identifying nonconforming uses and disallowing changes does not result in the removal of the non-conforming structure. In fact, it can be argued that not allowing improvements almost guarantees those buildings and uses will not be removed and simply deteriorate over time and become health and safety hazards.
- Policy LU-3.4, which speaks to existing development patterns in residential neighborhoods outside Town Centers, seems restrictive in nature, and may limit local plans from bringing forward zoning districts that allow for a mix of uses related to residential services within residential neighborhoods. For example, residents in many neighborhoods in the North Tahoe Basin area have indicated a desire to allow for a reasonable mix of uses in their neighborhoods, including neighborhood markets or restaurants, coffee shops on some designated areas, where the primary district is residential in nature, however the integration of residential service uses provides for a more vibrant neighborhood.

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CHANGES MADE DURING THE RPU COMMITTEE PROCESS

As mentioned, staff from the various departments and divisions has participated at all meetings of the committees and subcommittees that have been developed to shape this update of the TRPA Regional Plan depending on the topic and area of expertise for each discipline. The success of the RPU Committee process and the benefit of having participation from local government staff resulted in several important shifts from the direction of the original plan drafts. County staff worked with TRPA to accomplish a number of changes with those listed below as examples of the successful partnering with TRPA on this Regional Plan Update effort.

One of the most encouraging items that came out of this process was the acknowledgement from TRPA to include the review of the methodology for the calculation of the Individual Parcel Evaluation System (IPES) as one of the future To-Do List items. The mathematics of this calculation has (for years) impacted Placer County and resulted in our jurisdiction being the only one that has a buildable IPES score above 1. Currently, Placer County requires an IPES score of 726. This results in Placer County having a number of parcels that are currently "unbuildable", as compared to the other jurisdictions where all parcels are possible to build on within the coverage limitations for that parcel. As mentioned above, the flaw in the calculation to lower the IPES score occurs based on being negatively impacted from the retiring of consolidated parcels.

A32-40

The initial proposed policies for Housing contained language regarding 1) each local jurisdiction assuming its "fair share" of responsibility to provide lower and very low-income housing; and 2) a requirement where the local jurisdictions would prepare a housing needs assessment, which would be reviewed by TRPA every five years. County staff opposed this language at the RPU Committee Meeting, noting that it has a tone similar to the State's Housing Element requirements, and therefore

adds another arduous analysis requirement for locals to conduct and would result in unnecessary duplicity in terms of workload for the locals. The Draft RPU policy document took this into consideration and modified the language accordingly to be consistent with the language contained within the State Housing Element.

The original proposal for the Air Quality section included policy language pertaining to air quality mitigation included a provision where local air quality mitigation funds would be banked by to be used on the most cost effective and environmentally beneficial projects in the region (at the discretion of TRPA). The implementation measure noted an amendment to the code of ordinances to allow distribution of 50 percent of the funds across jurisdictional boundaries to support projects of Regional priority. Placer County as well as other local jurisdictions opposed this language noting that mitigation funds should be allocated in concurrence and in collaboration with the locals, with primary focus to spend such funds on local projects that provide collective, regional threshold gain. It appears that the Draft RPU policy document took this into consideration and modified the language to be more broad and collaborative in nature.

The Regional Plan Update Committee focused attention on the Natural Hazards section that included a prohibition of construction in floodplains, which was reduced in scope to be wave run-up areas. This alleviated concerns from the local jurisdictions. It also helped to reduce the redundant review we continue to speak against by focusing the matter to projects that truly impact the issues TRPA should be focused on.

At one of the RPU Committee meetings, the Committee made the decision to eliminate one of the sections of the Code that was so specific as to dictate the design elements of the driveway for a single-family residence. The discussion centering around this decision, which was bolstered by the support from the local government staff, was that the local jurisdictions already have regulations in place and that this item was not necessary. Staff is optimistic that this mindset could be expanded upon and assist in the actual shift to the TRPA being more of a true "regional planning" agency.

Over the past several years, the North Lake Tahoe Resort Association and staff from a number of different agencies have met to discuss the ability to provide Wayfinding Signage in our area of the Lake Tahoe basin. During the review of the proposed Code language for the amendments, staff was successful in language being added that would specifically allow for such signage, where previous language sought to prohibit offsite signage. While staff from the local jurisdictions seemed to prefer this off premise sign matter be left to the local jurisdictions, this was a step in the right direction to address our immediate concerns. Particularly since there is not the ability to have a variance to TRPA's Code.

FISCAL IMPACT

The action of the Board to provide comments on the Draft Regional Plan Update and related documents does not have a fiscal impact. However, requirements that TRPA will place on the County for unfunded mandates should the Regional Plan be adopted as proposed may have a fiscal impact on the County. The extent of that impact is not known at this time.

CONCLUSION

Staff asks that the Board provide direction to submit comments to the TRPA as provided in the draft letter included as attachment 1 to this report. Once directed, staff will present the letter on the Board's behalf at the TRPA Governing Board meeting on June 28, 2012 when TRPA will be receiving comments on the technical adequacy of the Draft Environmental Impact Statement for the Regional Plan Update.

A32-40
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A32-41

ATTACHMENTS:

Attachment 1: Letter to TRPA, County Comments on Regional Plan Update and related documents

Attachment 2: Individual Department/Division Comments

cc: Holly Heinzen, Interim County Executive Officer
Jennifer Merchant, Tahoe County Executive Office
Karin Schwab, County Counsel's Office
Loren Clark, Assistant Planning Director
Wes Zicker, Engineering and Surveying Director
Paul Thompson, Deputy Planning Director
Steve Buelna, Supervising Planner
Crystal Jacobsen, Supervising Planner
Ken Grehm, Department of Public Works Director
Peter Kraatz, Deputy Public Works Director
Nick Trifiro, Associate Planner

A33

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
 Agency Director

**ENGINEERING
 & SURVEYING**

MEMORANDUM

DATE: MAY 22, 2012
 TO: STEVE BUELNA, PLANNING SERVICES DIVISION
 FROM: REBECCA TABER, ENGINEERING AND SURVEYING DEPARTMENT
 SUBJECT: **TRPA DRAFT REGIONAL PLAN UPDATE AND RELATED DOCUMENTS**

The Engineering and Surveying Department (ESD) and the Department of Public Works (DPW) has reviewed the TRPA public review draft Regional Plan Update and related documents. The ESD and DPW would like to provide the following comments:

TRPA – GOALS AND POLICIES

1. The TRPA does not have the authority to divide land in California; that power resides with the County. On page II-3, under policy LU-2.2, the ESD recommends the title be changed as follows (using strikethrough for deleted text and underlining to indicate inserted text):

LU-2.2 NO NEW PERMITS FOR PROPERTY RESULTING FROM DIVISIONS OF LAND SHALL BE PERMITTED ISSUED WITHIN THE REGION WHICH WOULD CREATE NEW DEVELOPMENT POTENTIAL INCONSISTENT WITH THE GOALS AND POLICIES OF THIS PLAN.

In addition, we recommend the following change to item G. as follows:

G. Division of land through condominiums, community apartments, or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this plan. In order to subdivide a project ~~property~~ under this provision, the project itself shall be approved prior to the approval of the subdivision and in no case shall the subdivision result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this plan.

2. On page II-26, under policy NH-1.2, the ESD recommends the text revisions as follows (using strikethrough for deleted text and underlining to indicate inserted text):

NH-1.2 PROHIBIT ADDITIONAL DEVELOPMENT, GRADING, AND FILLING OF LANDS WITHIN THE 100-YEAR FLOOD PLAIN AND IN THE AREA OF WAVE RUN-UP EXCEPT FOR PUBLIC RECREATION FACILITIES, PUBLIC SERVICE FACILITIES, NECESSARY ROAD/TRAIL CROSSINGS, RESTORATION FACILITIES, AND AS OTHERWISE NECESSARY TO IMPLEMENT THE GOALS AND POLICIES OF THE PLAN. REQUIRE ALL FACILITIES LOCATED IN THE 100-YEAR FLOOD PLAIN AND AREA OF WAVE RUN-UP TO BE PROPERLY CONSTRUCTED, FLOODPROOFED, AND MAINTAINED TO MINIMIZE IMPACTS ON THE 100-YEAR FLOOD PLAIN.

3. On page III-6, under policy T-11.2, the ESD requests that "CCR Title 24" be inserted as well as "ADA" in this sentence.

A33-1

ATTACHMENT 2

Memo to Steve Buelna
Re: TRPA Regional Plan Update and Related Documents
May 22, 2012
Page 2 of 2

TRPA – CODE OF ORDINANCES

1. The ESD strongly recommends that the provision in 34.3.4. for the length of driveway from the garage door opening remain in the document and not be deleted from the previous item A. The length of a single family residential driveway should be no less than 20 feet, in order to allow a vehicle to safely park in the driveway without obstructing the public right-of-way for motorists or snow removal equipment.
2. Under 35.4.1.D., the County requires the 100-year floodplain be determined by a “registered Civil Engineer,” and we recommend this change be made to replace the term “competent professional.”
3. Under 60.4.6.D., the County requires drainage conveyances to be sized and designed by a “registered Civil Engineer,” and we recommend this change be made to replace the term “qualified professional.”
4. Under 65.3.2.A., is the Bicycle/Pedestrian easement is to be dedicated to a public entity? Please clarify. Who is responsible for maintenance within the easement? Similarly, in 65.3.4., clarify who “the easement dedication” is to and what type of easement this is.
5. Under Definitions, the following definition of One Hundred-Year Floodplain is provided, “The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.” Federal and state definition of the one hundred year flood is a flood which has a one percent chance of being equaled or exceeded in any given year. The one hundred-year floodplain would be the land area susceptible to being inundated by water from any source associated with that event. We recommend the definition be clarified.

A33-1
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TRPA – REGIONAL PLAN UPDATE DRAFT EIS

1. Mitigation Measure 3.3-1, which applies to all of the RTP Alternatives, states that “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.” We believe the phrase “if feasible” in this mitigation measure includes having adequate funding to expand non-motorized and public transportation projects and services. Currently, Placer County DPW allocates all available resources to public transportation projects and services within the Tahoe Basin of Placer County.

A33-2

cc: Richard Moorehead, DPW Transportation

A34

**PLACER COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

Ken Grehm, Executive Director
Brian Keating, District Engineer
Andrew Darrow, Development Coordinator

May 22, 2012

Steve Buelna
Placer County
Community Development Resource Agency
565 West Lake Boulevard
Tahoe City, CA 96145

RE: TRPA Regional Plan Update / Public Review Draft

Steve:

I have the following comments regarding the Draft TRPA Regional Plan Update.

1. Per draft Policy NH-1.2, certain public facilities will be allowed to be constructed within the 100-year floodplain limits. These facilities have the potential to alter 100-year floodplain limits both upstream and downstream of the project site. The District requests that this policy require that an appropriate hydraulic analysis, that determines the project's impacts on 100-year floodplain limits, be required prior to construction of these facilities.
2. FEMA prohibits 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. The Placer County Flood Damage Prevention Ordinance has a similar requirement.

Please call me at (530) 745-7541 if you have any questions regarding these comments.

A handwritten signature in black ink, appearing to read "Andrew Darrow".

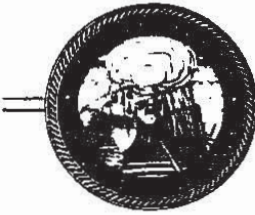
Andrew Darrow, P.E.
Development Coordinator

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A34-1

3091 County Center Drive, Suite 220 / Auburn, CA 95603 / Tel: (530) 745-7541 / Fax: (530) 745-3531

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A35

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
 Agency Director

**PLANNING
 SERVICES DIVISION**

Paul Thompson, Deputy Director

MEMORANDUM

TO: Steve Buelna, CDRA

FROM: Crystal Jacobsen, Planning Services Division

DATE: May 22, 2012

RE: TRPA of Draft RPU Policy Document Comments

Based upon the Planning Services Division current efforts on its Tahoe Basin Community Plan Update work program, staff has reviewed the TRPA Draft RPU policy document as it relates to the County's Community Plan Update or "Area Plan" as described in the Draft RPU. Accordingly, please consider the following comments:

1. **Policy LU-1.1** – What came out in Placer County's TBCPU workshop was a desire amongst residents to focus on increasing the percentage of primary residents in the basin. They believed it is the key to creating a sustainable, diverse, and vibrant community. LU-1-1 suggests that TRPA is not focused on livability, for full-time residents as much as they need to be.
2. **Policy LU -2.1** – A mixed use and/or light industrial category needs to be added to this policy.
3. **Policy LU-2.4 & LU-2.5** – How will these policies assist Placer County and Truckee River landowner's whose properties are currently categorized as being non-conforming make improvements/upgrades to said properties? These policies should note consideration of Regional Plan Amendments brought forward by way of local plans found in conformance and as a way to recognize existing land uses.
4. **Policy LU-3.4** – This policy seems restrictive in nature, and may limit local plans from bringing forward zoning districts that allow for a mix of uses related to residential services within residential neighborhoods. For example, residents in many neighborhoods in the North Tahoe Basin area have indicated a desire to allow for reasonable mix of uses in their neighborhoods, including neighborhood markets or restaurants, coffee shops on some designated areas, where the primary district is residential in nature, however the integration of residential service uses provides for a more vibrant neighborhood.

A35-1

5. **Policy CD-2.1 (B.1. & B.6.)** – When addressing height standards, the County requests that height be regulated by feet only, rather than by the number of stories. Measuring by feet allows for a higher level of flexibility in building design.

A35-1
Cont'd

A36

**COUNTY OF PLACER
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809
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JAMES DURFEE, DIRECTOR
MARY DIETRICH, ASSISTANT DIRECTOR
VALERIE BAYNE, ADMIN. SVS. MANAGER
JOEL SWIFT, DEPUTY DIRECTOR
MARK RIDEOUT, DEPUTY DIRECTOR
BILL ZIMMERMAN, DEPUTY DIRECTOR

TO: Steve Buelna, CDRA

FROM: Andy Fischer, Parks Division
Nick Trifiro, Property Management Division

DATE: May 22, 2012

RE: TRPA of Draft RPU Policy Document Comments

The Department of Facility Services (Parks and Property Management Divisions) has reviewed TRPA's recent submittal of their Regional Plan update and has the following comments:

Comments from the Property Management Division:

1. The TRPA Regional Plan update uses the PAS and boundaries found in the current 1987 TRPA Plan. Does TRPA intend to make any modifications to the PAS for the update? If so, our Department would like to review such changes. A36-1
2. The new "Mixed-Use" designation has replaced the current Commercial and Public Service designation. The Town Centers District, Regional Center District, and High Density Tourist District are also new land use designations. However, Attachment 6 (Land Use and Management Designations for Planning Areas) does not indicate these new designations for any of the PAS. A36-2
3. Although TRPA has decided not to apply any land use changes (including the use of the Transect concept) with this version of the TRPA Regional Plan in order to meet their adoption deadline, our Department would like to be kept informed of any mid-cycle update that may include such changes. A36-3

Comments from the Parks Division:

TRPA Regional Plan Goals & Policies – CHAPTER V – Recreation Element

What is the purpose of changing the term "Lake Tahoe Basin" to "Lake Tahoe Region"? Does the change imply a jurisdictional expansion outside the Tahoe Basin?

Introductory Paragraph – The use of beaches and swimming should be included in the list of developed recreational facilities A36-4

GOAL R-1 – Include biking and picnicking in the list of dispersed recreation activities

GOAL R-1 – Define the term "some hardening" in the goal statement. Assuming this has something to do with the creation of durable hard surfacing in heavily used areas, a policy would be appropriate to define where hard surfacing is appropriate and whether it would be subject to rules governing impervious areas if it is implemented to address existing deterioration from current or planned use.

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Property Management – Environmental Engineering – Utilities

Policy R-1.3 – This policy recommends expansion of hiking and horseback riding trail systems in order to meet future demand. Bike trails are not mentioned in this policy. However, the Activity Participation Survey record (Table 11.2 Threshold Evaluation) shows an increased demand for biking and hiking with little change in horseback riding. Given this trend, Bicycling should either replace horseback riding or be added to the list of Trail System demands.

Policy R3.3 – This policy introduces the term “PAOT” to the recreation element. Since this is the first reference in the Recreation Element, a definition or reference to the definition should be included here for those who will use the recreation element as a standalone reference.

Policy R4.2 – This policy encourages trail connectivity within urban areas. This should be expanded to also encourage trail system connectivity between urban residential areas and non-urban employment centers such as ski resorts. This policy should also encourage cooperation with other jurisdictions to facilitate bike trail connectivity to employment and residential centers outside the Tahoe Basin. An example of this type of bike trail system to be encouraged is the planned Class 1 loop trail that would connect Tahoe City, Kings Beach, Northstar, Truckee, and Squaw Valley.

Policy R-5.1 – This policy seems too vague to be of objective value in implementation. For example, how would this policy be used to evaluate a proposal to construct a baseball field?

Policy R-5.2 – This policy advocates the creation of regulations to identify and regulate recreational use in specific locations. Are these locations known? Would they be consistent with existing plan area or zoning boundaries? Is there a timeframe for adoption of these recreational use regulations?

Goal R-7 – This goal introduces the concept of resident needs as opposed to tourist needs. However, the concept needs further definition. Are resident needs synonymous with urban facilities, or is there a difference? While appreciating the Policy directive (R-7.1) for demand and forms to be addressed by local jurisdictions, some further definition of the concept of local resident needs should be provided for guidance.

A36-4
Cont'd

TRPA Regional Plan Goals & Policies – CHAPTER III – Transportation Element

1. Policy T-2.3 – Policy advocates prioritization of bike trail projects in urban areas and for trails that can be constructed concurrently with other projects. Equally valid priorities should include:
 - a. Bike trail projects with dedicated funding
 - b. Bike trail projects that provide connectivity between residential centers and employment centers.
2. Policy T-2.X – Add policy statement encouraging the ownership and maintenance of public trails be consolidated to the local agency providing recreation facility management within the jurisdiction.

A36-5

TRPA Regional Plan EIR/EIS– Chapter 3.11

1. Section 3.11.1 – The introduction states “no changes of the Recreation Element of the Goals and Policies are proposed as part of this Regional Plan Update.” However, the Goals and policies listed under Section 3.11.2 “Regulatory Background” do not match the Goals and Policies of Chapter V, Recreation Element, of the draft TRPA Regional Plan Goals & Policies. Please rectify and/or explain. Placer County requests an opportunity to review the Goals & Policies again once they are resolved.

A36-6

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2. Regulatory Background – Local – Add Placer County to the list of agencies administering parks and beaches.
3. Exhibit 3.11-1 "Parks and Protected Natural Resource Areas" Map
4. Change the name of Bucks Beach to "Speedboat Beach (aka Bucks Beach)"
5. Change the name of Steamers Beach to "Secline Beach (aka Steamers Beach)". Delete Secline Beach in its present location.
6. Change the name of North Tahoe Beach Center to "North Tahoe Event Center"
7. Add "Griff Creek Recreation Area" (contact Andy Fisher, afisher@placer.ca.gov for location of additions)
8. Add "Heritage Plaza" (adjacent to Commons Beach)

A36-6
Cont'd

TRPA Code of Ordinances

1. Section 85.7 Vegetation – Add language allowing public agencies to maintain vegetation in the backshore for the purpose of public safety, public access, and vegetative health in publicly maintained beach areas.

A36-7

General Comments

1. Lists of sample recreation features for disbursed, developed, and urban recreational facilities vary within the various documents and sections. A list of features for each category should be produced and used uniformly.

A36-8

The Department of Facility Services would also like to have an opportunity to review the Community Plans in Tahoe as they are being updated to become consistent with the new TRPA Regional Plan.

A36-9

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A37

Placer County Museums Division

101 Maple Street, Auburn CA 95603

Tel (530) 889-6500 ♦ Fax (530) 889-6510

MEMORANDUM

TO: Steve Buelna
FROM: Ralph Gibson, Program Manager
SUBJECT: TRPA Regional Plan - Cultural Resources Review
DATE: May 22, 2012

I reviewed the Tahoe Regional Planning Agency plan for preserving cultural resources. I have three questions that pertain to section C-1.1 (Policies).

1. The plan indicates that TRPA will confer with local, state and federal authorities to maintain a list of significant architectural and archaeological sites. Who at TRPA will maintain this list?
2. Where exactly will the list be kept?
3. Would it be possible to get a copy of this list?

Access to as many resources as possible regarding historic/prehistoric sites or buildings will help streamline the County cultural resource review process that we currently perform.

The plan itself follows accepted preservation guidelines and practices as outlined by the Secretary of Interior's Standards. I concur with the overall document.

A37-1

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A38

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Thomas J. Christofk, Air Pollution Control Officer

June 28, 2012

Adam Lewandowski, Senior Planner
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89448

SUBJECT: Lake Tahoe Regional Plan Update Draft Goals and Policies, Draft Code of Ordinances and Draft Environmental Impact Statement

Dear Mr. Lewandowski

The Placer County Air Pollution Control District (District) appreciates the opportunity to review and comment on the Lake Tahoe Regional Plan Update Draft Environmental Impact Statement (DEIS). The District has reviewed the associated documents for the DEIS and Draft Code of Ordinance and has the following comments for your consideration:

A38-1

Regional Plan Update DEIS
General Comments

1. The DEIS contains numerous examples of mitigation measures, strategies, and programs which lists different standards for the "California side" vs. the "Nevada side" of the Basin. While the District understands and acknowledges the fact that TRPA has a long standing history of separating these two jurisdictions, the goals, policies, mitigation measures, rules and ordinances, which relate to air quality need to be approached "Basin-wide". Air Quality issues do not stop, nor change, at the border of these two states; they should be considered from a regional perspective. The update of the Regional Plan provides a unique opportunity to take a common sense approach to reviewing air quality from a "Basin-wide" standpoint and applying amendments for threshold standards, mitigation measures, strategies, and programs from a more comprehensive, region-wide approach.
2. The DEIS contains descriptions of proposed new development units for each alternative with maps illustrating proposed land use plans. The District recommends that the DEIS provides additional information regarding the assumptions relating to new development (residential units, commercial floor areas, and tourist accommodation units) within each of the core areas under each alternative. For example, almost 5,000 residential units are proposed by Alternative 5, what is the assumed number of residential units within each of the core areas within the projected land use models? This information is crucial in determining projected VMT's and air quality associated with various parts of the Basin. The document needs to include discussions relating the distribution of growth, VMT's, and air quality in 2035 based on the projected location of residential units, commercial floor space, TAU's, etc. within each of the alternatives.
3. The DEIS places a heavy emphasis on compliance with California Senate Bill (SB) 375 which "further solidifies the linkage between land use and transportation planning for the California side

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A38-3

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of the Basin, and thus the link between the Regional Plan Update (RPU) and the Regional Transportation Plan (RTP).” The proposed RPU integrates the Sustainable Community Strategy (SCS) required by SB 375 which also includes the requirement to analyze alternatives which achieve GHG reduction targets established by the California Air Resources Board (CARB) in 2011. However, the DEIS only contains a brief discussion of SCS but does not provide a detailed discussion under each alternative as to how each, individual proposed alternative incorporates components of SCS or SCS related goals and policies. In addition, the DEIS does not clarify whether or not SB 375 compliance is necessary (or that TRPA is simply using SB 375 as a “template”) as well as whether or not the mitigation measures and strategies pertaining to SB 375 apply “Basin-wide” or just on the California side. The District recommends the DEIS providing further discussion under each alternative as to how a SCS is applied for each proposed alternative. Furthermore, the document should describe how each selected transportation strategy is incorporated within the transportation model which forecasts potential transportation impacts in 2035.

A38-4
Cont'd

4. The DEIR needs to ensure that there is consistency within the data provided throughout the document. For example, the 2035 daily VMT shown in Table 3.5-4 for mobile source GHG emissions under Alternative 1 (1,570,454) is not consistent with the 2035 daily VMT shown in Table 3.3-14 (2,141,100). In addition, the proposed residential units applied for air quality modeling analyses in Appendix F (4,874) are not consistent with the proposal units under Alternative 4 in Table 3.2-16(4,960). Although footnotes are provided for each of the tables, it is not clear how the determination was made for each type of VMT. The District recommends that all relative air quality and GHG impact modeling analyses be reviewed in order to reconcile any discrepancies. In addition, the transportation section (Section 3.3) should provide additional discussion and/or tables which summarize the results provided in Appendix E.
5. The District has serious concerns regarding the proposed methodology to determine mobile source emissions for each alternative in 2035. The DEIS presents a significant net decrease in mobile source NOx emissions by comparing the emissions from the existing VMT (in 2010) and the 2035 emissions described under Alternative 5. With a projected buildout of an additional 4,965 residential units, 983,600 sq ft of commercial floor area, and 742 tourist accommodation units in 2035 how is it possible to achieve a -622 tons of NOx emissions per year within the Basin? The Regional Plan Update proposes different scenarios as to how many “additional” developments are planned for build out in 2035. Therefore, the analysis should focus on the potential mobile source emissions resulting from “new” development proposed by each alternative in 2035 and determine if these “additional” emissions would cause any significant impact to air quality in 2035.

A38-5

A38-6

Chapter 2: Regional Plan Update Alternatives

6. Within the discussion under Section 2.5, the document states that: “Therefore, the TRPA Governing Board may choose to implement any land use framework alternatives with a combination of development potential and environmental regulation from other alternatives”. If the governing board has the option to “pick and choose” various elements from each of the alternatives, then the EIS data may need to re-analyze any new combination of alternatives and the environmental document may need to be re-circulated. For example, if parts of Alternative 2 (Low Development, Increased Regulation) were combined with parts of Alternative 4 (Reduced Development, Incentivized Redevelopment), that would alter the analysis within the EIS and could, potentially, change mitigation measures and environmental conclusions. The EIS needs to

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clarify what additional type of environmental review would need to take place should a combination of alternatives be selected

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Cont'd

Chapter 3

Section 3.3 Transportation

7. Section 3.4 (Air Quality), and Section 3.5 (GHG Emissions and Climate Change) all apply different types of VMT data (i.e. Tahoe Region data, Basin-wide data, and "California only" data) within different years (2005, 2010, 2020, and 2035) to estimate mobile source emissions in order to determine the potential air quality impacts. However, only one table (Table 3.3-14) summarizes Tahoe Region VMT in 2010 and 2035. No justification is provided in Section 3.3 as to how the other types of VMT (Basin-wide and California only) are determined from the transportation modeling results. In addition, Appendix E does not provide any modeling data which demonstrates how the 2005 VMT data for the California portion of the Basin was determined. Since the VMT data is a key element for mobile source emission estimations, the District strongly recommends that this VMT data be summarized explicitly within the transportation section which is the basis for air quality impact analyses.
8. Impact 3.3-3 states that all 5 alternatives do not meet the TRPA VMT threshold standards (Table 3.3-14). Therefore, as a mitigation measure, the DEIS verifies that a specific percentage of VMT reduction is required for each alternative in order to meet the TRPA VMT threshold standard. However, the discussion of Mitigation Measure 3.3-3 only 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 traffic counts and VMT". It is not clear what kinds of proposed transportation measures will be applied for each alternative, how this proposed mitigation will be implemented, and when the proposed "deferred" mitigation will be implemented to achieve the percentage of VMT reduction targeted for each alternative. The District strongly recommends that the discussion under Impact 3.3-3 provide more detailed analyses in order to demonstrate how the VMT reduction target can be achieved for each alternative.

A38-8

A38-9

Section 3.4 Air Quality

9. On page 3.4-1, the last sentence in 3rd paragraph, under Section 3.4.2, indicates that "In addition, the Compact states the Regional Plan shall provide for attaining and maintaining federal, state, or local air quality standards, which ever are strictest, in the respective portions of the Region for which the standard are applicable." As stated in comment #1, the entire Tahoe Region shares the same air shed primarily due to its special geographical terrain. Table 3.4-3 includes TRPA's "Peak 24-hour Period Limits for Stationary Sources", which is the strictest emission limitation for any local jurisdiction. The District recommends that TRPA consider taking the same approach to reviewing and amending other threshold standards for air quality for the entire Basin.
10. Within Table 3.4-4- Air Quality Standards, the national primary standard for carbon monoxide (CO) 8-hour average standard should be 9 ppm, not 6 ppm. Please modify..
11. On pages 3.4-11 to 3.4-13, the DEIS lists only six (6) PCAPCD Rules which apply to the Basin. The District recommends the following additional rules for consideration: Rule 214 "Transfer of Gasoline into Vehicle Fuel Tanks (i.e. service stations), Rule 225 (Wood Burning Appliances),

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Rule 242 (Stationary Internal Combustion Engines), Rule 246 (Natural Gas-Fired Water Heaters), and all burning rules (Rule 301 to Rule 306) under Regulation 3 (Open Burning). More detail regarding these rules can be found at: <http://www.placer.ca.gov/Departments/Air/Rules.aspx>.

A38-12
Cont'd

12. The first sentence in 1st paragraph under "Monitoring Station Data and Attainment Area Designation" (page 3.4-17) states that air pollutants are measured at two monitoring stations in the LTAB, which is incorrect. Another monitoring station is operated by Washoe County at Incline Valley. It has provided ozone measurements to EPA since 1993. Please correct this information. In addition, Table 3.4-6 should include the ozone measurements from the Incline Valley station in 2011 since there is not any available ozone data from the two south Tahoe stations. The ozone data from Incline valley can be found at the EPA AirData website (<http://www.epa.gov/airdata/>).

A38-13

13. The District is not aware of any complete emission inventory been developed for the entire Lake Tahoe Air Basin. Exhibit 3.4-1 on page 3.4-19 illustrates data from the CARB emission inventory database which only includes emissions on California portion of the Basin. The title for Exhibit 3.4-1 "Lake Tahoe Air Basin 2008 Emission Inventory" is incorrect. Unless the DEIS can cite any data source which provides emission inventory for the entire Basin, the District strongly recommends that the discussion on page 3.4-18 for emission inventory explicitly state that the data is only for the California portion of the Basin and correct the title on Exhibit 3.4-1.

A38-14

14. The determination of air quality impacts from each alternative should be based on the established thresholds of significance by each local jurisdiction. However, the DEIS does not contain this level of discussion regarding the established environmental thresholds for short-term construction and long-term operational emissions. The District recommends that the DEIS include and summarize all applicable environmental review thresholds established by each local jurisdiction in Tahoe Region such as the CEQA thresholds established by PCAPCD, EDAQMD, and other governmental agencies. According to the summary of air quality thresholds, the level of significance can then be determined by the "whichever is strictest" threshold for each alternative.

A38-15

15. Impact 3.4-2 lists the proposed mitigation measure for "Short Term Construction Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}". The mitigation measure, "Develop and Implement a Best Control Practices Policy for Construction Emissions", states that: "Within 12 months of adoption of the RPU, TRPA will coordinate implementation of Best Construction Practices for Construction Emissions ..." and that "implementation of feasible measures and Best Management Practices to reduce construction-generated emissions to the extent feasible". While this mitigation measure does seem to indicate that local ordinances would be used as mitigation, in the case where local ordinances do not address mitigation it appears that the proposed TRPA "policy" will be utilized as mitigation. The District suggests that, in order for the proposed mitigation measure to be effective, TRPA should consider adoption of their proposed "policy" as a rule or ordinance for these "Best Construction Practices". Policies can be somewhat vague and not totally enforceable. The District believes that if a mitigation measure is proposed in the form of an ordinance, it is much more likely to be implemented. Also, using terms within mitigation measures such as "to the extent feasible" leaves a lot of room for interpretation of the measure.

A38-16

16. On page 3.4-29 (Impact 3.4-3) the document states that the analysis assumes the EMFAC model can be used to estimate mobile source emissions due to the factors that determine vehicle choice (e.g., lifestyle, mobility, environmental, and local economic factors) and that these do not differ dramatically throughout the Basin. However, the EMFAC model also contains factors of enacted

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(present) and approved (future) vehicle control regulations (e.g., on-road diesel vehicle regulation, ultra-low sulfur diesel fuel, and advanced clean car programs) which are only applied in California. How is it assumed that the vehicles on the Nevada portion of the Basin are in compliance with the California regulation requirements? The DEIS should provide more detailed discussion for the EMFAC model application on mobile source emissions for the entire Basin.

A38-17
Cont'd

17. As stated in Comment #5 above, the District has serious concerns regarding the methodology applied for the determination of long-term operational emission impacts for each alternative. According to the statement on page 3.4-30, mobile source emissions for each alternative in 2035 are determined by the comparing the emissions of existing conditions in 2010 and the emissions from implementation of each alternative in 2035. According to this methodology, all mobile source emissions from each alternative present a significant decrease between 2010 and 2035, which will dramatically offset the increase from area-wide sources and waterborne transit emissions. Therefore, the conclusion for long-term operational emissions from each alternative is shown to be "less-than-significant". The District argues this conclusion determination because it is established on a mistaken comparison between different years to misinterpret the results from the mobile source emissions from each alternative.

The DEIS states that the Tahoe Regional Plan is a long-term land use plan for Tahoe Region. Each alternative proposes additional development from existing conditions in 2010 to projected conditions the year of 2035. Therefore, the operational emission for each alternative should be based on the additional development within each alternative in 2035 compared to the existing development identified in 2010. For example, Table 3.4-20 shows there are 8.25 tons per year of NOx emissions from natural gas usage as a result of the additional 4,965 residential units, 983,600 sf2 of commercial floor area (CFA), and 742 tourist accommodation units (TAU) within Alternative 5 in the year 2035 as compared to the existing development in 2010.

A38-18

Mobile source emissions are determined by VMT and associated vehicle emission factors from EMFAC 2011. The 2035 projected VMT is a combination from both existing development in 2010 and proposed new development in 2035. The net increase between the 2035 VMT and the 2010 VMT reflects the population growth from additional residential units and visitor growth and from additional CFA and TAU proposed under each alternative. Therefore, the District believes that the mobile source emissions for each alternative should be calculated based on the net increase of VMT determined by 2010 VMT and 2035 VMT and the emission factors from EMFAC 2011 in 2035. The formula can be expressed as following:

$$[VMT_{(2035 \text{ under Alternative})} - VMT_{(2010 \text{ as existing condition})}] \times EMFAC_{2011 (2035)} = \text{Net increase of mobile sources emissions in 2035 under each alternative.}$$

EMFAC 2011 accounts for already enacted (present) and approved (future) vehicle emissions control measures enforced by State of California. The net decrease identified by the DEIS analysis presents the emission reduction due to the more stringent vehicle emissions standards. However, Impact 3.4-3 needs to identify the level of significance for the potential air quality impact with proposed new development at buildout in 2035, rather than determine the trend of mobile source emissions from 2010 to 2035. Furthermore, mobile source emissions are reduced in 2035 from both existing development and proposed new development because of lower vehicle emission factors. Base on these facts, the District strongly recommends that the mobile source emissions be re-calculated and the level of significance for long-term operational impacts under each alternative

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be re-analyzed.

A38-18
Cont'd

18. Impact 3.4-5 on page 3.4-38 states: "The Regional Plan Update Alternatives would not involve the siting of sensitive receptors near any major roadway or any major stationary sources of TAC emissions". However, the following discussion on page 3.4-39 states "The land use strategy of Regional Plan Update Alternative 2 through 5 would include incentivizing development in more urban areas, which are located along the Basin's main transportation corridors." These two discussions could potentially be in conflict with one another. In addition, the 4th paragraph on page 3.4-39 also states "The proposed Regional Plan Update would not include the construction or operation of any major stationary sources of TAC emissions or result in an increase in mobile-source TAC emissions." How is this possible? The proposed transportation strategy includes construction of transit centers for public transit network. Are there mechanisms in place to prohibit land uses which include sensitive receptors adjacent to major roadways or TAC sources? What about commercial uses adjacent to residential areas which include TAC emissions (i.e. fuel stations)? The District recommends that this discussion be modified in order to reconcile this conflict.

A38-19

19. Impact 3.4-5 lists construction emissions in proximity to sensitive receptors as "potentially significant" and proposes a mitigation measure which states that TRPA will coordinate implementation of Best Construction Practices for Construction Emissions through TRPA approved plans "within 12 months" as well as coordination with local governments. For those projects not subject to local ordinances, it is not clear how this proposed "deferred" mitigation will be implemented and what contingency plan is in place if "within 12 months" the Best Construction Practices policy cannot be enacted. The District suggests that TRPA consider more enforceable language such as the adoption of their proposed "policy" as rules or ordinances in order to ensure the proposed mitigation measures can be implemented.

A38-20

20. The District has concerns relating to new development which may increase the frequency of prescribed burning by fire departments or forest management agencies to reduce wildfire risks when additional lands are urbanized near the core areas proposed by Alternative 2 through 5. Open burning is one of the major issues in Tahoe Region resulting in criteria pollutants which cause air quality impacts and influencing lake clarity. Therefore, the District suggests that the DEIS analyze whether or not open burning would potentially impact air quality within each of the alternatives.

A38-21

Section 3.5 GHG Emissions and Climate Change

21. As stated in comment # 17, the District strongly recommends that mobile source GHG emissions be re-calculated based on the net increase of VMT between the existing conditions in 2010 and the implementation of all alternatives in 2035 utilizing EMFAC 2011 emission factors in 2035.
22. Impact 3.5-1 states that all 5 alternatives will include potentially significant impacts due to the related GHG emissions from each alternative. While Impact 3.3-3 proposes transportation mitigation measure in order to achieve the percentage of VMT reduction for each alternative, the District recommends that the DEIS analyzes whether or not the proposed RTP transportation strategy would reduce GHG emissions from mobile sources and therefore reduce total GHG emissions from each alternative.

A38-22

A38-23

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23. Under Mitigation Measure 3.5-1, the DEIS proposes several sustainability measures to reduce the potential GHG emissions from each alternative. Some of measures will need an enforceable mechanism (e.g., policy and ordinance) in order to be implemented. For example, Mitigation Measure 3.5-1 proposes to retrofit existing building to exceed energy efficiency building code standards and to require minimum passive solar design standards in new buildings. The DEIS should discuss the feasibility
24. According to Appendix C "Transportation Strategy Packages", each proposed RPU alternative has its relative transportation strategy package proposed by the RTP/SCS. However, the DEIS does not contain any discussion which describes how the proposed transportation strategy package is incorporated with each alternative and how it would assist in the reduction of GHG emissions from mobile sources. The District believes that if a mitigation measure is proposed in the form of an ordinance, it is much more likely to be implemented.
25. Impact 3.5-2 identifies that an Alternative Planning Strategy (APS) will be prepared for Alternative 1, 4, and 5 because it can't attain the requirements within SB 375. In addition, the discussion states "Because Alternative 2 and 3 demonstrate that achieving both the AB32 and SB375 reduction goal is feasible, adoption of a qualifying APS for Alternative 1, 4, and 5 would feasibly reduce this impact to a less-than-significant level." However, the discussion does not describe what additional strategies, other than a SCS, would be included within the APS and how the APS can provide additional GHG emission reductions to assist Alternative 1, 4, and 5 in order to achieve SB 375 target. The DEIS should provide more detailed information relating to this issue so that the decision makers can make a more informed decision when selecting the preferred alternative. In addition, the discussion does not provide the explanation how Alternative 2 and 3 achieving the requirements of SB 375 will be the connection to demonstrate that the proposed APS will assist Alternative 1, 4, and 5 to achieve SB 375 target. The District recommends additional discussion relating to this issue.

A38-24

A38-25

A38-26

Appendix E: Transportation Analysis

26. According to the footnote on Table 3.5-3, VMT's for the California portion of the Basin in 2005 is provided in Appendix E. However, Appendix E does not contain any transportation demand model which illustrates how the 2005 VMT for the California portion of the Basin is modeled. This information should be included in Appendix E.

A38-27

Appendix F: Air Quality Modeling and GHG Emissions Analysis

27. As stated in Comment #4, the number of residential units used in CalEEMod modeling for each Alternative is not consistent with the proposal in Table 3.3-7. The District recommends that the modeling assumption for each alternative be reviewed and modified in order to reconcile this discrepancy.

A38-28

Draft Code of Ordinance

28. The District would require TRPA to review Section 65.1.6 (New Stationary Source Review) and to discuss possible modification for it. There are no any documentation to present the rationale for the specific requirements and emission thresholds. In addition, the section does not contain any permitting or enforcement system to ensure the requirement can be implemented. Furthermore,

A38-29

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these requirements are not consistent and/or are redundant with the California and Nevada Air Pollution Agencies that have the responsibility of air quality in the Tahoe Basin. These agencies operate comprehensive regulatory programs including regulations for the permitting and enforcement of new and existing stationary sources of air pollution and these regulations have been approved by EPA to ensure the compliance with the federal Clean Air Act requirement. The District recommends that TRPA shall consult with these agencies for the section modification.

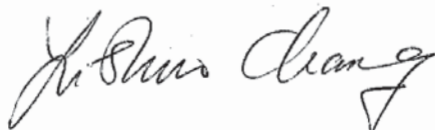
A38-29
Cont'd

29. The District has concerns regarding the new added language on Section 65.1.6 F regarding the prohibition on applications for "biofuel facilities" until they are determined to be "safe" and have "environmental compatibility". No rationale or documentation is provided as to what harm they pose. In fact, there is a comprehensive regulatory review and evaluation process in place that fully considers all potential impacts of any new stationary source. Further, biofuel facilities allow for the effective treatment and disposal of regionally produced biomass wastes, and provide numerous environmental advantages, including the reduction of air pollution, greenhouse gases, and water quantity, quality, and timing. The TRPA shall provide the documentation or evidence for public review in order to support this amendment on this section.

A38-30

Thank you for allowing the District this opportunity to comment on the Project. If you have any questions, please do not hesitate to contact me at (530)745-2325.

Sincerely,



Yushuo Chang
Planning and Monitoring Section Supervisor

Cc: Tom Christofk, APCO

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Thomas J. Christofk, Air Pollution Control Officer

June 28, 2012

Karen Fink, Senior Planner
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89448

SUBJECT: Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy and Draft Environmental Report/Impact Statement (EIR/EIS)

Dear Ms. Fink

The Placer County Air Pollution Control District (District) appreciates the opportunity to review and comment on the 2035 Lake Tahoe Regional Transportation Plan/Sustainable Communities Strategy Draft Environmental Impact Report/Impact Statement (DEISR/EIS). The District has reviewed the associated documents for the DEIS and has the following comments for your consideration:

1. The DEIR/EIS for the RTP contains descriptions of proposed Alternatives which should be consistent with the alternatives within the RPU and the related transportation strategy packages which are listed at the end of Chapter 2. However, the description does not provide further discussion as to which components of the SCS are assumed under each Alternative and does not include any summary of relative transportation goals, policies, and implementation measures under each Alternative. The District recommends that the DEIR/EIS should include the same description as the RPU EIS which describes how the SCS is incorporated with each Alternative for future development within the Tahoe Region.
2. Section 3.4-(Air Quality) and Section 3.5-(GHG Emissions and Climate Change) use different types of VMT data (Tahoe Region, Basin-wide, and California only) in different years (2005, 2010, 2020, and 2035) in order to estimate mobile source emissions and determine the potential air quality impacts. However, only Table 3.3-14 summarizes Tahoe Region VMT in 2010 and 2035. There is not any justification included in this section and the tables provided in Section 3.3 do not describe how the other types of VMT (basin-wide and California only) are determined from the transportation models. In addition, Appendix C does not provide the modeling results which demonstrate how the 2005 VMT for California portion of Lake Tahoe has been determined. Since VMT data is the key element for mobile source emission estimation, the District strongly recommends that VMT be explicitly summarized from Appendix C in the transportation section which can then be used as reference for the air quality impact analyses.
3. On page 3.3-3 the DEIR/EIS identifies the TRPA VMT threshold standard is 2,067,600 VMT, which is 10 % less than the 1981 base year value of 2,297,300 for a peak summer day. However, Impact 3.3-3 use VMT "per capita" as the criteria to determine the level of significance for each Alternative VMT impacts. This is not consistent with the threshold standard established by the

A39-1

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A39-4

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|--|-------------------------|
| <p>Compact. Unless VMT per capita is a threshold standard established by TRPA, the discussion for Impact 3.3-3 should be based on total VMT for each Alternative and the level of significance should be based on the TRPA VMT threshold.</p> | <p>A39-4
Cont'd</p> |
| <p>4. On pages 3.4-11 to 3.4-13, the DEIR/EIS lists only six (6) PCAPCD Rules which apply to the basin. The District recommends additional rules to be considered such as Rule 214 "Transfer of Gasoline into Vehicle Fuel Tanks (i.e. fuel stations). More detail regarding these rules can be found at: http://www.placer.ca.gov/Departments/Air/Rules.aspx.</p> | <p>A39-5</p> |
| <p>5. The first sentence in 1st paragraph under "Monitoring Station Data and Attainment Area Designation" (page 3.4-17) states that air pollutants are measured at two monitoring stations in the LTAB, which is incorrect. There is another monitoring station operated by Washoe County at Incline Valley. It has provided ozone measurements to EPA since 1993. Please correct this information. In addition, Table 3.4-6 should include the ozone measurements from the Incline Valley station in 2011 since there is not any available ozone data from the two south Tahoe stations. The ozone data from Incline valley can be found at EPA AirData website (http://www.epa.gov/airdata/).</p> | <p>A-39-6</p> |
| <p>6. The District is not aware of any complete emission inventory been developed for the entire Lake Tahoe Air Basin. Exhibit 3.4-1 on page 3.4-19 illustrates the data from the CARB emission inventory database which only includes the emissions on California portion of Lake Tahoe. The title for Exhibit 3.4-1 "Lake Tahoe Air basin 2008 Emission Inventory" is incorrect. Unless the DEIR/EIS can cite data sources which provide the entire Lake Tahoe Air basin emission inventory, the District recommends that the discussion on page 3.4-18 relating to the emission inventory should explicitly state that the data is only for the California portion and the title on Exhibit 3.4-1 should be corrected.</p> | <p>A39-7</p> |
| <p>7. The determination of air quality impacts from each Alternative should be based on the established thresholds of significance by each local jurisdiction. However, the DEIR/EIS does not contain any discussion or summary regarding the established environmental thresholds for short-term construction and long-term operational emissions. The District recommends that the DEIS should state and summarize all applicable environmental review thresholds established by each local jurisdiction in Tahoe Region such as the CEQA thresholds established by PCAPCD, EDAQMD, and other governmental agencies. According to the summary of air quality thresholds, the level of significance can then be determined by the "whichever is strictest" threshold for each Alternative.</p> | <p>A39-8</p> |
| <p>8. Impact 3.4-2 lists the proposed mitigation measure for "Short Term Construction Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}". The mitigation measure, "Develop and Implement a Best Control Practices Policy for Construction Emissions", states that: "Within 12 months of adoption of the RPU, TRPA will coordinate implementation of Best Construction Practices for Construction Emissions ..." and that "implementation of feasible measures and Best Management Practices to reduce construction-generated emissions to the extent feasible". Is the development of Best Construction Practices tied with the RPU or RTP adoption? In addition, while this mitigation measure does seem to indicate that local ordinances would be used as mitigation, in the case where local ordinances do not address mitigation it appears that the proposed TRPA "policy" will be utilized as mitigation. The District suggests that, in order for the proposed mitigation measure to</p> | <p>A39-9</p> |

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be effective, TRPA should consider adoption of their proposed "policy" as a rule or ordinance for these "Best Construction Practices". Policies can be somewhat vague and not totally enforceable. The District believes that if a mitigation measure is proposed in the form of an ordinance, it is much more likely to be implemented. Also, using terms within mitigation measures such as "to the extent feasible" leaves a lot of room for interpretation of the measure.

A39-9
Cont'd

9. On page 3.4-29 (Impact 3.4-3) the document states that the analysis assumes the EMFAC model can be used to estimate mobile source emissions due to the factors that determine vehicle choice (e.g., lifestyle, mobility, environmental, and local economic factors) and that these do not differ dramatically throughout the Basin. However, the EMFAC model also contains factors of enacted (present) and approved (future) vehicle control regulations (e.g., on-road diesel vehicle regulation, ultra-low sulfur diesel fuel, and advanced clean car programs) which are only applied in California. How is it assumed that the vehicles on the Nevada portion of the Basin are in compliance with the California regulation requirements? The DEIR/EIS should provide more detailed discussion for the EMFAC model application on mobile source emissions for the entire Basin.

A39-10

10. The District has concerns regarding the discussion for long-term operational emission impacts for each Alternative. According to the analysis associate with Impact 3.4-3, all mobile source emissions from each Alternative present a significant decrease between 2010 and 2035. Therefore, the conclusion for the long-term operational emissions from each Alternative is less-than-significant. The District argues this determination because it misinterprets the results from the mobile source emissions from each Alternative.

The DEIR/EIS includes an evaluation of the environmental effects associated with the Alternatives proposed by the Lake Tahoe 2035 RTP. The 2035 RTP incorporates the SCS with land use development scenarios in order to achieve GHG emission reduction targets set by California SB 375. The goal of the SCS is to plan a sustainable community combined with more efficient land use design and transportation system, enhance public mobility, and to reduce the GHG emissions. In order to achieve these goals the District suggests using Alternative 1 as "business as usual" and then compare Alternative 1 with the other Alternatives.

A39-11

Alternative 1 retains existing development rights from the 1987 Regional Plan which would continue into the future, thus it can be defined as "Business as Usual". Other Alternatives would have their own land use design and related transportation strategy packages as well as a SCS scenario. These special factors under each alternative will be the part of transportation demand model analysis and estimate the projected VMT in 2035. The modeled 2035 VMT for each alternative will be used to estimate its mobile source emissions and determine if which Alternative would be better for the "sustainable community" design concept.

In addition, because the RTP contains a SCS which incorporates land use development into its transportation element, the significance determination for the operational emissions should include area-wide sources as well as mobile sources in order to adequately evaluate the related air quality impact from each Alternative.

11. Impact 3.4-5 on page 3.4-36 states: "The proposed RTP/SCS does not involve the siting of sensitive receptors near any major roadway or any major stationary sources of TAC emissions".

A39-12

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However, the following discussion on page 3.4-37 states: "The land use strategy of Alternative 2 through 5 would include incentivizing development in more urban areas, which are located along the Basin's main transportation corridors." These two discussions could potentially be in conflict with one another. In addition, the 3rd paragraph on page 3.4-37 also states "The proposed RTP/SCS would not include the construction or operation of any major stationary sources of TAC emissions or result in an increase in mobile-source TAC emissions." How is this possible? The proposed transportation strategy includes construction of transit centers for public transit network. Are there mechanisms in place to prohibit land uses which include sensitive receptors adjacent to major roadways or TAC sources? What about commercial uses adjacent to residential areas which include TAC emissions (i.e. fuel stations)? The District recommends these discussions be modified in order to reconcile this conflict.

A39-12
Cont'd

12. Impact 3.4-5 lists construction emissions in proximity to sensitive receptors as "potentially significant" and proposes a mitigation measure which states that TRPA will coordinate implementation of Best Construction Practices for Construction Emissions through TRPA approved plans "within 12 months" as well as coordination with local governments. For those projects not subject to local ordinances, it is not clear how this proposed "deferred" mitigation will be implemented and what contingency plan is in place if "within 12 months" the Best Construction Practices policy cannot be enacted. The District suggests that TRPA consider more enforceable language such as the adoption of their proposed "policy" as rules or ordinances in order to ensure the proposed mitigation measures can be implemented.

A39-13

13. Impact 3.5-2 identifies that an Alternative Planning Strategy (APS) will be prepared for Alternative 1, 4, and 5 because it can't attain the requirements within SB 375. In addition, the discussion states "Because Alternative 2 and 3 demonstrate that achieving both the AB32 and SB375 reduction goal is feasible, adoption of a qualifying APS for Alternative 1, 4, and 5 would feasibly reduce this impact to a less-than-significant level." However, the discussion does not describe what additional strategies, other than a SCS, would be included within the APS and how the APS can provide additional GHG emission reductions to assist Alternative 1, 4, and 5 in order to achieve SB 375 target. The DEIS should provide more detailed information relating to this issue so that the decision makers can make a more informed decision when selecting the preferred alternative. In addition, the discussion does not provide the explanation how Alternative 2 and 3 achieving the requirements of SB 375 will be the connection to demonstrate that the proposed APS will assist Alternative 1, 4, and 5 to achieve SB 375 target. The District recommends additional discussion relating to this issue.

A39-14

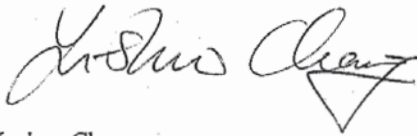
14. According to the footnote on Table 3.5-3, VMT's for the California portion of the Basin in 2005 is provided in Appendix C. However, Appendix E does not contain any transportation demand model which illustrates how the 2005 VMT for the California portion of the Basin is modeled. This information should be included in Appendix C.

A39-15

Placer County Air Pollution Control District
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Thank you for allowing the District this opportunity to comment on the Project. If you have any questions, please do not hesitate to contact me at (530)745-2325.

Sincerely,

A handwritten signature in black ink, appearing to read "Yushuo Chang", with a stylized flourish at the end.

Yushuo Chang
Planning and Monitoring Section Supervisor

Cc: Tom Christofk, APCO

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A40**Steve Buelna****Placer County Community Development Resource Agency****4.26.12**

Steve Buelna, Placer County Community Development Resource Agency said he wanted to echo Ms. Roverud's comments about thanking staff and the Governing Board for your work on the Regional Plan Update. Much like Ms. Roverud, I was involved in the Regional Plan Update Committee meetings and I think we did reach some consensus on some of the issues and a lot of that can be attributed to staff. While we may not always agree with them from the Counties perspective and may identify some areas of disagreement for the most part we worked well together to try and reach some agreement on that. This past Tuesday, our staff took before our Board a status update on your Regional Plan efforts. At that meeting we identified some of the broader concepts and areas where we may anticipate some issues to bring forward to the Governing Board. We informed our Board that we would be coming back after having an opportunity to thoroughly review the documents and we will be looking for our Boards direction on some of those items like area plan conformance and the delegation of review authority. Again thank you to staff for working with us through the process.

A40-1

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A41

Jennifer Merchant
Placer County

6.27.2012

Jennifer Merchant, Placer County Executive Office said I am here to relay some input from our Board of Supervisors. Arlo was kind enough to attend our meeting a few weeks ago and we had a robust discussion among the Board and with Arlo as well. We have sent you quite a long comment letter, but I wanted to make sure that you heard some of the highlights here in a more public venue. I want to start out by saying that Placer County really appreciate TRPA's staff focus on environmental redevelopment as it has moved forward with this Regional Plan Update. We know that times have changed. The first Regional Plan was really in response to over development, mostly at South Lake Tahoe and that this new plan is acknowledging strides that have been made toward improvements in attainment of TRPA Thresholds but also acknowledges the important human element of our community. After all folks have been coming to North Lake Tahoe to visit because it is an awfully beautiful place to come and that will not go away just because more modern technology to address environmental concerns. In fact, we think that tourism is a pretty sustainable and clean revenue source for our communities and is going to assist us, if done right, in redeveloping our communities so we can be a leader in attaining environmental improvements in our community. So we really want to thank TRPA staff for making that fine point focus of the outreach that has been done to-date. We do have however some comments were we think some improvements to those goals can be made.

A41-1

Number one under mitigation measure 3.3-3, the VMT and LOS that is roadway level of service tie to allocation of development commodities, we believe is not an appropriate mitigation. In many cases level of service and VMT (vehicle miles traveled) are not tied at all. In fact your Governing Board as well as our Board of Supervisors made great strides in this very community to improve pedestrian and bicycle use and really focus and prioritize those uses because there is cleaner ways of getting around. There are healthy for communities by reducing the number of lanes in the roadway to focus instead on bike and ped. When we reduce the number of lanes in the roadway, we automatically made level of service at signalized or round-about intersections devalued, and so we are saying on one hand you can't say we want to focus on bike and ped and at the same time allow a high level of service for automobiles. Really you can't have both things in all cases and if you are going to focus on one, which we believe is appropriate, we really believe that you should allow those components to operate at a higher level than the automobile components and in some cases there are backups so be it, maybe people will get on their bikes. That was really in our minds the purpose of focusing on bike and ped in that project. So we are concerned that this mitigation measure may take the very things that we are trying to accomplish and use them against environmental redevelopment in the future by not allowing commodities to be issues to communities who have made these improvements. So that is a very large concern to us.

A41-2

We also believe that you can meet VMT Threshold standards. In fact VMT has gone down at just about every signalized intersection in the Tahoe Basin, sometimes close to if not surpassing 1981 levels. You can meet those standards but not meet level of service standards because at peak seasons there are backups at intersections. So there are really two different animals and to use them together and compare them and make requirements is a concern to us.

We would also like to address the transfer of development rights system that is proposed in the plan. Where we understand and appreciate the improved balance of sensitive lands versus commodities that you can get if you transfer developments rights out of one area to another, Placer County did not do a lot of over development in the 60s and 70s. We don't have a lot of development on sensitive lands within our county jurisdictional boundaries, so we are concerned that we don't have the same capacity that El Dorado County would have perhaps or the City of South Lake Tahoe perhaps to remove development out of sensitive lands in order to replace it in a more appropriate Town Centers identified at least in Placer County as in Kings Beach and Tahoe City. So we are concerned that we don't have that capacity internal to ourselves, so we would have to reach out perhaps to another jurisdiction to purchase those commodities from that jurisdiction and get approval. You can kind of imagine in your mind a scenario where we would like, to say develop a Marriott Hotel in Tahoe City, and I'm not saying we have those plans, because we really don't. I am just trying to give you an example and we need coverage or certain commodities which we just don't have in access of in order to transfer into Placer County we would go to the City of South Lake Tahoe and they have excess of many things and they would consider in many cases providing those to us at, I'm sure a reasonable fee. That's say they were trying to attract that same hotel and they decided boy we would like to have that hotel in our boundaries so why are we going to sell you the commodities to put it in your jurisdiction. I know these concepts seem maybe farfetched to you, but you can imagine where they there may be some scenarios where a jurisdiction does not have control over its own destiny because of the transfer of development right

A41-3

requirements that are within the Plan. We believe that we need to look at within context and not a one-mitigation fits all concepts that is in the Plan now, but in context so that we can provide different development ratios transfer ratios in different jurisdictions based on a variety of things including availability of those rights within that jurisdiction. So we would like a little bit more analysis on that. I do know that a follow up analysis has been done regarding the economics of the proposal in the plan and I do have a copy of that and again I think that the conclusion of that analysis shows that very expensive, very large projects will pencil out. Well our communities are not going to probably have many very expensive, that means Ritz Carlton room rate or very large projects, so that is a concern that the economic feasibility of that program is a concern.

A41-3
Cont'd

I also wanted to touch on a couple probably smaller items and I'll run through them more quickly regarding the allocation system. We are concerned that the commercial floor area proposed in Alternative 3 is inadequate to serve the needs of the entire Basin, 200,000 square feet over a 20 year period you can do the math on that that is 10,000 square feet of commercial floor space per year for all five jurisdictions combined. That is not very much and I know you are trying to prioritize the development right system but we are concerned that that is not enough.

A41-4

We are also have some concerns about residential and TAU system that is in our letter, so I won't bother to go into detail on that today.

A41-5

We have mentioned many times duplicative regulation and we still see that incurring in this document, especially for the jurisdictions on the California side, where we have strict regulations on things like Water Quality, including the TMDL that was recently approved by Lahontan and BMP and noise standards that are already laws and regulations in California that requires us to do things. So when we have one agency telling us to do something and another one telling us to do almost the same things, it is very difficult for us to manage our resources and do the right thing. So we would really appreciate a little bit more focus on delegating authorities to the jurisdictions that really have some of these things as their main focus, for instance Lahontan with the Water Quality and TMDL requirements.

A41-6

The area plans that will be coming out of the Regional Plans, we have started already on those in Placer County and I know other jurisdictions are even farther than we are. We have four area plans underway right now and we know that those will have to conform with the Regional Plan, but we are very concerned about what conformance means and how conformance will be tested and approved. I kind of go back to that transfer of development rights scenario. In Tahoe City, Tahoe City is on a stream environment zone yet at the same time it is a Town Center, it is a receiving area for development, so how do we in a Tahoe City Community Plan for instance, say we want to focus development in this area yet we want to remove development from this area. And we have a lot of projects and interests in the community and the community is working right now on a vision especially related to the purchase by the Tahoe City Public Utility District of the golf course there as an amenity for the community. There is sub-developable land on there and we are concerned because it is not in the current community plan and it is not in TRPA's plan as a Town Center and how are we ever going to embrace that part of our community while in one hand TRPA's Regional Plan says that is not a place where we want to do any development or acknowledge that people use it and on the other hand our local community is saying that is the center and the heart of our town. So this conformance review is going to be very important as it goes forward and we would want to insure that we don't have to meet every single standard that has been put in the TRPA Regional Plan that is excessively regulatory and a lot of times we find in the Plan where Goals and Policies are written to the nats wing and we think that maybe some of these Goals and Policies are over prescriptive, so we would be concerned how can we be in conformance with an over prescriptive Goal and Policy that requires very specific development standards that you would normally see in a community plan, not a much higher level Regional Plan.

A41-7

There were a couple sections in the Regional Plan that kind of referred what I would call a review and regulatory role to the recently formed Sustainability Collaborative and Placer County with a lot of other state and local agencies on the California was part of the Strategic Growth Council Grant, very successful in receiving over a million dollars in the first round of that and part of that was a formation of a sustainability collaborative. That collaborative is much broader than the Tahoe Basin and we really think a group of folks should not have review and regulatory role that are not appointed by a body that are not a real specific body, so we would like to see that language removed from the Regional Plan.

A41-8

Finally, we think it if very important to stay on track with the to-do list of items were to be completed after the Regional Plan, we understand the urgency trying to get this document completed before the end of the year and we concur with finally getting it done, but there were some kind of very significant issues left hanging out there

– housing components for the local governments and also Placer County is very interested, you have heard me say it a million times, in reviewing the IPES scoring as it relates to residential development in Placer County, so we want to just make sure that your Board is keeping staff on task as the Regional Plan Update is completed in getting those to-do list projects done.

A41-9

Finally when we addressed our Board of Supervisors and listened to their comments about our recommendations, something came up that probably bares some comment and that is and I'm not exactly sure what it is being referred to as technically but for a lack of a better term the secret state meetings that are happening with the states in some private folks and some local government representatives, our Board of Supervisors was very concerned that negotiations may be happening in advance of the plan review and approval behind closed doors that we may or may not as interested parties, the public have an opportunity to participate. So because that concern came up, it doesn't appear in our letter but I wanted to just address you, I know it is not a Governing Board decision necessarily, but I thought it was important to relay to your group that there was some real heartburn about the methodology for that process. I really look forward to the next steps in the process and again thank you and your staff for the hard work that has occurred to-date.

A41-10

(Byron asked for clarification on her concern over the transfer of development rights – Jennifer said that the analysis needs to look at different ratios, I think that one of the proposals is a 6-1 ratio for taking things out of sensitive lands and if you are a mile and half away from a transit route, there are different level of ratios and I think that the ratios could be different based on the context and the needs of the community, so in other wards maybe it is a and I don't know what the right number is, but I think that we need to do a real economic analysis that shows how can you do a project that is feasible economically and meets the environmental goals and what is that just right number. Is it 4-1, 10-1, 20-1 and it may be different from community to community. So I think the ration is what specifically I would like a further analysis on.)

A41-11

(Byron asked if she is going to make a recommendation or have our professional staff to propose something – Jennifer said I wasn't planning to propose something because I didn't create the plan and I think that it would be up to the responding agency to respond to the comments and maybe with an economic analysis that says that we believe in this county for these reasons, this may be the right number and perhaps this is one of these conformance issues where in different local plans there are different ratios based on the context and capacity of the community.)

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A42**Skip Canfield**

From: Rebecca Palmer
Sent: Tuesday, June 19, 2012 11:03 AM
To: Skip Canfield
Subject: RE: Nevada State Clearinghouse Notice E2012-219

The SHPO supports this document as written.

A42-1

Rebecca Lynn Palmer
Deputy Historic Preservation Officer
901 South Stewart Street, Suite 5004
Carson City NV 89701
Phone (775) 684-3443
Fax (775) 684-3442

Please note, my email is rlpalmer@shpo.nv.gov

From: scanfield@lands.nv.gov [mailto:scanfield@lands.nv.gov]
Sent: Wednesday, April 25, 2012 11:17 AM
To: Alan Jenne; Alisanne Maffei; clytle@lincolnnv.com; brian.hunsaker@us.army.mil; cstevenson@ndow.org; Brad Hardenbrook; dmouat@dri.edu; Edward Foster; ed.rybold@navy.mil; Jennifer Crandell; James Morefield; Jennifer Newmark; Jennifer Scanland; kirk.bausman@us.army.mil; cohn@nv.doe.gov; Mark Freese; McClain Peterson; mstewart@lcb.state.nv.us; deborah.macneill@nellis.af.mil; escomm2@citlink.net; Octavious.Hill@nellis.af.mil; Rebecca Palmer; Robert K. Martinez; Russ Land; Sandy Quilici; Sherry Rupert; Steven Siegel; sscholley@lcb.state.nv.us; Tod.openborn@nellis.af.mil; William.Cadwallader@nellis.af.mil; zip.upham@navy.mil; Tim Rubald; Alex Lanza; Dave Marlow; Michael Visher; Kevin J. Hill; dziegler@lcb.state.nv.us; Richard A. Wiggins; Skip Canfield; Robert Gregg; Shimi.Mathew@nellis.af.mil; whenderson@nvaco.org; Alan Coyner; Lowell Price; Mike Dondero; Pete Anderson; Pete Konesky; Rich Harvey; Cliff Lawson; gderks@dps.state.nv.us; John Walker; Karen Beckley
Cc: bjudge@trpa.org; tavance@trpa.org
Subject: Nevada State Clearinghouse Notice E2012-219

**NEVADA STATE CLEARINGHOUSE**

Department of Conservation and Natural Resources, Division of State Lands
901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 04/25/2012

Tahoe Regional Planning Agency

Nevada State Clearinghouse Notice E2012-219

Project: Tahoe Regional Plan Update

Follow the link below to find information concerning the above-mentioned project for your review and comment.

[E2012-219 - http://clearinghouse.nv.gov/public/Notice/2012/E2012-219.pdf](http://clearinghouse.nv.gov/public/Notice/2012/E2012-219.pdf)

- Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.
- Please reply directly from this e-mail and attach your comments.
- Please submit your comments no later than Monday June 25th, 2012.

[Clearinghouse project archive](#)

Questions? Skip Canfield, Program Manager, (775) 684-2723 or nevadaclearinghouse@lands.nv.gov

___ No comment on this project ___ Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

Requested By:
Brian JudgeTheresa Avance

Distribution:
- Division of Emergency Management
Alan Coyner - Commission on Minerals
Alan Jenne - Department of Wildlife, Elko
Alex Lanza -
Alisanne Maffei - Department of Administration
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Craig Stevenson - Department of Wildlife, Las Vegas
D. Bradford Hardenbrook - Department of Wildlife, Las Vegas
Dave Marlow -
Dave Ziegler - LCB

David Mouat - Desert Research Institute
Ed Foster - Department of Agriculture
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Gary Derks - Division of Emergency Management
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Jennifer Newmark -
Jennifer Scanland - Division of State Parks
John Walker - Nevada Division of Environmental Protection
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Kevin Hill - Nevada State Energy Office
Kirk Bausman - Hawthorne Army Depot
Linda Cohn - National Nuclear Security Administration
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Mark Freese - Department of Wildlife
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Robert Gregg - NTRT
Robert Martinez - Division of Water Resources
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Sandy Quilici - Department of Conservation & Natural Resources
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Skip Canfield, AICP - Division of State Lands
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Susan Scholley - Legislative Counsel Bureau
Tim Rubald - Conservation Districts
Tod Oppenborn - Nellis Air Force Base
Wes Henderson - NACO
William Cadwallader - Nellis Air Force Base
Zip Upham - NAS Fallon

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A43

Cindy Gustafson
Tahoe City Public Utility District

6.27.2012

Cindy Gustafson, Tahoe City Public Utility District thanked the Board for allowing the local agencies to go first today and we really were the first locally based government in the Tahoe Basin for those of you who want a little bit of history to start your morning. But with that we have been I think in the environmental redevelopment business for quite some time with water, sewer and our parks and recreation facilities and so we strongly support Alternative 3's concepts and that flexibility. Our Board has authorized funding to participate in a Tahoe City visioning process as Jennifer mentioned as relative both to the Tahoe City Golf Course and our other properties that we maintain. But I am most familiar with trails, bike trails and many of you might know that we just finished a very significant 20 year project through Tahoe City with a bicycle trail and we very strongly support the flexibility and local planning, flexibility for the exemptions in trail coverage. I want to just give you a brief example of how this can benefit more trails being built. We have been very fortunate to be in the right place at the right time that we were building trails in the 70s and ended up with only some missing links. So we have the largest bicycle trail network in the Lake. We extend for 19 miles of bicycle trails. They are most popular publicly used facility, they encourage people out of vehicles, they walk and enjoy and for any of you who had the chance to be on the new section through Tahoe City would see just a multitude of users and a real joy at being close to the Lake and kind of reestablishing our presence that that is what our towns were formed for, our Town Centers. With that project we spent over half a million dollars in coverage credits and acquiring coverage for that project. In addition, we are building a wetland for some of the wetlands impacts that will require another several hundred thousand dollars. If I take the cumulative impact of the mitigations we have paid for I truly believe a mitigation project in building trails and getting people out of vehicles, we could be building our next section of trail, which is the Homewood bicycle trail. It is a one mile section, again a missing link down in the Homewood area. We are at full design now and we have just completed our environmental review of that section and will be looking for funding. Unfortunately, as all of you know bond, governmental funding has started to dry up if nonexistent. The Conservancy pool of funding for such projects has certainly decreased until we see additional bonds or other funding mechanisms, we are going to be very challenged to get these trail projects complete, so I would really urge whatever you adopt in your environmental document, that you look at that exemption for trails. It is critical and your Alternative 3 gives a tremendous amount of flexibility and honor to the local jurisdictions to help solve our own problems. That is where we want to be collaborators with you to help solve these problems and continue our efforts that way. So thank you very much for this opportunity.

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A44

Peter Kraatz
Placer County Department of Public Works

6.27.2012

Peter Kraatz, Deputy Director of Placer County Department of Public Works said here to represent the Tahoe Interagency Executives Steering Committee of local government representatives, so I will try to cover broadly a few areas that I think local government around the Basin, all the counties and the city have some concerns and interests as this Regional Plan goes forward.

A44-1

The first one that you talked about already a little bit is transportation. I think that is critical around the Basin in terms of how we tee that up, not to hammer it in terms of what you just said recently, but I do want to hit roadway level of services, looking at it as being too unreasonably high in certain urban areas if you want pedestrian and transit-oriented development in our communities and mitigation should not be tied to LOS. Our Kings Beach Commercial Core Improvement project is a good example of learning from the past and we should use that example to incentivize redevelopment with commodities based on meeting pedestrian and transit-oriented development goals.

A44-2

Moving from there to the transportation strategy package in the update, this section of the plan is not clear with regards to expectations for capital and operational improvements expected for public transit systems that rely on mitigation from redevelopment or private projects. Better clarity including proposed projects and programs should be included.

A44-3

Shifting from transportation to regional plans versus area plans and this concept of one size fits all, in general the Regional Plan needs to have less specificity with regards to Codes and standards for redevelopment and specific details for redevelopment should be shifted to the area plans. A general comment is that a lot of specifics to that are in our Placer County comments but I think we represent the other counties and the city in regards to that issue too.

A44-4

Finally on the Water Quality Total Daily Maximum Load, a lot of effort as we all know in the last several years, I think the Regional Plan is moved in a relative good direction and I have said this in a lot of meetings and again being the local government representative for the TIE, I just want to say that the Water Quality TMDL requirements are captured by the state agencies at the Lake and both the standards and any funding expectations for meeting TMDL requirements should not be included in the Regional Plan beyond referencing the Lahontan and Nevada Division of Environmental Protection requirements. This lead to duplication of effort by local government in regards to reporting and time spent that does not result in improving in Lake Clarity. I know we have hammered this point a lot for local government, but I think it is really important to the extent that the Regional Plan Update gets adopted that is lines up well with Lahontan and NDEP requirements, so we are not doing different types of reports. We all have that common goal to improve the Lake and I want to make sure and this is an important point for me to make. So those three areas I think are concerning or important to local government as this Regional Plan moves forward so we can make this place a better place. Thank you for your attention to this matter today.

A44-5

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A45

Carl Hasty
Tahoe Transportation District
4.26.12

Carl Hasty, District Manager, Tahoe Transportation District is here to speak for the RTP. We support the RTP and what I wanted to make sure you are aware of is the discussion that Mr. Teshara mentioned about the potential of going into lapse if we keep these together. I have as an implementer of transit and transportation projects; I have a real serious concern about that potential and want to remind you that you actually represent three different transportation authorities. Under Federal law as the Metropolitan Planning Organization of which the RTP is applicable under California laws Regional Transportation Planning Agency of which the RTP is applicable and as TRPA. The conformity lapse issue is all relevant to especially the MPO and that does have challenges then for us should that occur. The RTP really has not changed significantly from a policy perspective of transportation nor the capital improvement program that is there and we as a district would be very concerned as taken a representation here for transportation partners in the Basin of any potential to put anymore obstacles than we already have of bringing forward the physical improvements that are implementing the Regional Plan and getting those improvements on the ground. As you deliberate your decision about the time of period, two of the three options would facilitate and adoption as at least as a MPO and RTPA in October of an RTP that would still provide compliance with those other statutory requirements while preserving your ability as TRPA to keep that all together.

A45-1

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Chapter 3

Organization Comments

TRPA EIR Comment - Suggested Addition of Rare Plant (*Artemisia tripartita* subsp. tripa... Page 1 of 1**01****TRPA EIR Comment - Suggested Addition of Rare Plant (*Artemisia tripartita* subsp. *tripartita*)**

Aaron E. Sims [asims@cnps.org]

Sent: Friday, June 15, 2012 3:38 PM

To: regionalplancomments

To Whom It May Concern,

I am a Rare Plant Botanist working for the California Native Plant Society and am writing today to make a formal comment in regards to the Lake Tahoe Regional Plan Update Draft Environmental Impact Statement (SCH# E2008-124).

Threetip sagebrush (*Artemisia tripartita* Rydberg subsp. *tripartita*) was recently documented and confirmed in California. It was previously not known from California and is currently being evaluated for addition to California Rare Plant Rank 2 (rare in California, more common elsewhere) of the CNPS Inventory (www.cnps.org/cnps/rareplants/inventory/). All of our current knowledge regarding this taxon demonstrates that it merits this rarity ranking in California.

One of three populations of threetip sagebrush in California occurs within the Lake Tahoe Regional Plan area and should be added to the Biological Resources (3.10) section of the EIR.

Thank you for your time and consideration.

Regards,
Aaron E. Sims

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Aaron E. Sims
Rare Plant Botanist
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CALIFORNIA
NATIVE PLANT SOCIETY

Protecting California's native flora since 1965

01-1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/22/2012

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02

April 26, 2012

The Honorable Norma Santiago
Chair,
Tahoe Regional Planning Agency Governing Board
128 Market Street
Stateline, NV 89449-5310

**RE: Public Comment Period Options for the Draft 2012 Regional Plan, Draft
Regional Transportation Plan, and Environmental Impact Statements**

Dear Chair Santiago and Members of the Governing Board:

Thank you for this opportunity to share our thoughts on the public comment timeframes for the Regional Plan and related documents. The Contractors Association of Truckee Tahoe is a non-profit, regional trade association covering the Washoe and Placer Counties' portions of the Tahoe Basin. Our membership is composed of approximately 270 companies representing the broad spectrum of the building industry and related trades. Our reach is easily several thousand working families in the region.

We have followed the trials and tribulations of the RPU process over many years. It is a thrill to actually be speaking to you about a milestone to conclude the process. But first, some preliminary comments:

- 1) *Public Awareness of the draft Regional Plan* – The fact the RPU Committee spent many hours to hash out word by word, line by line text for the Plan Goals and Policies speaks volumes to TRPA's willingness to help the public understand what was being proposed. And the fact there is some disagreement on some points indicates that involved parties understand what the words mean. Thanks to the RPU Committee, we all got the gift of extra time to know weeks ago what made the cut and what didn't. I like the motto of "No Surprises" and you definitely delivered on that!
- 2) *Releasing the draft 2011 Threshold Evaluation Report and RPU docs* – Giving the public the whole picture with the draft Regional Plan and 2011 Threshold Evaluation Report was the right course of action. I would be one of the first to criticize had we not received this Threshold Evaluation Report upfront and would have to later integrate it into the Plan.
- 3) *Color coded timeline* – Kudos to whomever on staff created the color coded timeline in the staff report showing the three public comment period options – very creative and helpful!

02-1

CATT's Local Government Affairs Committee discussed the three potential timeframes and selected the **60 day timeframe** as our preferred option. Here's why:

Additional Opportunities to Understand and Comment will be available for the Public

The fact the Governing Board will be further discussing the features of the Plan and more importantly the differences that could not be resolved in committee allows the public more time and opportunity to comment again on the controversial items. After the 60 day comment period on the draft documents, there will be 90 days of workshops. 150 days is a generous window for public comment.

Adaptive Management Means Plan Updating Will Occur on a More Regular Basis

The adaptive management approach presented months ago and reiterated yesterday with the Threshold Evaluation Report again provides more time and ways to address what might be perceived as deficiencies. The minutes from the RPU Committee at their February 21 meeting (page 16) capture this thought from Arlo "the hope is that the scope of amendments would be more limited because of the frequency of the amendments would be increased." If we wait for a "perfect plan, it might never happen. 60 days is adequate for this first bite at the apple.

60 days Provides More Time Between FEIS release and First Hearing

	60 day	75 day
FEIS Release	October 20	November 4
1 st Hearing	November 11	November 14
2 nd Hearing	December 12	December 12

The 60 day option gives double the time (22 days vs. 10 days) before the first hearing on the FEIS. That's pretty important as we get closer to an adoption date.

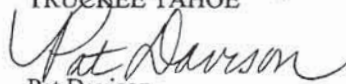
If Appeals Are Filed

We fully expect appeals to be filed. The sooner we can get through the appeals, the sooner a final plan can be implemented. So delaying the inevitable doesn't make sense to us. Starting 2013 without a final, approved plan gives us great distress as it relates to residential allocations. I would love if we are wrong on this point!!

Because there has been extensive "vetting" of draft Plan actions before now, we are comfortable with the 60 days. It allows us adequate time for review of the draft environmental docs at this initial stage plus gives us release of the FEIS by October 20 and time to resolve any last remaining issues to reach a December 2012 adoption date.

I am happy to answer any questions you may have (email: pat@ca-tt.com or phone: 530-550-9999).

Sincerely,
CONTRACTORS ASSOCIATION OF
TRUCKEE TAHOE


Pat Davison
Executive Director

02-2

03

June 28, 2012

The Honorable Norma Santiago
Chair,
Tahoe Regional Planning Agency Governing Board
128 Market Street
Stateline, NV 89449-5310

RE: 2012 Regional Plan Update Draft Environmental Impact Statement

Dear Chair Santiago and Members of the Governing Board:

The Contractors Association of Truckee Tahoe is a non-profit, regional trade association covering the Washoe and Placer Counties' portions of the Tahoe Basin. Our membership is composed of 285 companies representing the broad spectrum of the building industry and related trades. Many of our members regularly work in the region and they, or their clients, are directly affected by planning actions recommended in the Regional Plan Update and RPU Draft Environmental Impact Statement. Our reach is several thousand working families in the Truckee Tahoe region but there are many construction-related families who do not fall under the CATT umbrella. They too will be affected by choices and decisions made in the next few months.

Thank you for this opportunity to share our thoughts on the Regional Plan Update Draft Environmental Impact Statement (DEIS). My comments can be categorized in four groups:

- 1) general comment regarding Sensitive Plants List (Amendment to Sensitive Plants Numerical Standard)
- 2) general comments in support of Alternative 3
- 3) questions and comments relating to Alternative 3 information, assumptions, or mitigation measures
- 4) request for three actions from Alternative 4 to be added to the Alternative 3 analysis for Final EIS consideration

These comments are included on the following 5 pages. Please do not hesitate to contact me (pat@ca-tt.com or 530-550-9999) if you have any questions. Thanks you for considering our point of view.

Sincerely,
CONTRACTORS ASSOCIATION OF
TRUCKEE TAHOE

A handwritten signature in blue ink that reads "Pat Davison".

Pat Davison
Executive Director

12313 Soaring Way, Suite 1G, Truckee CA 96161 * 530-550-9999 * F 530-550-9998 * info@ca-tt.com * www.ca-tt.com

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03-1

**Contractors Association of Truckee Tahoe
Comments on Tahoe Regional Planning Agency –
Regional Plan Update “Draft Environmental Impact Statement”**

June 28, 2012

1) General comment regarding Sensitive Plants Numerical Standard

The DEIS (page 2-17) notes that three Threshold standards will be clarified. One of those seems significant and more than “clarification” from our perspective – the Sensitive Plants Numerical Standard. The DEIS explains that the sensitive plant species on the list maintained by the Lake Tahoe Basin Management Unit of the USDA/Forest Service will be added to TRPA project requirements for survey and protection. This addition to the list of plant species where protection would be required is an increase to the regulatory framework and should be shown as such. Other points to come up: Where is the cost vs. benefit analysis (how many species would be affected by how many projects at what cost)? Where is the comparison of alternatives with and without the list added to TRPA requirements? Please add this information to help the public understand the “clarification.”

03-2

2) General comments in Support of Alternative 3

We support the “environmental redevelopment” approach taken by the TRPA Governing Board and carried forward in Alternative 3. The need to **balance** environmental protection with socio-economic goals, including individual property rights, is critically important and served as the standard by which we compared the alternatives. Alternative 3 is not perfect but it does come closest to achieving that important balance. Features of Alternative 3 that warrant special mention are:

Prepare a Regional Housing Needs Assessment/Program – gives all concerned parties some useful information and could allow an opportunity to evaluate programs and develop new solutions, especially in the workforce housing arena (above the 120% moderate income limits).

Replace PAS with Area Plans and shift more permitting responsibilities to the local jurisdictions – these changes can provide more direct connection with residents and businesses, increase accountability and most importantly, reduce duplication and shorten timeframes. A regional agency should not be doing site specific zoning over 47,000+ parcels when the local jurisdictions are doing the same thing! We support Placer County’s venture into the “Area Plan” uncharted territory, and strongly support Placer County’s suggestion to “allow each Area Plan the flexibility to be creative in addressing concerns identified in the Regional Plan.” (Placer County letter to Joanne Marchetta June 19, 2012, page 7 Community Design) And TRPA has a big hammer via the annual review and authority to revoke a local jurisdiction’s review and approval authority.

03-3

Increase incentives to stimulate desired land use change – this concept is worthwhile and deserves support. As the DEIS points out numerous times, the 1987 Regional Plan theme of

heightened regulation and slowed growth has not resulted in the qualitative or quantitative changes needed for SEZ protection. A 'refresh' is in order. Even a modest use of the new incentive ratios could bring SEZ improvement that might not happen otherwise. Related to that is the acceptance of coverage transfers across HRAs and the use of excess coverage mitigation fees across HRA boundaries. That makes sense given the existing constraints. Eliminate the obstacles that have prevented positive change from happening. Lastly, we encourage TRPA to consider other mechanisms and ratios that may be presented in the future (i.e. CTC Environmental Incentives study). Please insure that flexibility remains in the incentive program so the incentive does what it is supposed to do.

Changing the way building height is measured on slopes – this is a worthwhile change. We may be providing some additional comment for the Code to make the change a little easier to understand.

Streamlining Land Capability Verification – this is much appreciated and timely since we are close to residential buildout with only about 8-10% (at most) of parcels remaining with development rights for residential development per Alternative 3 increase of 4,160 new units for a new total residential unit count of 51,552 (47,392 + 4,160). There should not be any surprises. The fact that each parcel will have to install some water quality BMPs (or be part of an area-wide treatment) also provides an opportunity for site specific remedy if needed.

Coverage exemption for new pervious decks and temporary coverage in non-sensitive lands – awesome – we applaud TRPA for this homeowner-friendly change!

03-3
Cont'd

3) Comments Specific to Alternative 3

HOUSING - Table 3.12-1 (page 3.12-9):

The Table uses a 25 year span (2010-2035). Population Totals should be based on a 20 year horizon (for example 2010-2030) to correlate to the Housing Units (allocations) horizon for planning purposes. Numbers could be presented for years 10 and 20 by Alternative and CA or NV. These changes could provide greater understanding and consistency when comparing impacts over the life of the Plan.

Alt. 3 Population Projection for 2035 (60,365) is the largest of the five alternatives even though Alt. 5 allocations are twice the number of allowable residential allocations over 20 years (Alt 3 w/2600 allocations vs. Alt 5 w/5200 allocations). Discussion in the Land Use section and Impact 3.2-1 does not adequately explain how Alternative 3 can result in the highest population number of the five alternatives. Please reduce the population estimate in Alternative 3 or add additional detail to justify the 60,365 figure.

Alt. 3 Housing Units for 2035 represent an increase of 4,160 housing units between the 2010 baseline (47,392 units) and the 2035 projected number (51,552). This increase is detailed in DEIS 3.2-47. There are only 4,091 residential development rights remaining in the Region. Please explain how Alternative 3 assumed the 4,091 development rights would turn into or

03-4

become 4,160 housing units. The explanation should cover number of units that could be approved without a development right (Moderate and Affordable) and number of development rights that could be retired. If the Alternative 3 assumption did not depend on any residential development rights being retired, please state that. This request is for clarification purposes and should not be construed as opposition to the Alternative.

03-4
Cont'd

LAND USE Table 3.2-2

Shouldn't the number of residential development rights be shown in this table or mentioned somewhere in the Affected Environment section 3.2.3? Chapter 2, page 2-13 of the "Alternatives" section does include the 4,091 development rights with a short explanation but nothing is shown in the Land Use section, at least that we found.

03-5

AIR QUALITY/GREENHOUSE GAS EMISSIONS and CLIMATE CHANGE/NOISE

These sections of the DEIS as they apply to Alternative 3 are most troubling. Construction related activity can best be described as short-term, relatively speaking, temporary, and in some ways, mobile and stationery. Construction activity is already highly regulated in California through CARB and an assortment of other state agencies with a multitude of state laws and rules. The federal regulatory layer for Air Quality affects construction in both California and Nevada. As the DEIS discussion notes (Air Quality 3.4-26), it is not possible to speculate on the exact type, number, location, timing, or the nature or degree of impacts associated with construction emissions.

We support consistency with local regulations and do not support TRPA's adoption of stricter requirements over and above what is mandated by the local jurisdictions.

03-6

If certain Mitigation Measures will only apply to certain jurisdictions, please consider this addition to the various Air Quality (Short Term Construction Emissions, TAC)/Greenhouse Gas Emissions/Noise (Construction Noise and Ground Vibration, etc.) Mitigation Measures calling for TRPA to "coordinate implementation of Best Construction Practices" or "Best Construction Practices Policy" within 12 months of adoption of an updated Regional Plan:

"Where a practice may be proposed that is stricter than the existing local ordinances, TRPA will provide a cost vs. benefit analysis to justify why the stricter regulation is necessary for that jurisdiction."

It is extremely distressing to this Association that project costs could increase as a result of the Mitigation Measures with little to no mention of that as a "socio-economic" impact.

TRPA must be able to show that the added paperwork burden or prohibition on certain types of vehicles, equipment, or construction activity is the only or best alternative for that local jurisdiction given the potential negative impacts to redevelopment (projects do not move forward because costs increase) or to the socio-economic fabric of the community (projects do not employ local companies because the requirements effectively preclude the locals). A cost vs.

benefit analysis can shed some light on potential negative impacts of certain recommendations and help decision makers and the public understand what the available choices are.

We do not want Construction to be unfairly singled out and treated more stringently than other uses without justification. Mere speculation or generalization based on flawed assumptions is not acceptable.

We expect that TRPA will seek input from the construction industry and we extend an open offer to use our Association in a collaborative process for information and creative problem solving to draft a high quality, useful Best Construction Practices document.

03-6
Cont'd

4) Additions to Alternative 3 from Alternative 4

We respectfully request that three actions described in Alternative 4 be moved into Alternative 3 for further evaluation as part of the FEIS process. We consider these to be “business-friendly” provisions that have merit from a socio-economic perspective:

AIR QUALITY IMPACT 3.4-9 - Extension of Time for Air Quality Mitigation Fee Basis

Alternative 4 proposes to extend 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. Because the change could result in the reduction of air quality mitigation fees used to implement air quality enhancement projects, the DEIS says this proposal could result in potentially significant environmental effects.

We support this extension from two years to five years! This extension recognizes the new economic reality and does not penalize an owner for re-opening with a prior existing use within a five year timeframe. We question that any reduction of fees would result in a significant negative environmental effect. Since it is hard to quantify how many closed businesses would take advantage of this change, it is hard to quantify that a significant negative fiscal impact would occur. The DEIS assumption that some as yet “unknown” negative fiscal impact will cause a potentially significant negative environmental impact seems shaky at best and there is no attempt to examine what could happen qualitatively even if the fees were not paid again.

The “harm” of the extension prompts three Mitigation Measures, two of which (increase existing AQ fees or develop a new AQ fee) are inappropriate and counterproductive. Again, what is the known or expected environmental harm that demands a potential increase in existing fees or a new fee? We do not see adequate information provided in the DEIS to allow for meaningful evaluation of the Mitigation Measures associated with this extension.

Please be aware that we question the appropriateness of this double collection as a fundamental legal question – should any business be charged a mitigation fee twice when no new impact is occurring? Payment at the onset of a business is standard. TRPA collection of fees the second time around seems to be going beyond a reasonable exercise of authority and we would urge your consideration of eliminating the double payment.

03-7

WATER QUALITY/LAND COVERAGE EXEMPTION 3.8-50 and 53 – Exempt ADA
Coverage under Specific Conditions

We support this exemption and Mitigation Measures (cannot be used for parking lots, must have installed/maintained BMPs) and think it is suitable and necessary for Alternative 3 given the heightened awareness of ADA compliance and minimal environmental impact (increase of 5 acres of coverage). We think the most common use of this exemption will be for outside ramps leading to business entrances and widening of landings or entry ways at places of business. Five acres Region-wide for the 20 year planning horizon is an acceptable change and merits consideration for Alternative 3.

LAND USE/EXCESS COVERAGE REDUCTION STRATEGIES 3.2-60 – Priority Order of
three options

With the other change to allow excess coverage or fees to go beyond HRA boundaries, this makes for an excellent step in the right direction. It improves the current “real world” practice of only two choices (reduce onsite or pay a fee). Allowing three options is commendable and needed and further enhances the goal of environmental redevelopment. However, because each site is different, applicant choice should be retained as is the practice today to tailor the option to the site. Applicant choice provides maximum flexibility. Please consider adding “applicant choice” to this three part strategy (without a priority order) to the analysis for Alternative 3. It deserves your support if for no other reason than to identify or learn what more could be achieved if “applicant choice” was added to the action.

03-7
Cont'd

04**Pat Davison****Contractor's Association of Truckee Tahoe**

6.13.2012

Pat Davison with the Contractor's Association of Truckee Tahoe said first of all she wanted to apologize for my attire, we have a golf tournament today and I left our tournament to come down here for the meeting. We will be submitting formal comment to the Governing Board and not prepared today to make any comment, but I did have a question as to whether the APC would be making a recommendation to the Governing Board as a purpose of today's meeting; to end the meeting with a recommendation that would be forwarded to the Governing Board.

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05**Pat Davidson****Contractors Association of Truckee-Tahoe**

5.23.12

Pat Davison, Contractors Association of Truckee-Tahoe and I thought it might be useful to give you a real world picture of how our organization has been working with staff. We have looked at the process to comment and be involved in the Regional Plan Update. I would have to say probably in February or March we sent a request to our Arlo to speak to our organization looking at a release coming in March. We set a date of May 1 for Arlo to come and speak. Well when the Regional Plan Update documents were not released in March, but actually April but the May 1 date was still useful. He came and gave a PowerPoint presentation and spent a couple hours there. It not only provided general background information, but he tailored it to specific topics that I asked him to cover that was of interest to our members. In the intervening time, we've had numerous conversations and I have used his PowerPoint twice now with our members at follow up meetings. We had a list of 11 questions and I went to the open house Monday and went to the different stations with my questions and had individual staff answer my questions. When I said show me the page, chapter and verse, they did. I was able to send that information out yesterday to my members on the 11 questions. We now have more questions that I will be sending back to staff, but that open door process and being able to get the information even though we are not ready to provide a comment statement, I will give you a heads up and provided to John Hitchcock, probably from a technical EIS perspective we will be asking for two changes or considerations and that is the ADA coverage exemptions, Alternative 4, as well as the air quality mitigation fee timeframe for business normalcy, also in Alternative 4 and that those be looked at as part of Alternative 3 for the final EIS review during the summer. This is how the process has worked for us and we do have faith in the process and as we are all joining hands together and going forward, it will be a very productive and informative summer.

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06

Pat Davison
Contractor's Association of Truckee Tahoe

6.28.2012

Pat Davison, Executive Director of the Contractor's Association of Truckee Tahoe and we went through the draft environmental impact statement and my background is familiar with the draft documents, picking out what might be missing pieces of information. The end result is that the public has an opportunity through the information presented to make a meaningful comparison and provide meaningful input, so what you will see in our comments is general support for Alternative 3 but also some suggestions where some additional information could be added. We also had some concerns about one of the sets of mitigation measures in Alternative 3 and then some comment on three actions that are proposed in Alternative 4.

So I am not going to read my letter but I did want to hit the high points. There is a general statement that a clarification will be made to add the Forest Service list of sensitive species to the sensitive plant's numerical standard Threshold Evaluation. We would dispute whether that is just a clarification and from my read of the list there is 19 species that would be added and that would require TRPA and the project applicants to include those species for review as well as protection. So that might be a significant change and nowhere did I see it discussed in the alternatives, so I would appreciate that that be looked at when you give this back to the environmental consultants. And obviously what is the cost versus the benefit of adding those additional 19 species.

General comments in support of Alternative 3, we wanted to see a balance between environmental protection and what you might consider socioeconomic goals and especially protection of individual property rights. We think alternative 3 comes closest to that. Things like the housing needs assessment, replacing the Plan Area Statements with Area Plans. The change in the incentives, all of these is wonderful changes and we support. There could be some fine tuning and some tweaking, especially if we get more information on the incentive program.

The building height change for slopes, very worthwhile and we will probably be commenting on the Code language. The streamlining land capability verification, the coverage exemptions all of those things are awesome so we applaud you great steps not only business friendly but homeowner friendly.

The issues where we thought there might be some additional information added would be the housing, number population numbers, we are using different timeframes and it makes it a little bit hard to compare. Population projection for Alternative 5 that has twice as many allocations as Alternative 3, that population number at the end of 2035 is less than Alternative 3. That is puzzling to me when you have twice as many allocations in Alternative 5, why isn't that population higher, so we question that. We also thought that the things like development rights were not included in the land use table and I provide the table number, so just a little tweaking of information.

The main concern we had was the set of best construction practices, the mitigation measures that are being proposed for air quality, greenhouse gases and noise. Adamantly opposed to stricture regulation than what local jurisdictions have because your draft environmental document speaks to the physical change to the environment, we are requesting an additional action that would be an economic analysis, cost versus benefit if any of those construction practices actually are a disincentive to redevelopment or exclude local companies from being involved. And as it appears to us, local jurisdictions like the City of South Lake Tahoe or Douglas County might be directly affected by these mitigation measures. So were it is local jurisdiction specific we think there needs to be a cost versus benefit analysis as well.

On to the Alternative 4, suggestion that have been made for review to Alternative 3, the air quality mitigation of extension of time, wonderful. We do question the connection maybe a reduced fee amount and a decreased improvement from an environmental perspective and we haven't seen that connection made. Also we question the appropriateness just as a fundamental question should TRPA be collecting the same fee twice. Not sure if that is legal so we are requesting an answer back in the response to comments on that. As we are not usually too shy of suggesting things, asking you to consider maybe eliminating that double fee.

I am just wrapping up the water quality land coverage exemption, we think for ADA coverage that makes a lot of sense and again as business friendly. And then, the excess reduction coverage strategies that you have heard about for Alternative 4, maybe being put into Alternative 3 the applicant choice are considered if you do that analysis for Alternative 3. That would be taken away if that alternative section is moved into Alternative 3. So I would be happy to answer any questions and we do offer our help to TRPA for those best construction practices. Thank you very much.

06-1

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07**Brooke Rose****Community Collaborative of Tahoe-Truckee**

5.23.12

Brooke Rose works for the Community Collaborative of Tahoe-Truckee and we work with more than 40 of our area organizations including non-profits, government agencies, the school district and Sierra Senior Services and we really represent a wide-range of clients in our area with individuals and service providers. I have spoken at Placer County meetings and we have spoken at Nevada County meetings and I understand that 267 year-end transportation gap is not necessarily and is not TRPA's problem either. Thank you for everything that you have done for the community as I know that any transportation that is provided at this point is widely used by all our client bases, which is thousands of different people. I think that the gaps that still exist are mainly senior citizens and non-drivers not being able to make it to medical appointments or miss work to get there. This is ultimately like a three hour round trip just to get to Truckee and back from Kings Beach. We will continue to fight for it. So please work with use help us help you to close this gap in the near future.

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Tahoe Regional Planning Agency

P.O. Box 5310

Stateline, Nevada 89449-5310

Attn: Adam Lewandowski, Senior Planner
e-mail regionalplancomments@trpa.org

Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Dear Governing Board members,

On behalf of Friends of Tahoe Vista (collectively "FOTV"), please consider the following comments to the Regional Plan Update's (hereinafter "RPU") Draft Environmental Impact Statement (hereinafter "DEIS") prepared by the Tahoe Regional Planning Agency (hereinafter "TRPA"). We also wish to incorporate separate comments by the Tahoe Area Sierra Club (TASC), the North Tahoe Preservation Alliance (NTPA), the North Tahoe Citizen's Action Alliance (NTCAA), the Friends of the West Shore (FOWS), the Friends of Lake Tahoe, the League to Save Lake Tahoe, Joy Dalgren, the Friends of Crystal Bay/Brockway, Tony Kalbfus, economist, and Michael Lozeau, attorney. FOTV has conducted a thorough review of the DEIS. Our review has identified numerous areas of concern with the DEIS' analysis, specifically the Goals and Policies section located in Appendix A.¹ The following comments on the DEIS and Appendix A focus on issues arising from the EIS. FOTV reserves its right to further comment on the issues raised regarding the RPU's consistency with TRPA's Code of Ordinances, the formal Goals and Policies, the Community Enhancement Program's criteria, and other TRPA requirements and standards.

08-1

I. Introduction

Given the limited time to review and comment on the prodigious amount of information found in the DEIS, FOTV has done its best to provide as complete comments as possible on the DEIS' Goals and Policies section and the DEIS' inadequate analysis of the potential impacts of specific Goals and Policies. FOTV is very concerned that language utilized throughout the Goals and Policies section fundamentally diminishes the effectiveness of the Regional Plan's intent "to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region." EIS Appendix A pg. v-1.

¹ Unless otherwise specified, references to the Goals and Policies section refer to Appendix A.

Evidence from the DEIS outlining significant environmental impacts will demonstrate that EIS Appendix A (and the Goals and Policies- Clean version) must be substantially modified to safeguard Lake Tahoe from the unequivocal environmental harm that will result from the proposed RPU.² Moreover, this document will show that the DEIS is wholly inadequate because the Goals and Policies were not analyzed in that document.

Resolution 82-11 states: “It is the intent of the Governing Body that the Environmental Threshold Carrying Capacities will provide the basis for the adoption and enforcement of a regional plan and implementing ordinances which will achieve and maintain such capacities while at the same time providing opportunities for orderly growth and development consistent with such capacities.” Resolution 82-11 § 6(c). Furthermore, “[t]he Goals and Policies are the core of the Regional Plan. They provide guidance for decision-making that affects the Region’s resources and remaining resource capacities. It is the intent of the Goals and Policies to drive attainment and maintenance of the environmental thresholds, while supporting opportunities for orderly growth and development consistent with the thresholds. The Goals and Policies are implemented through the Code, which compiles the TRPA ordinances, consisting of general provisions, planning, land use, site development, growth management, resource management and protection, and the Shorezone regulations.” Regional Plan Update DEIS pg. 3.2-72

The Regional Plan is a true amalgamation of the Goals and Policies and the Code of Ordinances. In theory, the RPU intended for the Goals and Policies to implement the Code of Ordinances as two independent documents. Yet, there is no way to effectively evaluate the EIS without analyzing the RPU’s necessary components, i.e. the Goals and Policies and the Code of Ordinances. These two essential pieces of the RPU potentially lend themselves to varying interpretations with real and applied environmental consequences. No one document stands alone without the other it relies upon or is relied upon. The EIS cannot be commented on for its adequacies or inadequacies without a clear understanding of all the pieces and how they correspond. Because the EIS did not analyze the Goals and Policies for environmental impacts, it is wholly inadequate, and therefore does not comply with the Compact.

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² See California Environmental Quality Act. “The role of an EIR is to inform the public and decision-makers of the environmental effects of their decisions before they are made. To do this, an EIR must be detailed and complete, and reflect a good-faith effort at full disclosure.”

CEQA Guidelines 15151- Standards for Adequacy of an EIR. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

“The document should provide a sufficient degree of analysis to inform the public about the proposed adverse environmental impacts and allow decision-makers to make intelligent judgments. Any conclusion regarding the significance of an environmental impact not based on analysis of the relevant facts fails to achieve CEQA’s informational goal.”

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2.3.1 GOALS AND POLICIES Regional Plan Update Draft EIS 2-3

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. The Goals and Policies are addressed in five major elements as prescribed in the Compact—land use, transportation, conservation, recreation, and public services and facilities plus the elements required for implementation. The EIS itself states: The Goals and Policies are the heart of the Regional Plan that guide decision making thus must be incorporated into the EIS analysis.

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2.4.1 UNCHANGING ELEMENTS AND SUBELEMENTS OF THE GOALS AND POLICIES EIS. Regional Plan Update Draft EIS. 2-12.

Those portions of the Regional Plan that are not proposed for substantive changes because they are not a priority or because they are sufficient in their current form 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 of the Implementation Element. Because TRPA is not proposing to modify these elements of the Regional Plan, they will not be part of the amendment package for Governing Board approval. As such, these Goals and Policies are not included as aspects of the Regional Plan Update alternatives evaluated in this EIS.

Staff should not summarily determine what elements are priorities for Governing Board approval. The following elements have not been sufficiently analyzed and must be included in the EIS analysis as related impacts and mitigations will have environmental consequences.

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The Recreation Element will be impacted by the proposed changes to uses allowed in recreation as stated in Impact 3.2-2 Land Use Classification Change: "Alternatives 2, 3, 4, and 5 would re-designate Van Sickle Bi-State Park from conservation to recreation", "Alternative 3 would change 250 acres of private land adjacent to the proposed High Density Tourist District from conservation to recreation", "Alternative 4 would re-designate the Douglas County Dumpsite from conservation land to a special district, which would be a new land use designation under the transect zoning system", and "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." These changes are substantive and must be analyzed in the EIS.

The EIS must further analyze the Elements related to Scenic, Noise and Implementation as priorities. The Scenic Element states potentially significant impacts are expected as stated in Impact 3.9-1 Scenic Quality: "Alternative 3 would also modify height standards such that taller buildings could be permitted in the Town Centers,

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Regional Center, and High Density Tourist District. Because taller buildings could substantially increase visual mass and magnitude and result in impacts to scenic resource views, this impact of Alternative 3 would be potentially significant”, “The resulting increased visual mass and magnitude may result in impacts to scenic resource views”. This impact of Alternative 3 would be potentially significant.” “Alternative 4 would also modify height standards such that additional height would be allowed for uses beyond tourist accommodation facilities in Town Centers and redevelopment of existing towers in the South Stateline Casino Core Tourist Center would be allowed to their existing height, but in other areas it would limit building height. The impact of Alternative 4 would be potentially significant”

The Noise Element states significant impacts in 3.6-1 through 3.6-4 and the threshold standard is in non-attainment for CNEL. Example: Noise Impact 3.6-4 Land Use Compatibility. “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 locations where ambient noise levels are incompatible. This would be a significant impact.” The EIS incorrectly states “would be” this is a SIGNIFICANT impact as the CNEL threshold is currently exceeded in many communities.” Page 3.6-22.

The analysis of the entire Implementation Element is necessary as it sets the foundation for the code of ordinances that in turn sets the standards for achieving and maintaining the thresholds.

A hypothetical may be useful to understand how an interpretation of the Goals and Policies may actually supersede the Agency’s intent of a specific passage of code. For instance, imagine a concerned individual litigates on a controversial item of code language. At issue is the original meaning of the passage of code because the passage contains a latent ambiguity. A judge, when determining whether the Agency’s interpretation is arbitrary and capricious, refers back to the Goals and Policies for the passage’s original meaning. There, the Judge finds that the Goals and Policies original intent should not have manifested itself in the Agency’s interpretation, but rather, in an entirely different meaning. This consequentially created very different environmental effects not analyzed in the EIS, therefore making the EIS inadequate because it failed to analyze an essential piece of the Regional Plan.

The hypothetical provides just one of myriad examples how the Goals and Policies may fundamentally change the meaning of Code language, which in turn, may lead to entirely different environmental consequences. At the very least, the EIS was required to analyze the Goals and Policies to determine 1) whether the Code of Ordinances actually effectuates the Goals and Policies 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. Without these analyses, the Governing Board has not been provided a true picture of potential environmental impacts, and thus cannot make an educated decision as to whether the RPU will achieve and maintain the promulgated environmental thresholds as required by the Compact. As such, these Goals and Policies are not included as aspects of the Regional Plan Update alternatives evaluated.

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In addition, the fifteen Regional Plan Update Committee meetings held November 2011 through March 2012 on contentious issues related to the Goals and Policies was open for public participation. That being said, the meetings were sometimes difficult to follow, e.g. presentation materials were not always provided; the agendas were not clear and there was much uncertainty of when the public should appropriately comment. It is therefore essential to revisit and comment on the Goals and Policies as they relate to the EIS.

Generally, the Regional Plan documents as they relate to the EIS' analyses have been unintuitive, intrinsically contradictory, and nearly impossible to navigate. There has simply been no easy way to track an issue through the documents (*See* Attachment C). Moreover, there is an essential lack of hierarchical organization. Most significantly, this commenter has found continuous use of language that diminishes the importance of threshold standards and masks significant impacts through "watered-down" phrases and misrepresentation. Needless to say, it has been difficult to determine objectively whether the environmental thresholds will be "achieved and maintained" if the RPU is implemented as proposed.

Although the subsequent comments analyze the Goals and Policies, they do so with the intention of illustrating how the EIS was required to evaluate the potential environmental impacts of that document. Without such analysis, this commenter can summarily determine that the EIS is legally inadequate because it fails to comply with Compact Art. VII(a)(2).

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II. Appendix A Goals and Policies

The following comprehensive comments track many of the Goals and Policies section-by-section, and clause-by-clause. In this sense, they are unconventional. Yet, due to the unintuitive, desultory nature of the Regional Plan documents and their complete lack of hierarchy and organization, commenting section by section, clause by clause provided the most reasonable course to analyzing and delineating the RPU's fundamental disregard for the mandate to "achieve and maintain" environmental threshold carrying capacities. Compact Article I (b).

a. Statement of Mission and Principles

The Goals and Policies Statement of Mission maintains: "The Tahoe Regional Planning Agency leads the cooperative effort to preserve restore, and enhance the unique natural and human environment of the Lake Tahoe region, while improving local communities, and people's interaction with our irreplaceable environment." EIS Appendix A pg. v-1. On its face, this Statement of Mission may lead the public to believe the RPU, as proposed, is sincere about achieving and maintaining the promulgated thresholds as required by the Compact. However, the document's first substantive sentence is illustrative of the ambiguity and capriciousness of the rest of the Goals and Policies section. For instance, the phrase "improving local communities" again appears environmentally innocuous on its face; yet placed into context with the unprecedented possibility of large-scale development, "improving local communities" may have serious environmental consequences. EIS Appendix A pg. v-1.

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The Statement of Principles systemically rearranges Compact language to change and diminish that documents intent.³ The Principles attempt to incorporate Compact language, but do so in a way that significantly misinterprets the Compact's purpose and meaning. See EIS Appendix A pg. v-1 Principle 1 (combining Compact language from Art. I (a)(1) and I (a)(3)); Principle 2(a) (attempting to use language from Art. I (a)(6)); Principle 2(b) (using language from Art. I (a)(10), but removing the contextual essence in which that language must be read); Principle 2 (diverging from language found in Art. I (a)(2) by wishing to "preserve" public and private interests and investments rather reconsidering the value of public and private interests); and Principle 3(c) (language taken from Art. I (a)(10), but omitting the phrase "in accordance with the provisions of this Compact[,]" which diminishes the authority of the Compact).

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Furthermore, acknowledgement of the non-achievement or maintenance of the environmental thresholds is being artificially suppressed through the intentional removal of specific directive language. A common theme throughout the Goals and Policies documentation is the lack of prescriptive language. The words "implement," "enhance," and "promote" are precatory in nature and inherently do not require action to be taken. The EIS fails to provide certainty that the incentive will produce an outcome.

³ TAHOE REGIONAL PLANNING COMPACT - PUBLIC LAW 96-551 - DEC. 19, 1980
ARTICLE I. - FINDINGS AND DECLARATIONS OF POLICY

(a) It is found and declared that:

- (1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.
- (2) The public and private interests and investments in the region are substantial.
- (3) The region exhibits unique environmental and ecological values which are irreplaceable.
- (4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distributions and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.
- (5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.
- (6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin.
- (7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.
- (8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.
- (9) In recognition of the public investment and multi-state and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the States in fulfilling their responsibilities.
- (10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment.
- (b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.
- (c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provision of this compact. 79-139 O -81 (402) Pages 1 & 2.

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To ensure compliance with the Compact and Resolution 82-11, timelines must be provided for each element to ensure completion of the stated goals of this 20-year Regional Plan. A time schedule has been called for in the Compact, Resolution 82-11, and Goals and Policies language; however, no time schedules have currently been assigned. For example, the land use elements state: “It is the intent of this sub-element to establish land use goals and policies that will ensure the desired equilibrium and attain and maintain the environmental thresholds within a specific time schedule.” EIS Appendix A II-1. Yet, no time schedule has been established.

Moreover, the Development and Implementation Goal actually removed the time schedule requirement. The original language before the Regional Plan Update Committee (hereinafter “RPU Committee”) removed that language states as follows:

“The Development and Implementation Priorities Subelement coordinates the implementation provisions and time schedules of each Plan Element to achieve and maintain adopted environmental thresholds. To provide for effective management of the Region's resources and attain environmental thresholds, three factors must be considered and planned carefully. First, the feasible rate for correcting or mitigating existing resource utilization problems will determine how rapidly improvements in environmental quality will take place. Second, the rate and type of new development will absorb or negate some of the progress made toward environmental goals and standards. Third, uncertainty exists regarding the effectiveness of water quality BMPs and programs to reduce vehicle miles traveled.”

EIS Appendix A pg. VII-4 (emphasis added). The language that remained after the RPU Committee removed the time schedule requirement.⁴ Removing the requirement to provide time schedules for each element diminishes the ability to achieve and maintain the promulgated environmental thresholds.

The Compact and Resolution 82-11 language are unequivocal. Compact Art. V states that “Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance.” Compact Art. V (emphasis added). Resolution 82-11 similarly states: “The Environmental Threshold Carrying Capacities adopted by this resolution are to be achieved and maintained through implementation of TRPA’s regional plan, may be achieved and maintained pursuant to an orderly time schedule adopted for that purpose.” ATTACHMENT 1C – RESOLUTION NO. 82-11 C-1A1-4 Public Review Draft Revised 04/25/2012 EIS Appendix

⁴ “The Development and Implementation Priorities Subelement coordinates the implementation provisions to provide for effective management of the Region's resources and attain environmental thresholds. Reductions in fine sediments and nutrient loads to Lake Tahoe from remedial programs will improve water quality only if remedial measures keep pace with new loads from land coverage and disturbance permitted by the plan. The timing and phasing of new development, redevelopment and remedial measures must be carefully linked to ensure steady progress toward the environmental thresholds. If BMPs and other water quality enhancement measures prove to be less effective than originally thought, further adjustments to development and remedial priorities will be required. The Monitoring and Evaluation Subelement provides for periodic monitoring of progress toward threshold standards and effectiveness of control strategies. The plan also must provide incentives for correcting existing problems within the Region. Properly structured incentives can provide for broader participation in meeting regional goals and expedite desired improvements.” Development and Implementation Priorities Subelement VII-3 Public Review Draft Revised 04/25/2012.

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A. By not establishing time schedules to quantifiably measure environmental threshold achievement and maintenance, the RPU fundamentally diminishes the intent of both the Compact and Resolution 82-11.

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b. Chapter I: Introduction

The Introduction section to Appendix A in the EIS offers interesting insight regarding the RPU's misinterpretation of the Compact. First, "The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources and remaining capacities. The plan with all of its elements, as implemented through Agency ordinances and rules and regulations, provides for the achievement and maintenance of the adopted environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development." EIS Appendix A pg. I-1. Here, the author has changed the intent by using the words "provides for the achievement" rather than "will achieve" found in the Compact. Compact Art. I (b). It is clear that the use of the words "provides for" instead of "will" diminishes the intent of the Compact to achieve and maintain the environmental thresholds.

The Plan Development and Maintenance section of Chapter I: Introduction also disregards the intent of the Compact. "To better address these water quality issues, one of the primary goals of the 2012 Regional Plan Update is to accelerate private investment in environmentally-beneficial redevelopment activities to complement the ongoing investment in public projects targeted at threshold gain. Amendments related to other scientific reports and to legislation in California and Nevada are also addressed in the 2012 Regional Plan." EIS Appendix A pg. I-3. Yet, it is clear the TRPA has changed the intent of the Compact by adding "to accelerate private investment." Compact Art. I (a)(10) explicitly states: "In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure equilibrium between the region's natural endowment and its manmade environment." Compact Art. I (a)(10) (emphasis added). Therefore, how does the RPU "insure equilibrium" between environmental protection and preservation and private investment if the RPU's goal is to *accelerate* private investment. Using that logic, the RPU should equally attempt to accelerate environmental protection. Yet, the TRPA cannot prove that it is equally protecting "the region's natural endowment." Moreover, the TRPA has not provided any scientific analysis or measurement demonstrating that water quality will improve if private investment and development are accelerated.

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Furthermore, the Prosperity Plan submitted to the RPU Committee should not be acknowledged as an External Factors reference to justify accelerated private investment. The Prosperity Plan actually states in part: "The preliminary analysis [of the Prosperity Plan] assumes that neither the local, regional or national economy will experience a major recession. If unforeseen change occurs in either the local, regional or national economy the information contained in this document might not be valid. . . . The information contained in [the Prosperity Plan's] preliminary analysis is based on economic considerations, not political considerations. Therefore, the preliminary information should not be construed as a representation or opinion that any required governmental approvals would be secured for any proposed development projects." Tahoe Redevelopment Case Study: Feasibility Analysis Prepared for TRPA in

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collaboration with the Regional Plan Initiative prepared by Regional Planning Partners, Section Caveats and Limitations, March 8, 2010, pg. 55. The Prosperity Plan has an extremely limited perspective and does not even cite the economic factors related to local, state, nationwide, or global issues that may affect the region's ability to secure financial stability for the proposed projects the document cites. The Prosperity Plan does not provide an objective analysis or other examples of other tourist-based economies for comparison. It narrowly focuses on an abstract potential, not on concrete evidence, which will improve the economic viability of the Tahoe Basin. Thus, the Prosperity Plan threatens the factual integrity of the Regional Plan and should not be considered. Regional Plan Update Draft EIS 7-19
http://www.tahoeprosperity.org/images/documents/LTBPPFinalReport_11.24.10.pdf.
 Accessed: January 2012.) **Reminder: The Lake doesn't owe anyone a living....**

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Chapter II: Land Use Elements

i. Land Use

In general, precatory language should not be used to create policy. Again, the Goals and Policies must state strict requirements and identify, implement and enforce time schedules and policy requirements. The replacement and use of the word "should" for the word "shall" fundamentally diminishes the strength and authority of the RPU's policy requirements. In fact, such verbiage modifications are not requirements at all. Therefore, to ensure the RPU's central goal is to still achieve and maintain environmental thresholds, such modifications should be reversed. With that said, the Land Use Element section of Appendix A proceeds into this pitfall on a number of occasions, *inter alia*. (See Attachments A and B Should vs. Shall as they appear in the Code of Ordinances and the Goal and Policies)

"Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State 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 indication or allocation of maximum densities and permitted uses." EIS Appendix A pg. II-1. The word population must be re-inserted after the word "maximum." The statement as proposed does not acknowledge the difference between population density and building density, thus fomenting ambiguity with the Compact's intent to control growth. The Compact language is explicit: "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." Compact Art. V. (c)(1).

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The RPU confuses the issue again on the very same page: "The Tahoe Regional Planning Agency Bi-State Compact calls for development of a Regional Plan that establishes a balance, or equilibrium, between the natural environment and the manmade environment. The TRPA has established environmental threshold carrying capacities that define the capacity of the natural environment and set specific environmental performance standards related to land use. The thresholds, however, do not define the maximum buildout, densities, permitted uses, or other land use criteria for the manmade environment; this is the function of the Regional Plan." EIS

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Appendix A pg. II-1. Here as well, the statement does not acknowledge the difference between population and build-out thus confusing the Compact's intent to control growth. Population is defined as "people, all the persons inhabiting a country, city, or other specified place." Oxford Pocket Dictionary. On the other hand, build-out is defined as "structures, the development or expansion of something, to develop in magnitude or extent." Ibid. Again, the Compact is unequivocal: "By virtue of the special conditions and circumstances of the region's natural ecology, development patterns, population distributions and human needs, the region is experiencing problems of resource use and deficiencies of environmental control." Compact Art. I (a)(4). See also Compact Art. V (c)(1).

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Interrelated, Impact 3.2-1 delineating the terms "community center" as well as "town center," "regional center" and "high density tourist district," the EIS' use of the term "community center" is intrinsically confusing. The RPU has provided specific designations for the various land-use areas. The RPU, to avoid ambiguity, should use the nomenclature itself has provided.

Land Use Impact 3.2-1 directly relates to the Land Use Goals and Policies as it states, to paraphrase, local jurisdictions are expected to develop areas or other plans to be consistent with the Regional Plan and not threaten the threshold carrying capacities. Regional Plan Update Draft EIS pg. 3.2-1

The Impact states that no adverse impacts relative to development patterns and land use compatibility would result from the aforementioned Impact being less than significant. Although areas designated residential, tourist and commercial would remain the same as well as their formal designation, these designations will effectively change when allowing greater densities and increased building height in Alternatives 3 and 4 with intensification of uses in the urban areas. Moreover, concentration of development in Town Centers, Regional Centers and High Density Tourist Districts may result in the use of alternative transportation. This is not a foregone conclusion that can be analyzed until the transportation systems are built, are operational and ridership is studied. Therefore, no VMT reduction or air quality improvement can be attributed to the development of town centers, regional centers and high-density tourist districts.

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The issue at hand is adapting to seasonal changes. Structures will remain 365 days. Developers will over build to meet peak demand. But maximizing demand and resource efficiency has not yet been mastered. The region is weather dependent and weather cannot be controlled. Off-season economic downturns cannot be avoided and will not change with increased development in Town Centers, etc.

Regarding LU-1 Goal, which states: "Lake Tahoe is a unique natural resource in a spectacular natural setting. It is truly one of the natural treasures of the United States. The long-term economic and natural health of the Region depends on the maintenance of this unusual quality. While previous land use planning efforts have concentrated on regulating the quantity of permitted development, this plan emphasizes an improvement in the quality of development in the Region and in the quality of the natural environment[.]" quantifiable criteria must be provided for quality measurement. EIS Appendix A pg. II-1. However, this statement begs the

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question: why is the regulation of quantity relegated to below that of quality? Quality, as a subjective measurement, must be defined in the EIS and that definition must be included in the Regional Plan, EIS, Code, or Threshold Report or in any other documents. Furthermore, as mentioned briefly above, the quantity of development must be equally regulated based on the following potential growth inducing factors listed below. Without proper safeguards to control growth, threshold achievement will be virtually impossible. Examples include:

- 1) "The Land Use Subelement of the Regional Plan addresses policies pertaining to growth and development of the Lake Tahoe Region. It is intended to direct the amount, type, and location of land uses and land coverage; balance land uses with the social, environmental, and economic wellbeing of the Region; and coordinate regional land uses with land uses in surrounding areas." Regional Plan Update Draft EIS pg. 3.2-2.
- 2) "Under Alternative 3, new allocations would consist of 200,000 square feet of CFA, 2,600 residential units, 874 total remainder from the 1987 Plan and 600 residential bonus units (3,200 total new residential units). No new TAUs would be authorized. The total potential development that could occur in the Region over the planning period is shown in Table 3.2-13." Regional Plan Update Draft EIS pg. 3.2-47.
- 3) "Alternative 3 would retain the existing residential allocation program but update the performance review criterion for earning residential allocations. This alternative would also substantially expand opportunities to obtain bonus units. Transfer ratios for residential units, CFA, and TAUs would be established based on both the environmental sensitivity of the sending parcel (higher transfer ratios would be earned by transferring development and development rights from more sensitive sending parcels, such as a sending parcel containing SEZ) and the distance of the sending parcel from the target redevelopment areas." Regional Plan Update Draft EIS pg. 3.2-47 (emphasis added).
- 4) "Alternative 3 would revise density and height policies to create additional incentives for redevelopment. TRPA (or local jurisdictions, if allowed under an adopted Area Plan) could permit building heights of up to four stories (56 feet) within Town Centers, six stories (95 feet) within the Regional Center, and 197 feet in the High Density Tourist District (see Exhibit 3.2-11). These revised height policies would likely result in taller buildings in the community centers. The greatest height would be allowed in the High Density Tourist District, with height increases also permitted in the Regional Center, providing an appropriate transition to ensure compatibility between these areas. To complement the increased height in these areas and promote concentrated infill development and redevelopment through transfers, Alternative 3 would allow an adopted Area Plan to increase multi-family density from 15 units/acre to 25 units/acre. These revised policies and standards would create denser and taller centers, and would be compatible with the intent of Alternative 3 to incentivize concentration of development in the community centers through corresponding removal of development elsewhere. Alternative 3 would amend the density standards to allow mixed-use projects proposing to subdivide multifamily residential units at the maximum density permitted for un-subdivided mixed-use developments. This would allow for the subdivision of existing residential and tourist units within mixed-use facilities. These changes would further promote redevelopment, increase housing

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- options available in the Region, and facilitate a more compact development pattern with less intensive uses outside of areas where mixed use is allowed.” Regional Plan Update Draft EIS pg. 3.2-48 (emphasis added).
- 5) “Table 3.2-14 displays the proposed transfer ratios for residential units, TAUs, and CFA. These transfer ratios would provide additional incentives to transfer residential, tourist, and commercial development from sensitive lands into receiving areas (Exhibits 3.2-12, 3.2-13, 3.2-14). This would likely lead to decreased intensity of uses in sensitive lands and increased intensity of uses within receiving areas. An additional incentive would be provided for transfers of residential uses from areas farther from transit routes and receiving areas. This would likely decrease the amount of residential uses in outlying areas and increase the intensity of residential uses within receiving areas. As a result, these transfer ratios would promote increased concentration of development relative to existing conditions.” Regional Plan Update Draft EIS pg. 3.2-48 (emphasis added).
 - 6) “Alternative 3 would increase the allowable coverage that can be transferred into Town Centers, Regional Center, and the High Density Tourist District. Projects would be allowed to transfer in up to 70 percent coverage on high capability lands for both undeveloped and developed parcels, compared with 70 percent and 50 percent for undeveloped and developed parcels, respectively, under existing conditions. This change would incentivize transfers of coverage from outside receiving areas to within those areas.” Regional Plan Update Draft EIS pg. 3.2-48-49 (emphasis added). It is important to note that this is an increase over the current cap of 50%.
 - 7) Alternative 3 would remove the existing HRA transfer restrictions, allowing coverage to be transferred across HRA boundaries. Projects that would transfer coverage across HRA boundaries would still be required to comply with land capability limitations and all other ordinances regulating coverage. Coverage transfer ratios would be reduced to 1:1 when coverage is transferred from sensitive lands into target receiving areas (i.e., the High Density Tourist District, Regional Center, or Town Centers). Alternative 3 would also permit soft coverage to be transferred from SEZs into the same target receiving areas. With restoration and retirement of the sending sites, Alternative 3 would permit transfer of non-conforming coverage and transfer of soft coverage from SEZs for use in Town Centers, Regional Centers and the High Density Tourist District. Taken together, these changes to coverage transfer restrictions would promote increased coverage transfers, especially transfers from SEZs and other sensitive lands, and transfers into Town Centers, the Regional Center, and the High Density Tourist District. This could result in increased intensity of development within community centers where infrastructure exists and a decreased intensity of development in sensitive lands and other areas outside community centers.” Regional Plan Update Draft EIS pg. 3.2-48-49 (emphasis added). It is important to note that this is a change from the current policy of NOT crossing hydrologic zones.
 - 8) Alternative 3 would result in a modest amount of new development (greater than under Alternatives 1 and 2 but less than under Alternatives 4 and 5) and would result in a change in the existing development pattern. Alternative 3 would include considerable incentives to promote infill, mixed land uses, redevelopment, and transfers of existing development, development rights, and coverage into community centers. While the amount of redevelopment and use of these incentives are

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dependent upon many factors, it is reasonable to expect that over the approximately 20-year planning horizon of the Regional Plan, periods of elevated economic activity will occur and that, collectively, these incentives would encourage investment in new development and redevelopment within the Town Centers, Regional Center, and High Density Tourist District. The resultant development pattern would be denser and more compact community centers than those envisioned in the other alternatives, with a mix of residential, commercial, tourist, and public uses. Regional Plan Update Draft EIS pg. 3.2-57 (emphasis added).

- 9) For Alternative 3, TRPA will allow additional development involving commercial uses, residential uses, tourist accommodation uses and/or subdivisions in a Recreation Area within an Area Plan or Master Plan. Regional Plan Update Draft EIS pg. 3.2-71 (emphasis added). These additional proposed uses in Recreation Areas did not previously exist in the Regional Plan analysis completed for the last update. These uses unequivocally promote unsustainable growth. Permitting “commercial uses, residential uses, tourist accommodation uses and/or subdivisions” on recreation land enables large-scale developers who, for the most part, have no direct connection with the Tahoe Basin other than their financial investments, to essentially ravage pristine, natural land. This unprecedented move will proverbially “open up Pandora’s box.” Furthermore, and most important, the definition of recreation plan in the Compact does not include these other environmentally dangerous uses: “A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.” Compact Art. V (c)(4). In the alternative, if these uses are permitted, at the very least, the definition of Recreation in Chapter 90 of the Code of Ordinances must be revised to add these uses.

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Land Use 1.1 originally stated: “THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES. The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is not the intent of this Regional Plan, to encourage other economic development such as industry or non-service commercial facilities, at the expense of outdoor recreation in the Tahoe Region.” This language was changed to: THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES. The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values. EIS Appendix A pg. II-1. See also Land Use Subelement II-1 Revised 02/29/2012 RPU committee. The removal of the objective statement below the policy has narrowed the focus and does not address the intent of the goal. Moreover, the statement foments subjective interpretation with no guiding language. The language doesn’t even consider the fact that these two objectives, in many cases, are mutually exclusive. It must be recognized that development inherently decreases the outstanding scenic and natural values by its very nature.

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Land Use 1.2 originally stated: “THE REGIONAL PLAN GIVES A HIGH PRIORITY TO CORRECTING PAST DEFICIENCIES IN LAND USE. THE PLAN SHALL ENCOURAGE A REDIRECTION STRATEGY FOR SUBSTANTIALLY AND ADVERSELY ALTERED AREAS, WHEREVER FEASIBLE.” This was subsequently changed to: “REDEVELOPING EXISTING TOWN CENTERS IS A HIGH PRIORITY.” EIS Appendix A pg. II-1. Again, the removal and replacement of the aforesaid language has a narrow focus and does not address the need for correcting deficiencies in areas outside town centers that have been substantially altered. Moreover, a prescriptive word is missing, “implement” as in the need to “implement” a program that redirects this strategy. As stated above, precatory language does not belong in policy requirements. Furthermore, a time line must be adopted to ensure past deficiencies are corrected in a timely manner to ensure threshold achievement is attained.⁵

Land Use 2.1 originally stated: “THE TOTAL POPULATION PERMITTED IN THE REGION AT ONE TIME SHALL BE A FUNCTION OF THE CONSTRAINTS OF THE REGIONAL PLAN AND THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES. Population growth in the Region will be guided by the limitations on land use set forth in the Plan. This Plan identifies land use, densities, traffic volumes, urban boundaries, and other factors that indirectly determine the population at any given time. All of these factors have been set to ensure compliance with the environmental thresholds.” The language was revised to state: “THE REGIONAL PLAN ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH BELOW.” EIS Appendix A pg. II-2. Once again, the replacement language essentially disregards, in toto, the need to curb future population growth and ensure each goal and policy strives to achieve and maintain the promulgated environmental thresholds.

In addition, Land Use 2.1 states: “THE REGIONAL PLAN ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH BELOW. The Environmental Impact Statement prepared for this plan analyzed impacts based on defined development parameters which are integrated into this plan. It is the intent of this policy to insure that these limitations are incorporated, both individually and cumulatively, into the Land Use Element. These limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. For the purposes of this plan, regulated development is categorized as residential, tourist accommodation, commercial, recreation, public service, and resource management.

Residential: Each undeveloped legal parcel existing on August 17, 1986, unless otherwise restricted, has a development right of one residential unit, except where additional development rights are acquired pursuant to the Implementation Element. The status of development rights that existed on August 17, 1986 is outlined in the table below:

⁵ The RPU Committee voted (4-1) (Nay: Shute (CA)) to support language for LU-2 Implementation Measures for Allocations on January 10, 2012.

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Development Rights Inventory (as of March 6, 2012)	
Residences Developed before 1987	40,865
Total Development Rights in 1987	18,690
Development Rights Retired 1987-2011	8,512
Development Rights Developed or Allocated to Jurisdictions 1987-2011	6,087
Total Development Rights Remaining	4,091
Remaining on Buildable Parcels	2,791
Remaining on Marginal Parcels	765
Remaining on Unbuildable Parcels	535"

EIS Appendix A pg. II-3. This chart showed the number of Development Right remaining based on the number of developed parcels minus the total rights developed and/or allocated in the 1987 Regional Plan. Curiously, however, it is not clear whether those numbers were based on the 2011 Threshold Evaluation – Implementation and Effectiveness report dated March 2012 or the 2010 Census Enumeration. Significantly, the RPU Committee reviewed a Development Rights inventory table containing different numbers than that posted above. See RPU Committee Package on the TRPA Website Revised 2/29/2012. Compare:

“The status of development rights that existed on August 17, 1986 is outlined in the table below (as of November 30, 2011): . . .

“Statistics will be updated upon adoption of the 2012 Regional Plan Update.”

Development Rights Inventory (as of November 30, 2011)	
Residences Developed before 1987	37,701
Total Development Rights in 1987	18,688
Development Rights Retired 1987-2011	8,512
Development Rights Developed or Allocated to Jurisdictions 1987-2011	6,085
Total Development Rights Remaining	4,091
Remaining on Buildable Parcels	2,791
Remaining on Marginal Parcels	765
Remaining on Unbuildable Parcels	535"

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See RPU Committee Package on the TRPA Website Revised 2/29/2012. Although the differences may be insignificant, the fact that these numbers were different in the first place should raise concerns as to the accuracy of the entire table along with the statement the statistics would not be changed until the adoption of the Regional Plan.

This Land Use section also addresses Tourist Accommodations. Appendix A states in part: There is a limited need for additional tourist accommodation units. Based on demonstrated need, projects may be permitted additional units as specified within a Community Plan or an Area Plan that has been found in conformance with the Regional Plan and as provided for in the Implementation Element.” EIS Appendix A pg. II-3. The code acknowledged a maximum of 400 additional tourist accommodation units may be approved. The code language should not state a number of TAU allocations until the Governing Board votes. The Code states:

“ALLOCATION OF ADDITIONAL TOURIST ACCOMMODATION UNITS C. Maximum
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Number and Distribution of Allocations for Additional Tourist Accommodation Units

1. A maximum of 400 additional tourist accommodation units may be approved for construction.” Code of Ordinances 50.6. The language in the code, table references, Goals and Policies and any other inconsistent documents must be amended based on the Governing Board’s decision of the number of TAU bonus units 0 to 400 to be approved. Therefore, the RPU puts the cart before the horse. The overarching policy and code language must reflect the Governing Board’s decision, not the other way around.

Regarding commercial areas, the Land Use section states: “The amount of additional commercial development is based on the estimated needs of the Region. Commercial development may be permitted as specified in Plan Area Statements, Community Plans, other Specific Plans or Master plans, or an Area Plan that has been found in conformance with the Regional Plan.” EIS Appendix A pg. II-3. Rather than rely on “estimated needs[,]” quantifiable criteria should be required for commercial development floor area. Assumed “estimated needs” can be arbitrary in nature and wholly subjective to whose needs they are based upon. Such estimations are in no way objectively measurable.

As mentioned above, the Recreation designation is significantly changed from that outlined in the 1987 Regional Plan. Again, the proposed plan states: “Additional recreation uses may be permitted only as specified within Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or an Area Plan that has been found in conformance with the Regional Plan. The total capacity of additional outdoor recreational facilities for the Region shall not exceed 6,114 persons at one time (PAOTs) for overnight facilities, 6,761 PAOTs for summer day use facilities, and 12,400 PAOTs for winter day use facilities.” EIS Appendix A pg. II-3. It is counterintuitive to believe that the increased capacity of the additional uses including tourist, commercial, and residential, inter alia, permitted in a recreation area will not reduce the number of PAOTs. Opening recreation areas to additional uses inherently means more people will use those facilities, whether they be natural or man-made because the land will offer more to a greater group of people. Instead, the RPU should provide quantifiable criteria that will be used to track the number of people within the proposed additional uses to determine how significant the increase in PAOTs will in fact be.

All Land Use 2.1 goals and policies categories must comply with DP 2.2: “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 THE TABLE BELOW.” EIS Appendix A pg. VII-10. Similar to the number and distribution of allocations for additional tourist accommodation units, the actual number for residential, tourist accommodation units, commercial floor area, etc... must not be determined until Governing Board votes on those issues. Yet, DEIS provides apparent abstract analyses that determine build-out will not be exceeded by any hypothetical combination of allocation uses. To make such a categorical statement without more analysis is nonsensical.

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According to Land Use 2.1: THE REGIONAL PLAN ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH BELOW. The Environmental Impact Statement prepared for this plan analyzed impacts based on defined development parameters which are integrated into this plan. It is the intent of this policy to insure that these limitations are incorporated, both individually and cumulatively, into the Land Use Element. These limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. For the purposes of this plan, regulated development is categorized as residential, tourist accommodation, commercial, recreation, public service, and resource management.” EIS Appendix A pg. II-2.

Moreover, Mitigation Measure 3.2-2 states: “Revise Requirements for Development in the Recreation District. For Alternative 3, TRPA will allow additional development involving commercial uses, residential uses, tourist accommodation uses and/or subdivisions in a Recreation Area within an Area Plan or Master Plan only if the development results in a development pattern that is compatible with recreation district uses, does not induce substantial growth in the area (either directly or indirectly), and does not conflict with any environmental policies or regulations, as analyzed and demonstrated by the subsequent environmental analysis for the Area or Master Plan. To the extent that environmental analysis indicates mitigation measures are required, those measures may include, but are not limited to, the following:

1. the development shall be an accessory use to a primary recreation use as defined by Code Section 21.3;
2. the development shall not increase the number of existing units of use at the site unless it is the result of transfers of existing residential and tourist units of use and existing commercial floor area from outside designated Town Centers, the Regional Center, and the High Density Tourist District;
3. the development shall transfer existing units of use at a ratio of more than 1:1 or require that units of use be transferred from sensitive lands;
4. the development shall provide transportation options such as bike trails, chairlifts, dedicated transit, sidewalk, and trails that links to community centers and recreation access opportunities in the vicinity and demonstrate a net decrease in VMT; and
5. the geographic extent of development shall be limited.”

Regional Plan Update Draft EIS pg. 3.2-71

Contrary to the aforementioned, the proposed changes that add additional uses to the Recreation designation do induce growth directly and indirectly. To completely understand this effects, the DEIS should have analyzed these impacts in addition to projects that will be proposed and analyzed in area plans.

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Land Use 2.5 states: “USES, LEGALLY EXISTING AS OF THE EFFECTIVE DATE THIS PLAN, BUT WHICH ARE NOW PROHIBITED, ARE CONSIDERED NONCONFORMING AND SUBJECT TO THE FOLLOWING POLICIES:

A. Nonconforming uses may continue as they exist except where specifically subject to a program of removal or modification.

B. Nonconforming uses may not be modified, expanded, or intensified, nor resumed following a significant interruption without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memoranda of Understanding with applicable governments and shall be based on criteria set forth in ordinances to ensure that:

- i. the activity shall not increase the extent of nonconformity.
- ii. the activity shall not make it more difficult to attain and maintain environmental threshold carrying capacities.
- iii. the use is otherwise consistent with applicable Plan Area Statements and Community Plans.”

08-8

EIS Appendix A pg. II-11. There are no safeguards in place to ensure this policy is strictly adhered to and to ensure past abuse of interpretation is eliminated. The RPU must append incontrovertible language. For example, the TRPA approved one non-conforming structure at 75 feet that resulted in the approval of eight structures exceeding the height limitations as set forth in the North Shore Community Plan without requiring a formal update to the Community Plan.

Regarding removed Land Use Goals and Policies 2.13 and 2.14, the RPU Committee did not vote unanimously to remove restrictions on permitting the transfer of coverage across hydrologic zones.⁶ Land Use Subelement II-14 Revised 02/29/2012 RPU committee meeting from TRPA website. With respect to Land Use 2.11 and Land Use 2.12, comprehensive analysis must be provided and quantifiable criteria delineated that prove that no significant impacts will occur by crossing hydrologic zones.⁷ Moreover, safeguards must be implemented and policies

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⁶ There was a vote, 4-1, to support language for combined Land Use Policy LU-13 and LU-14 on December 13, 2011.

⁷ See Geology and Soils 3.7: “The existing Regional Plan partitions the Tahoe Region into a series of nine hydrologically related areas (HRAs) based on the boundaries of adjacent watersheds (Exhibit 3.7-1). The intent of the HRA concept is described in the EIS for the existing Regional Plan (Goals and Policies, p. II-17), which states: ‘(TRPA) will limit transfers of coverage to a reasonable distance from the receiving site, so that the effect on water quality of coverage within the area is no worse than if the development were confined to the respective parcels.’ The existing 1987 Regional Plan applies the HRA concept in the following ways: Transfers of coverage may occur only from within the same HRA. Excess coverage mitigation fees generated from projects that maintain legally existing but non-conforming coverage (i.e., “grandfathered” coverage in excess of the base allowable) can only be used to remove or retire coverage within the same HRA. Project proponents who choose to mitigate their excess coverage by removing coverage off-site must remove that off-site coverage within the same HRA as their project.” Regional Plan Update Draft EIS pg. 3.7-13. The EIS must analyze a full range of impacts as related to HRA coverage transfers. “Likelihood of Net Sending or Receiving: While the market forces summarized in Table 17 provide an indication of the potential distribution of coverage transfers, many other factors would affect the actual distribution of coverage transfers. Variations within each HRA with respect to land value could influence transfers. Coverage transfers are allowed only under specific circumstances, and the amount of land within each HRA where transfers would be allowed was not addressed here. As such, this estimate provides a reasonable indication of transfer patterns, but does not predict the exact future distribution of coverage.” Regional Plan Update Draft EIS Apdx H-13.

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instituted to prohibit higher capability lands transfer to lower capability lands; for example, the South Shore Casino core to Tahoma. Finally, pervious coverage has not been adequately analyzed. The RPU must provide quantifiable criterion and actual studies that show improvement to water quality when pervious coverage is used to justify its use. Due to high cost and required maintenance, the use of pervious coverage is not widely utilized and therefore not a sustainable solution and should not be granted incentives for its use.

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Land Use Goal 3 states: “PROVIDE TO THE GREATEST POSSIBLE EXTENT, WITHIN THE CONSTRAINTS OF THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES, A DISTRIBUTION OF LAND USE THAT ENSURES THE SOCIAL, ECONOMIC, AND ENVIRONMENTAL, WELL-BEING OF THE REGION. The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to safeguard the well-being of those who live in, work in, or visit the Region.” The fact that this goal is justified by supposed “extensive public testimony” renders it deficient of any objective basis. The arbitrary acknowledgement of some public testimony over others, especially where the testimony subjectively chosen runs contrary to overwhelming public consensus, is anti-democratic and the methods used for the selection of community character were wholly subjective in nature.

08-11

Land Use Goals 3.3 and 3.4 provides that “DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARDS TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT, AS IDENTIFIED ON THE REGIONAL LAND USE MAP. TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT SHALL HAVE THE FOLLOWING CHARACTERISTICS . . . EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT AND ENVIRONMENTALLY-SENSITIVE LANDS SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGE.” The land-use characteristics of town centers, regional centers and high-density tourist districts must be treated equally. Moreover, existing development in residential neighborhoods shall be maintained. Finally, the word “should” in Land Use goal 3.4 must be changed to “shall” to ensure continuity of existing uses.

08-12

This commenter believes that Land Use Goals 3.6 and 3.7 must be removed. They state respectively: “TRPA SHALL MAINTAIN A POOL OF DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM SENSITIVE LANDS TO TOWN CENTERS, REGIONAL CENTERS, AND THE HIGH DENSITY TOURIST DISTRICT. . . . TRPA SHALL MAINTAIN A POOL OF DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM OUTLYING RESIDENTIAL AREAS TO TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT.” Future amendments to the RPU can be proposed for additional development allocations. This request shall only be applicable when all allocations of choice has been extinguished. Therefore, it is not necessary to maintain a pool of allocations.

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A recent study outlined what a good development transfer policy promotes. The RPU selectively ignored the guidelines provided to ensure a successful program. An updated version of this study was referenced in the documentation. EIS pg. 7-19 References. Pruetz, Rick, and Noah Standridge. 2009. What Makes Transfer of Development Rights Work? Success Factors from Research and Practice.” Journal of the American Planning Association 75.1.

“Factor 2: Receiving Areas Customized to the Community

Of the publications used to identify our success factors, as many as three stress the importance of the following seven receiving area attributes: 1) adequate infrastructure to accommodate the additional development; 2) political acceptability; 3) compatibility with existing development; 4) clear designation; 5) consistency with the comprehensive plan; 6) location where developers perceive a market for higher density; and 7) a receiving area located in another jurisdiction if the sending area is in a community that cannot accept more growth. But notably, six of these publications additionally state that all of these parameters must be carefully tailored to the specific circumstances of the individual community. We suggest that there is no sure-fire template that can be duplicated from one community to another. Instead, the stakeholders must explore all possible receiving area alternatives and select the combination that best fits each unique situation. Since all 20 communities in this article have achieved some degree of success, we conclude that each has found a receiving area scenario that works for them. The following profiles are designed to illustrate the various ways in which some programs customized their receiving areas to serve local needs. Ideally, TDRs are transferred from rural areas into cities or the urban fringe, where the infrastructure, employment, shopping, and public services needed to accommodate additional development already exist. Of our 20 leading programs, 16 have been able to create receiving sites in areas under their own jurisdiction. In the other four programs, interjurisdictional transfers are permitted, with sending areas typically under county jurisdiction and receiving areas within incorporated cities.”

08-14

The analyses of the implications and conclusions in this report have been misrepresented in their applicability to the Lake Tahoe basin. We have a fixed infrastructure with little to no room to expand. The Lake Tahoe Basin does not have cities per se and the basin is mostly rural. Increasing height, density, massing, etc. is not compatible with existing development in many of the North Shore communities.

Land Use 4.1 states: THE REGIONAL PLAN LAND USE MAP IDENTIFIES GROUPINGS OF GENERALIZED LAND USES AND PRIORITY REDEVELOPMENT AREAS IN THE REGION. AREAS OF SIMILAR USE AND CHARACTER ARE MAPPED AND CATEGORIZED WITHIN ONE OR MORE OF THE FOLLOWING SEVEN LAND USE CLASSIFICATIONS: WILDERNESS, BACKCOUNTRY, CONSERVATION, RECREATION, RESIDENTIAL, MIXED-USE, AND TOURIST. THESE LAND USE CLASSIFICATIONS SHALL DICTATE ALLOWABLE LAND USES. EXISTING

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URBANIZED AREAS ARE IDENTIFIED AS TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT. TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT ARE THE AREAS WHERE SUSTAINABLE REDEVELOPMENT IS ENCOURAGED.” EIS Appendix A pg. II-19. It is the inherent obligation of the TRPA to define all terms that provide definitive meaning throughout the Regional Plan. In this context, the term “sustainable development” must be defined to determine the applicability of land use designations. This required definition is not found in the Code of Ordinances, the Land Use Section in the EIS, the alternatives or the summary sections. Moreover, there is no analysis provided in the documentation that identifies the environmental impacts for the re-zoned properties noted on the map.

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Land Use Goal 4.5 provides that “TRPA SHALL REQUEST THAT ALL LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE AREA PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF AREA PLANS FOR AREAS WITHIN THEIR JURISDICTION. STATEMENTS OF INTENT SHOULD BE PROVIDED TO TRPA NO LATER THAN DECEMBER 31, 2013. THE TRPA GOVERNING BOARD SHALL EVALUATE THE LOCAL GOVERNMENT STATEMENTS OF INTENT AND DEVELOP AN ACTION PLAN BY APRIL 30, 2014. THE ACTION PLAN MAY INCLUDE UPDATES AND CONSOLIDATIONS OF PLAN AREA STATEMENTS, COMMUNITY PLANS AND OTHER PLANS FOR AREAS THAT ARE NOT INCLUDED IN AREA PLANS. ANY PLANS THAT ARE UPDATED BY TRPA MAY UTILIZE THE PROVISIONS THAT APPLY TO AREA PLANS.” EIS Appendix A pg. II-23. As there is not a finite date for an approved Area Plan, only the intent to develop a plan has a required due date, i.e. December 31, 2013. A completion date must be established, adopted, and enforced. Furthermore, a timeline must be provided to ensure RPU conformance can be accomplished. If the local jurisdictions do not complete the Area Plans, that burden must be shifted to TRPA.

08-16

Land Use Goals 4.6 and 4.7 states respectively: “IN ORDER TO BE RESPONSIVE TO THE UNIQUE NEEDS AND OPPORTUNITIES OF COMMUNITIES OF THE REGION, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS ARE ENCOURAGED TO PREPARE CONFORMING AREA PLANS THAT SUPERSEDE EXISTING PLAN AREA STATEMENTS AND COMMUNITY PLANS OR OTHER TRPA REGULATIONS FOR AREAS WITHIN THEIR JURISDICTION. AREA PLANS SHALL BE PREPARED IN COORDINATION WITH LOCAL RESIDENTS, OTHER STAKEHOLDERS AND TRPA STAFF, AND SHALL BE CONSISTENT WITH THE REGIONAL GOAL AND POLICY PLAN AND APPLICABLE ORDINANCES. AFTER BEING FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL BECOME A COMPONENT OF THE REGIONAL PLAN. . . . AFTER APPROVAL BY LOCAL, STATE, FEDERAL OR TRIBAL GOVERNMENTS, AREA PLANS SHALL BE REVIEWED BY THE TRPA GOVERNING BOARD AT A PUBLIC HEARING. IN ORDER TO TAKE EFFECT, THE TRPA GOVERNING BOARD SHALL MAKE A FINDING THAT THE AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, ARE CONSISTENT WITH AND FURTHER THE GOALS AND POLICIES OF THE REGIONAL PLAN. THIS FINDING SHALL BE REFERRED TO AS A FINDING OF CONFORMANCE AND SHALL BE SUBJECT TO THE SAME VOTING REQUIREMENTS AS APPROVAL OF A

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REGIONAL PLAN AMENDMENT.” EIS Appendix A pg. II-23. Area Plan approval and execution is a new process and must be carefully monitored in its infancy stages. Staff admittedly stated it’s a complex system and will take sometime to articulate a more user friendly set of guidelines to be provided sometime in the future. Complex system sets off alarm bells and this commenter requests the Area Plan process be fully vetted before approval in the EIS. If the Area Plan process is approved as part of this EIS, conformance criteria and a checklist must be provided to ensure Area Plans can be found compliant with the Regional Plan Goals and Policies and Development Codes within the plan. The Governing Board must be provided with criteria/checklist to accurately assess applicability to the EIS documentation. (*See* Attachment C FOTV additional comment Conformance Review Requirements). Furthermore, Community Plan teams in Placer County have begun the process to develop Area Plans. All CP plan team members and local jurisdictions completing Area Plans must also be provided criteria and a checklist to ensure conformance with the Regional Plan.

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Land Use Goal 4.8 provides that “IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

1. Identify zoning designations, allowed land uses and development standards throughout the plan area.
2. Be consistent with all applicable Regional Plan policies, including but not limited to the regional growth management system, development allocations and coverage requirements.
3. Either be consistent with the Regional Land Use Map or recommend and adopt amendments to the Regional Land Use Map as part of an integrated plan to comply with Regional Plan policies and provide threshold gain.
4. Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide threshold gain.
5. Promote environmentally beneficial redevelopment and revitalization within town centers, regional centers and the High Density Tourist District.
6. Preserve the character of established residential areas outside of town centers, regional centers and the High Density Tourist District, while seeking opportunities for environmental improvements within residential areas.
7. Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in disturbed Stream Environment zones within town centers, regional centers and the High Density Tourist District only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone.
8. Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.” EIS Appendix A pg. II-23. Again, there is an inherent obligation to define terms that are continually used throughout the RPU. Thus, the following must be defined: Enhanced Environmental Improvement Project (this is not defined in the Code of Ordinances) and the term regional environmentally beneficially redevelopment (this is not defined in the Code of Ordinances). In addition, the RPU must provide quantifiable criteria for measurements that will be used to determine a natural system has been enhanced.

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Land Use Goal 4.9 adds “IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR REGIONAL CENTERS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

1. Address all requirements of Policy LU-4.8
 2. Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.
 3. Promote walking, bicycling, transit use and shared parking in town centers and regional centers, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and regional centers, and to other major activity centers.
 4. Use standards within town centers and regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use.
 5. Ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers.
 6. Identify an integrated community strategy for coverage reduction and enhanced stormwater management,
 7. Demonstrate that all development activity within town centers and regional centers will provide threshold gain, including but not limited to measurable improvements in water quality.”⁸
- EIS Appendix A pg. II-24. Ensure compliance with the environmental thresholds, the language above must change the verb “consider” to “that require” so the sentence reads: “that require” ridgeline and viewshed protection to ensure compliance with stated threshold standards. The word “identify” should be changed to “implement” so the sentence reads “implement” an integrated community strategy for coverage reduction and enhanced stormwater management. Moreover, the Goals and Policies do not identify a system of measurement used for achieving enhanced stormwater management. Finally, what measurements are being utilized to determine threshold gain and whether actual improvement has been achieved? The RPU must provide stated quantifiable criteria to corroborate these claims. In addition, to ensure completion of any of the above, a timeline for Area Plan completion must be established so the burden does not fall on the TRPA.

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Land Use Goal 4.10 states: “IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS THAT INCLUDE THE HIGH DENSITY TOURIST DISTRICT SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

1. Address all requirements of Policies LU-4.8 and LU-4.9.
2. Include building and site design standards that substantially enhance the appearance of

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⁸ RPU Committee vote was not unanimous for the following statement: Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection. *Note: The RPU Committee (5-1) supported Policy LU-4.9 on November 15, 2011. Land Use Subelement II-30 Revised 02/29/2012 RPU Committee meeting on TRPA website.

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existing buildings in the High Density Tourist District.

3. Provide pedestrian, bicycle and transit facilities connecting the High Density Tourist District with other regional attractions. Land Use Subelement Page II-15 DEIS 04/25/2012

4. Demonstrate that all development activity within the High Density Tourist District will provide Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.” EIS Appendix A pg. II-24. It is important to note that the term “substantially enhance the appearance” is subjective, and arbitrarily determined. Again, quantifiable criteria must be provided so this claim can be corroborated. Moreover, requirements must be included in the RPU to show threshold gain and improvement has been achieved. Furthermore, LU 4.5, LU 4.8, LU-4.9 and LU 4.10 criteria, checklist and components of an Area Plan must be included in the EIS for analysis as Area Plans will have the ability to supersede regional plan requirements that could create subsequent impacts. Impact 3.2-2 is illustrative. See Impact 3.2-2 Land Use Classification Change. Implementation of Alternatives 2, 3, 4, or 5 the Regional Plan Update would result in modifications of the land use map. “Alternative 1 would not include any such changes and would have no impact. Alternatives 2 through 5 would 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 revisions are such that they would change lands that are currently higher intensity land use classifications such as residential, commercial and tourist, to lower intensity land uses, including recreation and conservation. In addition, Alternatives 2, 3, 4, and 5 would re-designate Van Sickle Bi-State Park from conservation to recreation. This change would be consistent with the existing and planned recreation land uses, and consistent with the existing PAS. No other classification changes are proposed for Alternative 2. Therefore, the impact of Alternative 2 would be less than significant. Alternative 3 would change 250 acres of private land adjacent to the proposed High Density Tourist District from conservation to recreation. In addition, Alternative 3 proposes to amend the Code to allow the development and subdivision of tourist, commercial, and residential uses in the Recreation District by means of an Area Plan or Master Plan. Because the Code amendment could result in development of vacant lands not currently contemplated for such land uses. Alternative 3 would result in a potentially significant land use impact. Alternative 4 would re-designate the Douglas County Dumpsite from conservation land to a special district, which would be a new land use designation under the transect zoning system. Because the existing PAS for this area includes management policies that recognize the Douglas County Dumpsite as an existing public service area, this land use map modification would not change the intensity of existing uses at this site, and would be a less-than-significant impact. 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.” Regional Plan Update Draft EIS pg. 3.2-68.

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Impact statements are required to analyze not just change the language. These are significant impacts because baseline analysis of the existing recreation zoned parcels has not been evaluated or analyzed in this EIS. The baseline conditions will be radically altered and no environmental analysis will be required if the EIS approves Impact 3.2-2. Re-designation, Code amendment, boundary revisions that add other uses also changes the baseline conditions that must be analyzed. These proposed additional uses cannot be approved until the baseline is complete. Additionally, changing Conservation to Recreation is up-zoning not lowering the intensity.⁹ See also California Environmental Quality Act §§ 15125 & 15126.6.¹⁰

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⁹ See Mitigation Measure 3.2-2: Revise Requirements for Development in the Recreation District. "For Alternative 3, TRPA will allow additional development involving commercial uses, residential uses, tourist accommodation uses and/or subdivisions in a Recreation Area within an Area Plan or Master Plan only if the development results in a development pattern that is compatible with recreation district uses, does not induce substantial growth in the area (either directly or indirectly), and does not conflict with any environmental policies or regulations, as analyzed and demonstrated by the subsequent environmental analysis for the Area or Master Plan. To the extent that environmental analysis indicates mitigation measures are required, those measures may include, but are not limited to, the following:

1. the development shall be an accessory use to a primary recreation use as defined by Code Section 21.3;
2. the development shall not increase the number of existing units of use at the site unless it is the result of transfers of existing residential and tourist units of use and existing commercial floor area from outside designated Town Centers, the Regional Center, and the High Density Tourist District;
3. the development shall transfer existing units of use at a ratio of more than 1:1 or require that units of use be transferred from sensitive lands;
4. the development shall provide transportation options such as bike trails, chairlifts, dedicated transit, sidewalk, and trails that links to community centers and recreation access opportunities in the vicinity and demonstrate a net decrease in VMT; and
5. the geographic extent of development shall be limited.

¹⁰ **CEQA 15125. ENVIRONMENTAL SETTING**

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

b) When preparing an EIR for a plan for the reuse of a military base, lead agencies should refer to the special application of the principle of baseline conditions for determining significant impacts contained in Section 15229.

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts.

Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

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In addition, Impact 3.2-2 fails to provide analysis of any increases to population, VMT, and recreational uses with the addition of proposed additional uses (tourist, residential, commercial and accessory) within recreation districts. Stating conformance with existing PAS language does not analyze anything. Moreover, these Alternative change requests are impacts in themselves and need to be analyzed by a specific project EIS to determine the level of significance to the project site and be a requirement of the programmatic EIS. Furthermore, these alternative change requests must be part of a public process to amend current Plan Area Statements, Master Ski Plans, or create a new Area Plan. Not analyzing each individual alternative with the proposed additional land use changes renders the EIS inadequate. The Goals and Policies LU 4.5- LU 4.10 establish the requirements although no Area Plan criteria/checklist is available for review.

The following information from: What Makes Transfer of Development Rights Work?: Success Factors From Research and Practice Rick Pruetz & Noah Standridge December 2008 are rational and intuitively correct. The RPU should not be upzoning the residential and conservation lands without TDR implementation: “Factor 4: Few or No Alternatives to TDR for Achieving Additional Development Dozens of the 191 TDR programs in our national database have failed to preserve much or any land because the community offers developers opportunities for additional development without having to comply with TDR requirements. For example, many communities allow bonus density for clustering lots in one portion of a single parcel while preserving the remainder of the property. Other communities offer additional development potential to projects that exceed standards for open space, landscaping, design features and amenities. Given the choice, many developers would rather achieve bonus density using features that enhance the value of their developments rather than preserving another unrelated site. At the furthest extreme are communities that have TDR ordinances on the books, yet do not require TDRs when they approve upzonings. No matter how well intentioned, these exceptions can erode a TDR program’s effectiveness, providing developers many examples to justify why they too should be granted an exception. Exceptions after precedent is set could become an uncontrollable issue.”

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“Of the five proposed alternatives, Alternative 3 differs from Alternatives 1, 2, 4, and 5 in that it would grant additional permitting authority to local jurisdictions through the formulation of Area Plans. While this is a substantial change from the existing system, which utilizes PASs

(e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan.

15126.6. CONSIDERATION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED PROJECT.

e) “No project” alternative.

(1) The specific alternative of “no project” shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project’s environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

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and Community Plans that are under TRPA's jurisdiction, TRPA would maintain responsibility for conformance review of local plans with the Regional Plan. Area Plans would be required to identify zoning designations, be consistent with Regional Plan policies, and be consistent with the Regional Land Use Map. Thus, Area Plans would be consistent with the Regional Plan." Regional Plan Update Draft EIS pg. 3.2-76. Quantifiable criteria for Conformance Reviews must be acknowledged and adopted in the EIS to determine if the allowances 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.

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Land Use Goal 4.12 states, "ONCE AN AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, HAVE BEEN FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS MAY ASSUME DEVELOPMENT REVIEW AUTHORITY BY MEMORANDA OF UNDERSTANDING WITH TRPA, SUBJECT TO THE FOLLOWING LIMITATIONS:

1. The TRPA Governing Board shall annually review a sample of permits issued within each Area Plan, and shall certify that the Area Plans are being implemented in Conformance with the Regional Plan. If the TRPA Governing Board finds that development that has been permitted within an Area Plan does not comply with the conforming Area Plan, TRPA may retract delegation of certain permitting authority and implement the conforming Area Plan.
2. Approval of projects within Area Plans shall require TRPA review and approval if the project includes any of the following criteria, except for minor improvements as further specified in the Code of Ordinances:
 - a. All development within the High Density Tourist District;
 - b. All development within the Shorezone of Lake Tahoe;
 - c. All development within the Conservation District.
 - d. All development meeting criteria on the following table:

	Regional Center	Town Center	Not in Center
Residential	200,000 sq. ft.	100,000 sq. ft.	50,000 sq. ft.
Non-Residential	100,000 sq. ft.	50,000 sq. ft.	25,000 sq. ft."

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EIS Appendix A pg. II-25.¹¹ Safeguards must be provided to assure a non-compliant project does not get constructed. There are no regulations allowing a non-compliant project to be removed. The proposed criterion for passing responsibility of approval for large projects to local jurisdictions is ambitious. This Goal establishes a new approach and must be fully vetted. The building size is enormous as compared to the size the local jurisdiction can approve today with no proven local jurisdiction track record available. Moreover, there are many other issues and concerns with Land-Use Goal 4.12 including: including encuring BMPs for large projects will be completed. These BMPs must be completed even if a project cannot be financed. The State of the

¹¹ Project size criteria were not a unanimous vote by the RPU Committee. Note: The RPU Committee deferred action on Policy LU-4.12 and directed staff to work through modified language with the Local Government Committee and return with a recommendation for the RPU Committee. The RPU Committee (4-1) supported Policy LU-4.12 on December 15, 2011. The RPU Committee supported (5-1) modifications to LU-4.12 on February 1, 2012.

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Basin Report published in March 2010 conveys the enormity of the financial will power required to effectively complete BMPs of this size. Assumptions used in this work are as follows: "Period of analysis: defined as the 10 year period from 2010-2020. This period is selected in recognition that the EIP runs in 10 year cycles and the Regional Plan in 20 year cycles. Additionally, the current phase of EIP will likely be half completed before the RPU is approved, making a 10 year period sufficient for purposes of this analysis. BMP funding need: given the relative accuracy of the data, it was assumed that the funding need from the private sector was approximately \$205 million over the ten year period. Private Sector Contribution from Redevelopment: this value is derived by starting with the \$205 million and reducing by the sum of the amount allocated to residential parcel BMPs (also known as "backyard BMPs") plus any work allocated to community-based area-wide treatment such as that proposed by Nevada Tahoe Conservation District. It is anticipated that between 80% and 90% (\$160 - \$190 million) of the BMP implementation will be carried out through private sector redevelopment⁵. For purposes of this analysis, the midpoint of 85% was assumed, yielding a private sector redevelopment BMP funding need of \$170 million."¹² See http://www.trpa.org/documents/rp_update/State_of_Basin/Redev_Econ_Final_3-12-10.pdf.

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Furthermore, "[i]n order to evaluate the range of BMP cost as a percent of total project cost, three typical or average redevelopment project scenarios were evaluated based on actual redevelopment projects in the Basin. Use of the typical project scales are intended to simplify the process of estimating current and possible future redevelopment trends and the implications of those trends on the current RPU. Typical large, medium and small scale projects are defined in Table 3. Based on the size of Heavenly Village (17 acres) and Boulder Bay (16.3 acres), a typical large project was assumed to be greater than or equal to 16 acres. A typical medium project was then assumed to be about 8 acres, and a typical small project was assumed to be about 2 acres. Other estimated characteristics of these typical projects include average project cost, average open space acres, average off-site BMP acres, and average land acquisition cost. These averages were computed using available data points from the Heavenly Village and Boulder Bay projects." See Ibid. This report does not reflect the abolishment of the California Redevelopment Agency.

Additionally "Scenic quality ratings do not provide a means of evaluating urban or recreational development, but are used to ensure that development does not remove or substantially degrade individual scenic resources. The ratings are used to evaluate development only insofar as development affects natural features. This threshold is much more sensitive to change as a result of development than the travel route rating threshold, as views of resources can be blocked or significantly modified by an individual development project (TRPA 2007)." Regional Plan Update Draft EIS pg. 3.9-3. Code language Chapters 11, 12, 13 pre-bias conformances allowing lowering of the bar for attainment to be achieved by Area Plan language. It is not until visual impacts are adequately addressed may the DEIS identify feasible measures to preserve the integrity of the existing views. The local jurisdictions must be held accountable

08-22

¹² Price levels: all analysis and results are computed in 2010 dollars.

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for scenic criteria. The Goals and Policies must include specific Goal and Policy language requiring local jurisdiction compliance with scenic threshold standards, the SQIP, etc.

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Land Use Goal 5 states: “COORDINATE THE REGULATION OF LAND USES WITHIN THE REGION WITH THE LAND USES SURROUNDING THE REGION. To minimize the impacts on one another, the Tahoe Region and its surrounding communities should attempt to coordinate land use planning decisions. This goal is especially pertinent with respect to major land use decisions immediately adjacent to the Region which may have significant impacts on the Region and affect the ability of TRPA to attain environmental thresholds.” EIS Appendix A pg. II-26. Blatantly absent is prescriptive language. Safeguards must be provided to assure that VMT targets and environmental thresholds are not violated. Simply recommending coordination does not protect the thresholds or require an action to occur. Second, MOUs must be executed with surrounding communities with a firm timeline established and enforced to put those MOUs in place. Finally, mitigation measures and fees must be established to offset the potential impacts. For example, Northstar and any expansion are adjacent to the Basin and share the same highway artery (Hwy 267) into the Basin.

08-23

(See additional Land Use Comments provided in Attachment D)

ii. Housing:

Housing Subelement and Impact 3.12-1 state respectively: “The purpose of this Subelement is to assess the housing needs of the Region and to make provisions for adequate housing. The Bi-State Compact does not specifically mandate this Subelement nor do the environmental thresholds address this topic. However, the states of Nevada and California both require housing to be addressed as part of a General Plan. It is the intent of this Subelement to address housing issues on a regional basis with Area Plans handling the specifics of implementation.” EIS Appendix A pg. II-27.

Impact 3.12-1: “Location and Distribution of Employment, Population, and Housing in the Region. Each of the Regional Plan Update alternatives would result in some level of development and redevelopment of residential units, tourist accommodations, and commercial facilities, which could affect the location, distribution, and density of population, employment, and housing in the Region. New allocations would be lowest under Alternative 1, resulting in very little change, and highest under Alternative 5. However, Region-wide population projections and increases in employment opportunities (primarily resulting from commercial uses) under each alternative are relatively modest (ranging from approximately 2 percent to 11 percent) and the jobs-to-population ratio would remain relatively constant over the course of the planning period. Further, the proposed land use planning frameworks for each alternative would—to varying degrees—concentrate development within community centers (i.e., Community Plan areas, Development Transfer Zones [DTZs], Town Centers, Regional Center, High Density Tourist District, pedestrian- and transit-oriented developments [PTODs]) with the overall intent of reducing environmental impacts associated with more dispersed development. Provisions to relocate and concentrate development are most extensive in Alternative 3 and least

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extensive in Alternatives 1 and 5. Because increases of population, employment, and housing in the Region would be relatively low under all alternatives, regulated through the allocation system, and largely concentrated within existing urban areas, none of the alternatives would have the potential to significantly affect community character or functioning (including mobility), nor adversely affect jobs-housing balance. This impact would be less than significant for Alternatives 1 and 5. Because Alternatives 2, 3, and 4 include 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 impact would be beneficial for these alternatives.” Regional Plan Update Draft EIS pg. 3.12-8. This impact is not standard environmental language. Impacts must be determined to be significant, potentially significant to less than significant. Impact and beneficial are contrary.

“Of the Regional Plan Update alternatives, only Alternatives 3 and 4 would modify the existing approach to affordable and moderate-income housing. Alternatives 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. Thus, Alternative 4 would result in a less-than-significant impact. Because Alternative 3 would add 600 new bonus units to the existing pool of 874, in addition to increasing the allowable housing density in community centers and implementing a Region-wide housing needs program, it would result in a beneficial impact.” Regional Plan Update Draft EIS pg. 3.12-14. A component of the housing needs are the seasonal workers that are brought in from outside the region. The EIS must analyze and factor into the needs assessment temporary housing. The recently built Domus Housing Now project in Placer County was built for local moderate to low income occupancy. The EIS must state the percentage of seasonal workers and proportional housing needs in the equations. “more cost effective” as compared to ? The EIS must provide data of current costs to ascertain what more cost effective construction would be. The EIS could use the recent Domus Kings Beach NOW subsidized affordable housing project construction costs for that equation.

08-24
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HS Goal 1.2 states: LOCAL GOVERNMENTS WILL BE ENCOURAGED TO ASSUME THEIR "FAIR SHARE" OF THE RESPONSIBILITY TO PROVIDE LOWER AND VERY LOW INCOME HOUSING.” Again, prescriptive language is wholly missing from this goal and must be added to ensure wide-spread compliance.

08-25

HS Goals 2 and 3 state respectively: “TO THE EXTENT FEASIBLE, WITHOUT COMPROMISING THE GROWTH MANAGEMENT PROVISIONS OF THE REGIONAL PLAN, THE ATTAINMENT OF THRESHOLD GOALS, AND AFFORDABLE HOUSING INCENTIVE PROGRAMS, MODERATE INCOME HOUSING WILL BE ENCOURAGED IN SUITABLE LOCATIONS FOR THE RESIDENTS OF THE REGION. . . . REGULARLY EVALUATE HOUSING NEEDS IN THE REGION AND UPDATE POLICIES AND ORDINANCES IF NECESSARY TO ACHIEVE STATE, LOCAL AND REGIONAL HOUSING GOALS.” Quantifiable criteria must be provided for “the extent feasible to ensure growth management provisions are not exceeded and thresholds are not compromised.” Without such quantifiable criteria, feasibility cannot be measured. Moreover, a suitable location is subjective and arbitrary. The EIS must provide quantifiable criteria and a host of requirements to

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determine more objectively a suitable location. Regarding HS Goal 2, statistics corroborating the policy must be provided in the EIS. Again, prescriptive language is missing and a timeline that requires local jurisdictions to evaluate and revise housing needs should be required.

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iii. Community Design

CD Goal 1 states: “INSURE PRESERVATION AND ENHANCEMENT OF THE NATURAL FEATURES AND QUALITIES OF THE REGION, PROVIDE PUBLIC ACCESS TO SCENIC VIEWS, AND ENHANCE THE QUALITY OF THE BUILT ENVIRONMENT.” While the title remains the same the language below was removed on January 4, 2012 ACTION Sheet (Summary Scenic Subelement 01/04/2012 Attachment A | Page 8).” EIS Appendix A pg. II-29. This commenter did not and still does not agree the removal was a correct action by Regional Plan Update Committee because it removes language that states how the goal works based on findings and natural scenic qualities.¹³ Moreover, it described the relationship of goals and policies to the threshold and scenic values. The statement as stand-alone language has seriously diminished the compliance requirements.¹⁴

08-27

Regarding CD Goal 1.1, which states: “THE SCENIC QUALITY RATINGS ESTABLISHED BY THE ENVIRONMENTAL THRESHOLDS SHALL BE MAINTAINED OR IMPROVED. Implementation of regional design review requirements will be required to ensure compliance with this policy[,]” the implementation plan from the previous goals and policies document has improved some scenic values by correcting erosion but has also had unintended consequences that have degraded other areas. EIS Appendix A pg. II-29. For example, South Shore hole-in-the ground, North Shore Tonopalo Timeshare project, Kings

08-28

¹³ Deleted text: “Based on findings in the Compact and evidence presented in the environmental threshold carrying capacity study, both the natural scenic qualities of the Region and the man-made environment have suffered degradation in the past decades. It is important that both the natural environment and the built environment be brought into compliance with the established thresholds, including the thresholds and policies found in the Scenic Subelement.” Community Design Subelement II-38 Revised 02/22/2012 RPU committee TRPA website.

¹⁴ See also: “The Threshold Standard associated with the Built Environment Indicator Reporting Category (often referred to as “Community Design”) is a Policy Statement that applies to the built environment, and is not restricted to roadways or shoreline units. As stated in TRPA Resolution 82-11, “It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region.” To achieve this Threshold Standard, TRPA must support efforts to adopt programs, design standards, and guidelines that address these aspects of development; site planning to preserve native vegetation, building height to limit view blockage and protrusion above the forest canopy, and architectural design guidelines related to colors, form, and materials, to ensure that development is compatible with the overall natural setting. Such programs, standards, and design principles must then be widely implemented in projects that are reviewed and approved by TRPA and local government, to improve the scenic roadway and scenic shoreline units. Progress will be made toward achieving the Community Design Threshold Standard, as more development and redevelopment projects conform to design standards and guidelines.” 2011 Threshold Evaluation – Scenic Resources pg. 9-23. Code language in Chapters 11, 12, and 13 presume conformance, while allowing the lowering of the bar for attainment to be achieved by Area Plan language. For example, the proposed excessive height allowances, the morphing of TAU size, etc. Altering scenic quality with new design standards, especially when the view of Lake Tahoe is altered, must include accurate and objective analysis of the visual impacts.

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Beach Gateway Domus building, etc. Moreover, a timeline must be established, implemented and enforced for implementation of regional design requirements to achieve this policy. And again, the EIS must provide quantifiable criteria or measurements showing environmental threshold improvement or maintenance.

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CD Goal 1.2 states, “RESTORATION PROGRAMS BASED ON INCENTIVES WILL BE IMPLEMENTED IN THOSE AREAS DESIGNATED IN NEED OF SCENIC RESTORATION TO ACHIEVE THE RECOMMENDED RATING.” EIS Appendix A pg. II-29. The 1987 Regional Plan did not identify areas designated in need of scenic restoration. Furthermore, the EIS must provide a list of the areas in need of scenic restoration to assure this update achieves scenic restoration where needed in this 20 year plan as those goals were not accomplished in the last plan without prescriptive language. And again, a timeline must be established and a program implemented for restoration programs.

08-29

CD Goal 2 provides that’s “REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW. The intent of the criteria is that they be regional in nature yet specific enough to ensure that the Agency meets the mandate of specific thresholds and other policy requirements of this plan as they relate to site planning.” EIS Appendix A pg. II-30. The Plan Area Statements and Community Plans are being updated and will be replaced with Area Plans. Similar to the above stated goals, there is no time-line requirement for completion of Area Plans. A date for completing the Area Plans must be established or the burden will fall on the TRPA.

08-30

There are a number of issues concerning CD Goal 2.1.¹⁵ First, the EIS must provide a list

¹⁵ CD-2.1 “TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL REQUIRE THAT ALL PROJECTS COMPLY WITH THE FOLLOWING DESIGN REQUIREMENTS. AREA PLANS MAY ALSO INCLUDE ADDITIONAL OR SUBSTITUTION REQUIREMENTS NOT LISTED BELOW THAT PROMOTE THRESHOLD ATTAINMENT. A. Site Design: All new development shall consider site design which includes, at a minimum:

- 1) Existing natural features to be retained and incorporated into the site design.
 - 2) Building placement and design to be compatible with adjacent properties and consideration of solar exposure, climate, noise, safety, fire protection, and privacy.
 - 3) Site planning to include a drainage, infiltration, and grading plan meeting water quality standards.
 - 4) Access, parking, and circulation to be logical, safe, and meet the requirements of the transportation element.
- B. Building Design: Standards shall be adopted to ensure attractive and compatible development. The following shall be considered: Building Design, Height, Bulk and Scale: Standards shall be adopted to ensure attractive and compatible development. The following shall be considered: 1) Outside Town Centers, Building height shall be limited to two stories (32 feet). Within Town Centers, building height may be: 1) Outside town centers, building height shall be limited to two stories (24-42 feet). Within town centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within regional centers, building height may be allowed up to six stories (95 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within the High Density Tourist District, building height may be allowed up to 197 feet as part of an Area Plan that has been found in conformance with the Regional Plan. Subject to TRPA approval pursuant to TRPA Code or an approved conforming Area Plan, provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within Ski Area Master Plans, steep sites, tourist accommodation facilities, affordable housing, and essential public safety facilities.

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of additional or substitution requirements with stated quantifiable criteria in addition to mandatory language to achieve and maintain the environmental thresholds. Second, the EIS must provide quantifiable criteria to determine what is attractive and compatible as these terms, as written are wholly subjective in nature. Third, descriptive words such as height, bulk, and scale, which were removed, must be replaced to increase guidance related to specificity and to prevent subjectivity. Code language found in Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. For example: proposed excessive height, morphing of TAU size, etc. It is not until visual impacts are adequately addressed may the DEIS identify feasible measures to preserve the integrity of the existing views. Moreover, the altering of scenic quality with new design standards, especially when the view of Lake Tahoe is altered, must include accurate and objective analysis of the visual impacts. Threshold language specifically addresses height, bulk, form, etc. The EIS and Goals and Policies must be consistent with that language.¹⁶ Fourth, this author does not believe the change from 24-42 feet to 32 feet for two stories was correct action by the RPU Committee and the public comment process on that issue was legally inadequate.¹⁷ No additional discussion was held on why the 32 feet was changed to 24-42 feet for two stories (during the RPU committee meetings, the unanimous vote notes stated on February 1, 2012 that two other iterations were considered on 2/16/2012 and 2/22/2012). Most importantly, no public comment was taken on the 24-42 two-story decision.

08-30
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In addition, the EIS states: "1) Alternative 3 would establish mixed use as a new land

08-31

2) Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.

3) Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.

4) The scale of structures should be compatible with existing and planned Land Uses in the area.

5) Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

6) Area Plans that allow buildings over two stories in height shall where feasible include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

7) Area Plans shall include design standards for building design and form. Within town centers, regional centers and the High Density Tourist District, building design and form standards shall promote pedestrian activity." EIS

Appendix A pg. II-31

¹⁶ "The Threshold Standard associated with the Built Environment Indicator Reporting Category (often referred to as "Community Design") is a Policy Statement that applies to the built environment, and is not restricted to roadways or shoreline units. As stated in TRPA Resolution 82-11, "It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region." To achieve this Threshold Standard, TRPA must support efforts to adopt programs, design standards, and guidelines that address these aspects of development; site planning to preserve native vegetation, building height to limit view blockage and protrusion above the forest canopy, and architectural design guidelines related to colors, form, and materials, to ensure that development is compatible with the overall natural setting. Such programs, standards, and design principles must then be widely implemented in projects that are reviewed and approved by TRPA and local government, to improve the scenic roadway and scenic shoreline units. Progress will be made toward achieving the Community Design Threshold Standard, as more development and redevelopment projects conform to design standards and guidelines." 2011 Threshold Evaluation – Scenic Resources pg. 9-23.

¹⁷ January 4, 2012 ACTION Sheet Summary Scenic Subelement 01/04/2012 Attachment A | 9.

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classification within Town Centers, a Regional Center, and a High Density Tourist District and would include redevelopment incentives aimed at concentrating higher intensity uses in these target areas and reducing coverage and development in sensitive lands and lands distant from the community centers. These areas targeted for redevelopment generally correspond to travel units that need additional scenic improvements. Greater redevelopment incentives are likely to result in a greater pace and degree of redevelopment activity, resulting in beneficial scenic impacts. Alternative 3 would also modify height standards such that taller buildings could be permitted in the Town Centers, Regional Center, and High Density Tourist District. Because taller buildings could substantially increase visual mass and magnitude and result in impacts to scenic resource views, this impact of Alternative 3 would be potentially significant. Alternative 3 would also modify how maximum allowable height is measured on slopes greater than 10 percent to encourage stair-stepping of structures. The resulting increased visual mass and magnitude may result in impacts to scenic resource views. This impact of Alternative 3 would be potentially significant." Regional Plan Update Draft EIS pg. 3.9-17. Here, the EIS language is clearly contradictory. It states greater redevelopment with incentives will result in beneficial scenic impacts. However, it also states taller buildings, increased visual mass and magnitude would be potentially significant. These two claims cannot be reconciled. Additional height may also be obtained pursuant to TRPA approval found in the Code by way of an amendment or an approved Conforming Area Plan. Any height above that, which is established in the Code must be approved by the TRPA Governing Board.

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The Threshold Evaluations Report for the four scenic thresholds found that positive trends have occurred for all four thresholds between 2001 and 2006 and that three of the four thresholds, namely, Scenic Quality, Public Recreation Areas and Bike Trails, and Community Design, are "at or somewhat better than target," as reported in the 2011 Threshold Evaluation (TRPA 2012). Regional Plan Update Draft EIS pg. 3.9-1. However, this claim is misleading because it mentions nothing about the most recent data regarding the scenic thresholds that are still in non-attainment.

08-32

iv. Noise

Community Noise Equivalent Levels or CNELs have been in violation for some time. Therefore, quantifiable criteria for enforcement mechanisms and new approaches must be implemented to achieve this threshold. See Noise Goal 1.1; EIS Appendix A pg. II-35. Noise Goal 1.2 states "BOATS WILL ONLY BE ALLOWED ON LAKE TAHOE IF IN COMPLIANCE WITH THE SINGLE-EVENT THRESHOLD. Implementation of the single-event threshold for boats shall be shared by the public and private sectors. TRPA shall prepare a model ordinance, and encourage local government and the U. S. Coast Guard to adopt and enforce the model ordinance. TRPA shall also encourage marinas and other boat launching facilities to participate in implementation of the single-event threshold standard." Here, an enforcement policy must be implemented for the single-event threshold. A time-line must be established for completion of the model. A single-event noise threshold for boats must also be established and implemented.

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Noise Goal 2 stated "COMMUNITY NOISE EQUIVALENT LEVELS SHALL BE ATTAINED AND MAINTAINED.

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CNEL thresholds were adopted to reduce the annoyance associated with cumulative noise events on people and wildlife. In the Region, the main sources of noise are attributed to the major transportation corridors and the airport. Therefore, these policies are directed towards reducing the transmission of noise from those sources. The CNEL thresholds will be attained upon implementation of the following policies.” EIS Appendix A II-36. Again, a timeline to achieve the noise thresholds must be established and enforcement measure put in place. Moreover, a timeline for the transportation element related policies found in Noise Goal 2.1 must be established.¹⁸ EIS Noise Mitigation measures (pgs.3.6-15, 3.6-18, 3.6-21, 3.6-23) Regional Plan Update Draft EIS 3.6-1 through 3.6-4 state “Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of....” Within 12 months of adoption is prolonging the non-attainment of this threshold that is a significant impact. At the very least, improvement through interim measures must be implemented and a timeline for attainment established.

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Noise Goal 2.2 provides that “NOISE-RELATED IMPACTS ASSOCIATED WITH THE AIRPORT SHOULD BE AT AN ACCEPTABLE LEVEL. The Airport Master Plan should include specific recommendations necessary to attain the environmental thresholds. The Master Plan should also include implementation provisions for attaining the noise thresholds.” EIS Appendix A II-36. Yet, what is an objective “acceptable level?” The term “acceptable level is clearly subjective and lends it itself to no objective determination. Moreover, the precatory language “should” must be made stronger. Finally, it is important to note that the requirement that a master plan and EIS was to be developed to evaluate noise impacts was removed from this Goal’s language.¹⁹ Clearly, the building of an airport and the use of planes in that airport is a “project” within the meaning of the compact. Inherently, “project” especially ones that deal with industrial size aviation equipment have myriad environmental impacts. Therefore, at the very least, an EIS must be developed to study the environmental impacts of these planes on the noise thresholds.

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v. Air Quality

There are numerous instances in the Air Quality Goal and Policies where precatory language must be replaced by the strong mandatory verbs that unequivocally require actions to

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¹⁸ “N-2.1 TRANSMISSION OF NOISE FROM THE TRANSPORTATION CORRIDORS SHALL BE REDUCED. The noise associated with the transportation corridors can be decreased by reducing the number of trips and by installing mitigation measures. Trip reduction will be accomplished by the transit improvements identified in the Transportation Element. Ordinances will establish specific site design criteria for projects to help reduce the transmission of noise from the transportation corridors. The design criteria will also be incorporated into the water quality and transportation improvement programs. The mitigation measures may include setbacks, earth berms, and barriers.” EIS Appendix A pg. II-36.

¹⁹ “REDUCE NOISE-RELATED IMPACTS ASSOCIATED WITH THE AIRPORT SHOULD BE AT AN TO ACCEPTABLE LEVELS. A master plan and accompanying EIS must be completed to evaluate the noise impacts from aircraft flights into and from the Lake Tahoe Airport. The Airport Master Plan should include specific recommendations on aircraft type and the number of flights per day per aircraft type necessary to attain the environmental thresholds. The Master Plan should also include implementation provisions for attaining the noise thresholds.”

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happen. See e.g. AQ 1.²⁰ Moreover, “Air Quality mitigation fees need to be restructured to benefit the site in which the project is being built. The RPU should be focusing on local nexus of the project site along with regionally benefitted projects. Example: human-health based standards (CO, ozone, etc.) In the case of ozone, even if the pollution (from SLT) moves downwind (up East Shore) before forming ozone, it is still emitted upwind and should be mitigated where it is and what has been found by the Desert Research Institute.”²¹

AQ Goal 1.4 states “AQ-1.4 REDUCE EMISSIONS FROM WOOD BURNING STOVES IN THE REGION, AND REQUIRE WOOD STOVES TO COMPLY WITH CURRENT EPA EMISSIONS STANDARDS WITH A TARGET COMPLIANCE DATE OF 2020. Older, less efficient wood burning appliances emit more air pollutants than newer, more efficient appliances. A faster rate of replacement of old inefficient wood burning appliances with newer cleaner burning technology will benefit attainment of the air quality threshold standards.” EIS Appendix A pg. 40. A funding source must be established and/or identified to incentive homeowners to replace old and inefficient appliance. Again, enforcement measure must be implemented to achieve compliance by 2020.

With regard to AQ Goal 2.1, any mitigations should have some local nexus as well as benefit regional programs to correct the impact created at the project location.

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vi. Water Quality

WQ Goal 1 states: “FEDERAL, STATE, REGIONAL, LOCAL AND PRIVATE WATER QUALITY MANAGEMENT PROGRAMS SHOULD BE IMPLEMENTED IN A COORDINATED MANNER TO RESTORE AND MAINTAIN LAKE TAHOE’S UNIQUE TRANSPARENCY, COLOR AND CLARITY IN ACCORDANCE WITH ENVIRONMENTAL THRESHOLD CARRYING CAPACITY STANDARDS.” EIS Appendix A pg. II-59. The RPU must promulgate provisions to assure implementation of water quality management programs. Precatory language such as “should” must also be removed to ensure compliance. And, again, a timeline for implementation must be provided. These apply for WQ

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²⁰ ATTAIN AND MAINTAIN AIR QUALITY IN THE REGION AT LEVELS THAT ARE HEALTHY FOR HUMANS AND THE ECOSYSTEM, ACHIEVE AND MAINTAIN ENVIRONMENTAL THRESHOLDS AND DO NOT INTERFERE WITH RESIDENTS’ AND VISITORS’ VISUAL EXPERIENCE. It is intended that implementation of the control measures contained in the Air Quality Subelement and other TRPA programs will lead to attainment of the TRPA threshold standards and will also lead to attainment and maintenance of federal and state air quality standards.” EIS Appendix A pg. II-39-40.

²¹ “Chapter 65.2—Traffic and Air Quality Mitigation Program: The purpose of Code Chapter 65.2 is to establish fees and other procedures to offset impacts from indirect sources of air pollution. As part of a project application for any additional development that would result in an increase of more than 200 daily vehicle trips, a technically adequate analysis of potential traffic and air quality impacts must be prepared (Section 65.2.4). To offset regional and cumulative impacts, project proponents must contribute to the air quality mitigation fund, or they may provide mitigation measures that cost at least as much as the required contribution to the air quality mitigation fund (Section 65.2.6). Such regional and cumulative mitigation measures may include transportation systems management measures such as bicycle facilities and pedestrian facilities. For all other types of development (not qualifying as residential, tourism, campground, or commercial), the required contribution would be assessed in accordance with the mitigation fee schedule in the Rules of Procedure (Section 65.2.4).” Regional Plan Update Draft EIS pg. 3.4-5.

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Goals 2.2²², 2.5²³, 2.6²⁴, 2.7²⁵ as well.

Additionally, timelines must be established for WQ Goal 3.1 (a timeline must be established and the measures implemented to provide a quantitative data regarding these supposed positive trend toward achieving the established water quality threshold);²⁶ WQ3.2 (to achieve 80% restoration a time lime must be established and enforced);²⁷ and WQ3.3 (a timeline must be established and enforced to achieve 25% restoration and a program must be established to determine what percentage each agency will accept. EIP or other funding sources must be identified/dedicated to achieve this 25% requirement).²⁸

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²² “WQ-2.2 DISCHARGES OF SEWAGE TO LAKE TAHOE, ITS TRIBUTARIES, OR THE GROUNDWATERS OF THE LAKE TAHOE REGION ARE PROHIBITED. SEWAGE COLLECTION, CONVEYANCE AND TREATMENT DISTRICTS SHALL HAVE APPROVED SPILL CONTINGENCY, PREVENTION, AND DETECTION PLANS. Sewage discharges, regardless of their cause, not only contribute unnecessary nutrient loads to Lake Tahoe, but may also cause public health problems. Accidental discharges may be minimized through proper design, construction, and maintenance practices and comprehensive spill contingency, prevention, and detection plans. All agencies which collect or transport sewage should have plans for detecting and correcting exfiltration problems.” EIS Appendix A pg. II-60.

²³ “WQ-2.5 TRPA SHALL COOPERATE WITH OTHER AGENCIES WITH JURISDICTION IN THE LAKE TAHOE REGION IN THE PREPARATION, EVALUATION, AND IMPLEMENTATION OF TOXIC AND HAZARDOUS SPILL CONTROL PLANS. A single spill of a toxic or hazardous material in the Region could reverse progress in attaining water quality goals gained at great local expense and effort. TRPA will cooperate with the U.S. Forest Service, the EPA, and state water quality and health agencies to prevent and control toxic and hazardous spills.” EIS Appendix A pg. II-60. The RPU must establish a timeline to meet with other agencies to complete a toxic and hazardous spill control plan to ensure the health and safety of the waters of Lake Tahoe Basin.

²⁴ “WQ-2.6 LIQUID OR SOLID WASTES FROM RECREATIONAL VEHICLES AND BOATS SHALL BE DISCHARGED AT APPROVED PUMP-OUT FACILITIES. PUMP-OUT FACILITIES WILL BE PROVIDED BY PUBLIC UTILITY DISTRICTS, MARINAS, CAMPGROUNDS, AND OTHER RELEVANT FACILITIES IN ACCORDANCE WITH STANDARDS SET FORTH IN THE BEST MANAGEMENT PRACTICES HANDBOOK. Attempts to control the addition of pollutants to Lake Tahoe and its tributaries should not overlook vehicle and vessel wastes. The present shortage of pump-out facilities contributes to the size of this problem. The Best Management Practices Handbook shall be revised to address pump-out facilities.” EIS Appendix A pg. II-61. A timeline must be established to revise and add pump-out facilities in the BMB Handbook.

²⁵ “WQ-2.7 REDUCE THE IMPACTS OF MOTORIZED WATERCRAFT ON WATER QUALITY. The use of motorized watercraft on lakes within the Region can adversely affect water quality through the discharge of pollutants. TRPA shall implement measures to achieve and maintain TRPA, state, and federal water quality standards.”

²⁶ “WQ-3.1 REDUCE LOADS OF SEDIMENT, NITROGEN, AND PHOSPHORUS TO LAKE TAHOE; AND MEET WATER QUALITY THRESHOLDS FOR TRIBUTARY STREAMS, SURFACE RUNOFF, AND GROUNDWATER. The quality of the littoral zone is important because these waters are the most vulnerable to aesthetic degradation and most visible to those who enjoy the lake. Data show that water quality tends to be worse in areas adjacent to development and especially in relatively shallow bays and shelves. Tributary, surface runoff, and groundwater quality also display the negative impacts of development of the watershed.” EIS Appendix A pg. 61.

²⁷ “RESTORE AT LEAST 80 PERCENT OF THE DISTURBED LANDS WITHIN THE REGION (FROM THE 1983 BASELINE; EXCLUDING HARD COVERAGE). It is the Agency's intent to have at least 80 percent of these lands restored by application and maintenance of the Best Management Practices.” EIS Appendix A pg. 61.

²⁸ WQ-3.3 UNITS OF LOCAL GOVERNMENT, STATE TRANSPORTATION DEPARTMENTS, U.S. FOREST SERVICE AND OTHER IMPLEMENTING AGENCIES SHALL RESTORE 25 PERCENT OF THE SEZ LANDS (FROM THE 1983 BASELINE) THAT HAVE BEEN DISTURBED, DEVELOPED, OR SUBDIVIDED IN ACCORDANCE WITH THE ENVIRONMENTAL IMPROVEMENT PROGRAM. Stream Environment Zones have many beneficial effects on water quality, vegetation, scenic, wildlife and fisheries thresholds. The development of Stream Environment Zones in the Tahoe Region has adversely affected water quality, in many cases permanently.

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Regarding WG Goal 3.11²⁹ enforcement measures must be taken by TRPA or the local jurisdictions to guarantee BMP installation reduces pollutant loads. Moreover, voluntary compliance does not provide reasonable assurance that the ordinances will be observed. Finally, the EIS must provide quantifiable criteria and measurements that will be used to determine area-wide BMPs actually achieve equal to or greater water quality benefits.

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Similarly, in WQ Goal 3.12, the RPU must require completion of BMPs. To ensure this occurs, a timeline must be established and enforced.³⁰

c. Chapter III: Transportation Element

There are numerous occasions where prescriptive language is missing from Transportation Goals. See T-1.1 – T-1.3, T-2.1 – T-2.7, T-4.1 – T-4.6, T-5-1 – T-5.3, T-6.1 – T-6.3, T-7.1 – T-7.2, T-8.1 – T-8.3, T-9.1 – T-9.4, T-10.1 – T-10.4, T-11.1 – T-11.2, T-12.1 – T-12.2 & T-13.1. Formal programs must be implemented to ensure achievement of these goals. Again, timelines must be established so the public can analyze the success of these goals.

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Stream Environment Zone restoration is a cost-effective policy for improving water quality and other thresholds and is a priority for the Environmental Improvement Program as well as TRPA policies and ordinances.” EIS Appendix A pg. II-61.

²⁹ “REQUIRE ALL PERSONS WHO OWN LAND AND ALL PUBLIC AGENCIES WHICH MANAGE PUBLIC LANDS IN THE LAKE TAHOE REGION TO INSTALL AND MAINTAIN BEST MANAGEMENT PRACTICES (BMPs) IMPROVEMENTS IN ACCORDANCE WITH A BMP MANUAL THAT SHALL BE MAINTAINED AND REGULARLY UPDATED BY TRPA. BMP REQUIREMENTS SHALL PROTECT VEGETATION FROM UNNECESSARY DAMAGE; RESTORE THE DISTURBED SOILS AND BE CONSISTENT WITH FIRE DEFENSIBLE SPACE REQUIREMENTS. AS AN ALTERNATIVE, AREA-WIDE WATER QUALITY TREATMENT FACILITIES AND FUNDING MECHANISMS MAY BE IMPLEMENTED IN LIEU OF CERTAIN SITE SPECIFIC BMPs WHERE AREA-WIDE TREATMENTS CAN BE SHOWN TO ACHIEVE EQUAL TO OR GREATER WATER QUALITY BENEFITS. This policy guarantees continuing reductions in pollutant loads through the application of Best Management Practice Improvements (BMPs). The BMP Handbook identifies the recommended BMPs for various situations. Application of BMPs requires a flexible approach involving evaluation of site-specific considerations and defensible space requirements. In some situations, area-wide treatments and funding mechanisms may provide greater water quality benefits than site specific BMPs. BMP compliance requires proper installation and regular maintenance to preserve BMP function and help prevent pollution discharges. Regularly performed maintenance activities are described in the BMP Handbook. In all aspects of this BMP retrofit program, TRPA shall emphasize voluntary compliance with the ordinance provisions, the provision of technical assistance through the Resource Conservation Districts, and public information campaigns to inform the public about basic BMP requirements and benefits. Areas targeted for accelerated BMP implementation should occur in coordination with local government Pollution/Stormwater Load Reduction Plans.” EIS Appendix A pg. II-64.

³⁰ PROJECTS SHALL BE REQUIRED TO MEET TRPA BMP REQUIREMENTS AS A CONDITION OF APPROVAL FOR ALL PROJECTS. All projects shall be required, as a condition of approval, to apply Best Management Practices to the project parcel during construction and as follows upon completion of construction:

- A. New projects on undeveloped parcels shall require application and maintenance of temporary and permanent BMPs as a condition of project approval.
- B. Projects which expand structures or land coverage shall require application and maintenance of temporary and permanent BMPs to the project area.
- C. Rehabilitation projects, other than minor utility projects, shall require the preparation of a plan and schedule for application and maintenance of temporary and permanent BMPs to the entire parcel. The amount of work required pursuant to the project approval shall consider the cost and nature of the project.
- D. Where area-wide treatments are approved, projects shall install improvements in accordance with the approved area-wide BMP plan.

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Furthermore, regarding the T-4 goal, the EIS must provide analyses that show expansion of public transit operations are financially feasible and worth the local jurisdiction investment. The South Shore Blue-Go program has experienced financial difficulties as discussed in the Operations Committee meetings. Transit to and from the Reno airport, moreover, is inconsistently funded. EIS Appendix A pg. III-3.

T-6.1 states: "Develop and track measures of economic vitality related to transportation (i.e., traffic and pedestrian counts, employment, hotel-motel occupancies, and other visitation trends) as part of the adaptive management system." EIS Appendix A pg. III-4. "The Basin's economy is largely visitor-based. The demand for commercial space is highly dependent on visitors expenditures. Much of the existing commercial space serves local residents, but these residents depend largely upon visitors for their income. Tourism varies from season to season, with peak season occurring in July and August. The most-recent estimate of total annual visitor days is approximately 10 million. Excluding hotels and motels, there currently exist about 6 million square feet of commercial floor space in the region, with about 70 percent devoted to retail use. Current commercial lease rates are low, relative to other urban areas. In the period from 1978 to 1984, total retail expenditures in South Lake Tahoe declined 20 percent, when adjusted for inflation. Retail sales on the North Shore are also declining. Data on tourist commercial facilities (hotel-motel) indicate a decline similar in magnitude to the decline in retail sales for all types of lodging except casino hotels. Average annual motel occupancy ranges from 39 percent on the North Shore to 50% on the South Shore. Average occupancy rates declined 10 percent since 1978. (Economic and Planning Systems, 1986)" The Draft Supplement-Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin (certified February 23, 1984) April 17, 1986, page II-5/6. In 1981, TRPA estimated the permanent population of the region at about 45,000 persons on an average summer day. Overnight visitors increase summer populations to over 90,000." The Draft Supplement-Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin (certified February 23, 1984) April 17, 1986 Land use page II-4 . This presents the fact that there is not much difference today. The population number is approximately 10,000 people less- this shows a consistent fluctuation over the years with economic downturns.

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Enforcement measures must govern the requirement to provide or participate in joint shuttle or other transit methods. See T-7.2, T-9.4, and T-11 EIS Appendix A pg. III-4 & III-6. Funding sources for the local jurisdictions must also be identified to accomplish these policies. See also T-13, T-13.1, T-14, EIS Appendix A III-7.³¹ Moreover, most community plans had the

³¹ "TRPA, through its project review and permitting process, addresses and mitigates projects that have the potential to impact scenic quality. The Code of Ordinances specifies design standards and guidelines for new development and redevelopment projects. In 2002, Chapter 30 of the Code of Ordinances was amended to include additional controls to protect shoreline areas from scenic degradation due to development. Community Plans provide specific guidance on development design that is applicable to local areas. The Scenic Quality Improvement Program (SQIP) identifies a host of projects that are necessary to improve scenic conditions to facilitate achievement of adopted scenic Threshold Standard. Where appropriate, TRPA includes specific measures to improve the aesthetic quality of individual projects as special conditions of TRPA permits. Status and trend data for scenic quality indicators, which pre-date the Regional Plan, suggest that currently implemented programs (e.g., EIP) and actions implemented (e.g., amended design standards) have, overall, improved scenic conditions in the Region. Specifically, eight travel route road units out of 87 have moved from non-attainment to attainment within the last ten years and 31 remain out of

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goal to develop parking management strategies that never were implemented. Area Plans should be required to implement parking management plans and local jurisdictions must enforce an established timeline to complete those goals. See Goal T-8, EIS Appendix A pg. III-4.

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d. Chapter IV: Conservation Element

i. Fisheries

Precatory language in FI Goal 1.6 must be removed to ensure fisheries are maintained. By placing the phrase “when feasible” after “shall,” the TRPA only must comply when it is feasible, which removes the teeth from the Goal.

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ii. Shorezone

The amount of precatory language found throughout the Shorezone Subelement fundamentally diminishes the strength of its clauses and will ostensibly increase the amount of abuse of the promulgated rules. Rather, to ensure compliance with these Goals and Policies, the RPU must replace words such as “should” with “shall” in SZ Goal 1.2, SZ Goal 1.5, SZ Goal 1.9, SZ Goal 1.12, and SZ Goal 1.13. Regarding Goal SR-1.2, the EIS must provide the areas targeted for restoration. EIS Scenic 3.9 does not identify those areas.

08-40

iii. Scenic

This author does not agree with the removal of language from goals SR-1, SR-1.1, and SR-1.3; EIS Appendix A. IV-27. The removal of the language from these policies diminishes the requirement for compliance that diminishes the role of the agency and does not state that the agency will maintain the very values it is mandated to maintain, or even acknowledge the requirement for compliance. Moreover, the precatory language found in SR-1.1, SR-2, SR-2.1, and SR-2.2 must be removed.

“The scenic quality rating threshold protects specific views of natural scenic features of Tahoe's natural landscape that can be seen from major roadways and from the Lake. To be considered “at or better than target,” all 1982 scenic quality scores must be maintained. The purpose of scenic quality thresholds is to maintain or enhance existing scenic resources. Building on previous work by the Forest Service, the scenic resources in the region including views of the natural landscape and distinctive natural features were identified, mapped, described, and evaluated in 1982. They include the following:

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1. Foreground, middle ground, and background views of the natural landscape from roadways;
2. Views of Lake Tahoe from roadways;

attainment; all in developed urban areas and along the shoreline. In 2001, there were 26 out of 54 roadway units that were shy of attainment. In 2011, that number had been reduced to 19. In 2001, there were 13 out of 33 shoreline travel units that were out of attainment. By 2011 that number had been reduced to 12. Of all the scenic evaluation units assessed (n=860) in this evaluation, 93 percent have been determined to meet established scenic quality standards. 2011 Threshold Evaluation – Implementation and Effectiveness Page 12-9.

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3. Views of Lake Tahoe and natural landscapes from roadway entry points into the Region;
4. Unique landscape features such as streams, beaches, and rock formations that add interest and variety, as seen from roadways;
5. Views of the shoreline, the water's edge and the foreground as seen from Lake Tahoe;
6. Views of the backdrop landscape, including the skyline, as seen from Lake Tahoe; and
7. Visual features that are points of particular visual interest on or near the shore, as seen from Lake Tahoe.

Scenic quality threshold ratings are a composite index of relative scenic quality of specific natural features in the region. As defined in the 1982 Threshold Study Report, the relative quality of each resource is rated using the following indicators: unity, vividness, variety, and intactness.”

Scenic Quality Policies (SR-1.1, 1.2, 1.3 below) clearly establish the requirement to analyze the effects of development and redevelopment in relation to potential scenic impacts. The EIS must provide visual simulations for public viewing for the proposed height increases in Town Centers, Regional Centers, High Density Tourist Districts as well as in Conservation and Residential Lands re-zoned to Recreation with proposed new uses. The simulations must be analyzed and must include shadow analysis to ensure the scenic thresholds are not degraded. The simulation analysis must also be included in Area Plan criteria.

SR-1.1. ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKEPATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.

SR-1.2. ANY DEVELOPMENT PROPOSED IN AREAS TARGETED FOR SCENIC RESTORATION OR WITHIN A UNIT HIGHLY SENSITIVE TO CHANGE SHALL DEMONSTRATE THE EFFECT OF THE PROJECT ON THE 1982 TRAVEL ROUTE RATINGS OF THE SCENIC THRESHOLDS.

SR-1.3. THE FACTORS OR CONDITIONS THAT CONTRIBUTE TO SCENIC DEGRADATION, AS SPECIFIED IN THE SCENIC QUALITY IMPROVEMENT PROGRAM (SQIP), NEED TO BE RECOGNIZED AND APPROPRIATELY CONSIDERED IN RESTORATION PROGRAMS, PLAN DEVELOPMENT, AND DURING PROJECT REVIEW TO IMPROVE SCENIC QUALITY.

The following mitigation measures are required for Alternatives 3 and 4. Mitigation Measure 3.9-1a: Comply with Specific Findings and Performance Standards for Additional Building Height. To mitigate for potentially significant scenic impacts resulting from 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), TRPA will apply the applicable TRPA Code of Ordinances, Chapter 37, Height Standards; Section 37.7, Findings for Additional building Height; or equivalent findings established in an Area Plan.

37.7 Findings for Additional Building Height: 37.7.9. 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

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the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss. Code: Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 37-14. The EIS and code must provide quantifiable criteria, not just state the TRPA will specify the method in which potential view loss is evaluated.

Furthermore, Impact 3.9-1. Scenic Quality states: Alternative 3 would establish mixed use as a new land classification within 10 Town Centers, a Regional Center, and a High Density Tourist District and would include redevelopment incentives aimed at concentrating higher intensity uses in these target areas and reducing coverage and development in sensitive lands and lands distant from the community centers. These areas targeted for redevelopment generally correspond to travel units that need additional scenic improvements. Greater redevelopment incentives are likely to result in a greater pace and degree of redevelopment activity, resulting in beneficial scenic impacts. The EIS must identify the travel units intended for scenic improvement and provide analysis that greater redevelopment activity is beneficial to the scenic travel units.

Alternative 3 would also modify height standards such that taller buildings could be permitted in the Town Centers, Regional Center, and High Density Tourist District. Because taller buildings could substantially increase visual mass and magnitude and result in impacts to scenic resource views, this impact of Alternative 3 would be potentially significant. Alternative 3 would also modify how maximum allowable height is measured on slopes greater than 10 percent to encourage stair-stepping of structures. The resulting increased visual mass and magnitude may result in impacts to scenic resource views. This impact of Alternative 3 would be potentially significant. Draft EIS 3.9-17 What scenic analysis has been performed on the proposed skyline changes in the Town Centers, Regional Centers and High Density Tourist Districts? (As stated above simulations must be provided) The cumulative effect of taller, denser buildings will permanently change the scenic landscape of a community. Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. Perhaps the most compelling incapability will be with the surrounding residential neighborhoods. CEQA Guidelines 15064 (b) state: “An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.” Construction of a project utilizing the new design standards, height, etc. will dramatically impact the surrounding residential neighborhood character and must be analyzed in the EIS.

(See additional EIS Scenic 3.9 comments in Attachment E)

iv. Stream Environment Zone

Prescriptive language in SEZ Goal 1.1 must be re-instated as the lesser requirement does not reflect what the last 20 years was unable to accomplish pursuant to this goal.³² The removal

³² “RESTORE ALL DISTURBED STREAM ENVIRONMENT ZONE LANDS IN UNDEVELOPED, UNSUBDIVIDED LANDS, AND RESTORE 25 PERCENT OF THE SEZ LANDS THAT HAVE BEEN

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of the language from policy diminishes the requirement for compliance that diminishes the role of the agency and does not state that the agency will maintain the very values it is mandated to maintain, or even acknowledge. Moreover, the EIS must identify the percentage accomplished against the goal of 90% during the past 20 years to assist in the prospective measurement for the next 20 years. The EIS must also state how many acres were actually restored to determine what needs to be accomplished and the RPU should implement and enforce an annual tracking program ensure the goal's success.³³

Regarding SEZ Goal 1.5, quantifiable criteria must be provided on studies that were done to determine the percentage restoration amount of 1.5 times the area of Stream Environment Zone which is disturbed or developed by the project, which is sufficient to repair the SEZ. A restoration program for OHV or Legacy Roads in the SEZ Goal, which shall include spanned requirements that ensure precautions are taken to the fullest extent possible in Stream Environment Zone must also be established. Importantly, the RPU must provide objective criteria to determine whether restoration is infeasible or not reasonable. These qualifications effectively deter more difficult restorations without first weighing the benefits of such restorations first.

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v. Cultural

Similar issues arise in the Cultural Goal and Policies as seen above. For instance, C-1 uses precatory language that actually diminishes the importance of Tahoe's cultural history.³⁴ Moreover, C-1.1 states "HISTORICAL OR CULTURALLY SIGNIFICANT LANDMARKS IN

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DISTURBED, DEVELOPED, OR SUBDIVIDED. Many acres of SEZ lands 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." EIS Appendix A pg. IV-30.

(Removed Language) "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."

³³ "An accounting of EIP projects showed significant progress in the implementation of restoration projects designed to improve stream environment zone (SEZ) conditions. Overall, approximately 1,347 acres of disturbed SEZ have been restored or enhanced through the realignment of stream geomorphology, removal of impoundments and impervious cover, and through the removal of encroaching conifers. More than 500 acres of additional restoration work is planned for the Upper Truckee Watershed including the Upper Truckee Marsh, which is considered to be a valuable natural pollutant filtration system. The adopted Threshold Standard prescribes that these efforts be effective at restoring stream environment zone to a "naturally functioning condition." TRPA was unable to conclusively demonstrate the effect of stream restoration actions on a Regional scale, though effectiveness monitoring conducted on individual projects has demonstrated benefits to a variety of threshold categories." 2nd Nature 2010, Tague et al. 2008, Swanson Hydrology + Geomorphology 2004 (emphasis added).

³⁴ "IDENTIFY AND PRESERVE SITES OF HISTORICAL, CULTURAL AND ARCHITECTURAL SIGNIFICANCE WITHIN THE REGION. The Tahoe Region has a heritage that should be recognized and appropriately protected. Due to the harsh weather conditions, changing development standards, and changing uses of the Region, many structures that had significant historical or architectural value have been destroyed or lost." EIS Appendix A pg. IV-34.

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THE REGION SHALL BE IDENTIFIED AND PROTECTED FROM INDISCRIMINATE DAMAGE OR ALTERATION. TRPA will confer with local, state and federal agencies to maintain a list of significant historical, architectural, and archaeological sites within the Region that have been identified by applicable agencies. Special review criteria will be established to protect such designated sites in cooperation with property owners.” EIS Appendix A pg. IV-34. A timeline must be established to complete the list of sites (as noted by significance) to maintain our historical, cultural, architectural and archaeological sites.

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vi. Energy

E-1.2 states “DEVELOPMENT OF ALTERNATIVE ENERGY SOURCES SHOULD BE ENCOURAGED WHEN SUCH DEVELOPMENT IS BOTH TECHNOLOGICALLY AND ENVIRONMENTALLY FEASIBLE. A variety of techniques for providing alternative energy sources are both technologically and economically feasible. Environmentally acceptable techniques are encouraged.” EIS Appendix A pg. IV-35. Analysis must be provided in the EIS Scenic evaluations that analyze solar panel installation in relation to scenic guidelines as there are unintended consequences related to scenic degradation. There is a new home on the west shore on a ridge where panels are clearly visible from Meeks Bay and the Lake. The RPU must define and provide a list of technologically and environmentally feasible energy sources.

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e. Chapter V: Recreation Element³⁵

The Land Use Goals that are being amended to add tourist, residential and commercial to recreation are not represented in the Recreation Goal. The RPU must revise this element to

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³⁵ “The Recreation Element of the Regional Plan provides for the development, utilization, and management of the recreational resources of the Region, among which include wilderness and forested lands, parks, riding and hiking trails, beaches, playgrounds, marinas, skiing areas, and other recreational facilities. Specific activities occur as a part of the recreational opportunity provided within the Lake Tahoe Region. While many activities may take place in dispersed areas without benefit of constructed facilities, other activities require the use of developed facilities. Dispersed recreational activities include hiking, riding, cross country skiing, and back country camping. Developed recreational facilities includes such facilities as campgrounds, visitor information centers, boat launching and marina facilities, and downhill ski areas. Urban recreation includes such facilities as day use areas, recreation centers, and golf courses, participant sports facilities and sport assembly. Urban recreation is normally provided in urban areas and is primarily intended to serve local needs. Dispersed recreation use normally takes place in the rural portions of the Region while developed recreation is provided in both rural and urban settings. Policy direction for recreational development in the Lake Tahoe Region is provided, in part, by policy statements adopted as environmental thresholds by the TRPA Governing Board:

POLICY STATEMENT

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high quality recreational experience including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses. It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Region capacity for outdoor recreation is available to the general public. The goals and policies of the Recreation Element are expected to achieve the intent of the thresholds over the life of the plan by ensuring that recreational opportunities keep pace with public demand, that recreational facilities remain high on the development priority list, and that the quality of the outdoor recreational experience will be maintained.” EIS Appendix A pg. V-1.

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reflect those added uses to be consistent in the documentation. Moreover, the RPU must identify related impacts. Dispersed Recreation, Developed Recreation, and Urban Recreation do not define the added uses in the code, glossary or definitions. These additional uses in Recreation Areas did not previously exist in the Regional Plan analysis completed for the last update. The uses promote growth resulting in impacts that must be analyzed in this document. Simply stating the use is consistent with a Plan Area Statement does not constitute an adequate analysis.

Alternative 3 also proposes to amend the Code to allow the development and subdivision of tourist, commercial, and multi-residential uses in Recreation Districts outside the urban area as a component of an Area Plan or other Master Plan that has been found in conformance with the Regional Plan. This amendment could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region designated as Recreation. Regional Plan Update Draft EIS 3.2-69. The Recreation Districts outside the urban area (boundary ?) The EIS must define outside urban area if it's not the same as outside the urban boundary. Furthermore, the EIS must provide baseline analysis of said lands outside the urban boundary and provide maps for each alternative for analysis. Compact Article VII Environmental Impact Statements requires a certain amount of information be provided to assess environmental impacts. Documents such as this map that are missing prohibit the public from addressing this information. This commenter also acknowledges the submittal of a request from FOWS dated June 7, 2012: Request for Significant Missing "Insert" or "Close-Up" Maps to be Included in the Draft Environmental Impact Statement and Extension of Regional Plan Update Comment Period.

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The intent of R-1.1 is to protect the areas where those values are threatened and to attain and maintain the promulgated thresholds.³⁶ Therefore, at the very least, a list of the specifically outlined threatened areas must be provided and a strong policy implemented to protect those areas.

R-1.4 presents a situation where the policy patently conflicts with itself by using strong requirement language but then qualifying with precatory language. In addition, R-2.2 requires a timeline be established to accomplish this goal. R-4.11 should require the RPU to provide quantifiable criteria to determine an adequate amount of accommodations and their seasonal availability.³⁷ Compare CHAPTER VII – IMPLEMENTATION ELEMENT VII Revised 02/16/2012 RPU committee TRPA website.

³⁶ "EXISTING TRAILS THAT ARE EITHER UNDERUTILIZED OR LOCATED IN ENVIRONMENTALLY SENSITIVE AREAS SHALL BE RELOCATED TO ENHANCE THEIR USE AND TO PROTECT NATURAL RESOURCES. Trails that adversely impact a valuable resource or aggravate other environmental concerns should be either redesigned to mitigate impacts or relocated. Trails that are underutilized or not maintained should be appropriately restored." EIS Appendix A pg. V-2.

³⁷ "EXPANSION OF EXISTING SKI FACILITIES MAY BE PERMITTED BASED ON A MASTER PLAN FOR THE ENTIRE SKI AREA. THE PLAN MUST DEMONSTRATE (1) CONSISTENCY WITH THE OTHER GOALS AND POLICIES OF THIS PLAN AND THE REQUIREMENTS OF THE BI-STATE COMPACT, (2) THAT THE EXPANSION IS CONSISTENT WITH THE AVAILABILITY OF ACCOMMODATIONS AND INFRASTRUCTURES TO SUPPORT VISITORS WHEN THEY ARE OFF THE SKI AREA, AND (3) EXPANSION OF EXISTING PARKING FACILITIES FOR DAY USE DOES NOT OCCUR." EIS Appendix A pg. V-6-7.

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f. Chapter VII: Inter-Agency Partnership Element

i. Inter-Agency Partnership

The Goal of IAP-1 is to “COORDINATE ALL PLANNING AND DEVELOPMENT REVIEW ACTIVITIES WITH THE AFFECTED JURISDICTIONS AND AGENCIES. Implementation of the Regional Plan follows two broad approaches. The approaches range from establishing and enforcing regulatory standards of TRPA and other jurisdictions to establishing regional programs to be carried out by the affected jurisdictions and agencies. Successful implementation of the Plan requires coordination of all phases of planning and program implementation among TRPA, the affected jurisdictions and the public.” EIS Appendix A pg. VII-1. Enforcement is essential either by the TRPA and/or local jurisdictions. Most of the Goals and Policies do not indicate mandated implementation or enforcement of programs, analysis or a time schedule. For the Goals and Policies to be accomplished time schedules (which have for the most part been removed) must be adopted. This is especially true for the inter-agency partnership goal and policies including IAP-1.3 and IAP-1.6. Interim measures of enforcement must be implemented to ensure the plan and ordinances are in compliance. Moreover, the public deserves to see the progress of these programs, and therefore, respectively request hard deadlines to be promulgated. This is true for IAP-1.6 and IAP-2.

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ii. Development and Implementation Priorities

A strong Development and Implementation priorities subelement should be the cornerstone to a successful Goals and Policies document. The policy statements are worth repeating verbatim: “DEVELOPMENT AND IMPLEMENTATION PRIORITIES. The Development and Implementation Priorities Subelement coordinates the implementation provisions to provide for effective management of the Region's resources and attain environmental thresholds. Reductions in fine sediments and nutrient loads to Lake Tahoe from remedial programs will improve water quality only if remedial measures keep pace with new loads from land coverage and disturbance permitted by the plan. The timing and phasing of new development, redevelopment and remedial measures must be carefully linked to ensure steady progress toward the environmental thresholds. If BMPs and other water quality enhancement measures prove to be less effective than originally thought, further adjustments to development and remedial priorities will be required. The Monitoring and Evaluation Subelement provides for periodic monitoring of progress toward threshold standards and effectiveness of control strategies. The plan also must provide incentives for correcting existing problems within the Region. Properly structured incentives can provide for broader participation in meeting regional goals and expedite desired improvements.” EIS Appendix A pg. VII-4. Yet, the policy immediately loses its strength because it removed the time schedule requirement needed to ensure compliance.³⁸ Without these time schedules, interim measures must be taken toward the

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³⁸ See Original Language: “DEVELOPMENT AND IMPLEMENTATION PRIORITIES The Development and Implementation Priorities Subelement coordinates the implementation provisions and time schedules of each Plan Element to achieve and maintain adopted environmental thresholds. To provide for effective management of the Region's resources and attain environmental thresholds . . . three factors must be considered and planned carefully. First, the feasible rate for correcting or mitigating existing resource utilization problems will determine how rapidly improvements in environmental quality will take place. Second, the rate and type of new development will absorb or

achievement environmental threshold carrying capacities.

The RPU Committee significantly modified DP Goal 3.2.³⁹ By changing the language and prioritizing development in Community Plans, the RPU is violating land-use policy created in the current Community Plans. This policy cannot be implemented until Area Plans are developed and approved by TRPA, which would indicate that a community would want bonuses transferred in. Community design, community character, and community build-out may not be determined by this policy.

Regarding changes made to DP Goal 3.4, the new policy not only removes the requirement of coverage transfers circumscribed within hydrologic zones, it also removes the approval of the Governing Board and replaces it with code amendment approval. Moreover, no analysis has been performed on the impacts of crossing hydrologic zones in the Land Use section of the EIS.

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iii. Monitoring and Evaluation

negate some of the progress made toward environmental goals and standards. Third, uncertainty exists regarding the effectiveness of water quality BMPs and programs to reduce vehicle miles traveled. As an illustration of these factors, reductions in nutrient loads to Lake Tahoe from remedial programs will improve water quality only if remedial measures keep pace with new loads from land coverage and disturbance permitted by the Plan. The timing and phasing of both new development, and remedial measures must, therefore, be carefully linked to ensure steady progress toward the environmental thresholds. If BMPs prove to be less effective than originally thought, further adjustments to development and remedial priorities will be required. The Monitoring and Evaluation Subelement identifies study needs for determining the effectiveness of control strategies." CHAPTER VII – IMPLEMENTATION ELEMENT VII-4 Development and Implementation Priorities Subelement Revised 02/16/2012 RPU Committee TRPA website (emphasis added).

³⁹ Compare "DP-3.2. TRANSFERS OF EXISTING TOURIST ACCOMMODATION UNITS INTO DESIGNATED AREAS SHALL BE ENCOURAGED IN ACCORDANCE WITH REGIONAL PLAN POLICIES AND IMPLEMENTING ORDINANCES.

A. Existing tourist accommodation units may be transferred to designated areas, in conjunction with TRPA approval of a project. The buildings shall be removed and the site restored, except in special circumstances of public benefits as set forth by ordinance.

B. §As provided in Goal #2 of this subelement and Goal #2 of the land Use Subelement, up to 400 additional units may be granted as bonus units in conjunction with transfer of development. Ordinances shall establish detailed provisions which shall allow bonuses of varying amounts in relation to a unit transferred, depending on the public benefits being provided by the project. No bonuses shall be allowed for projects outside adopted CPs. Benefits to consider shall include extent of coverage planned, transportation improvements, water quality improvements, scenic improvements, and accessory services provided." And . . . "DP-3.2 TRANSFERS OF EXISTING TOURIST ACCOMMODATION UNITS INTO DESIGNATED AREAS SHALL BE ENCOURAGED IN ACCORDANCE WITH REGIONAL PLAN POLICIES AND IMPLEMENTING ORDINANCES.

A. Existing tourist accommodation units may be transferred to designated areas with approval of TRPA. For bonus Tourist Accommodation Units to be awarded, buildings containing Tourist Accommodation Units to be transferred from the sending parcel shall be removed and the site shall be restored, except in special circumstances of public benefits as set forth by ordinance. Additional tourist accommodation units may be granted as bonus units in conjunction with transfer of development. Ordinances shall establish detailed provisions which shall allow bonuses of varying amounts in relation to a unit transferred, depending on the public benefits being provided by the project. Bonuses shall be prioritized for development within community plans, town centers, regional center and the High Density Tourist District. Benefits to consider shall include extent of coverage planned, transportation improvements, water quality improvements, scenic improvements, availability of essential services, and accessory services provided." EIS Appendix A pg. VII-18.

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ME Goal 1.3 has been significantly changed from “ME-1.3. BASED ON DEGREE OF PROGRESS TOWARD ENVIRONMENTAL GOALS, AS MEASURED IN POLICY 1, TRPA SHALL MAKE ADJUSTMENTS IN THE REGIONAL PLAN. If this Regional Plan produces the expected benefits to the environment sooner than anticipated, or more slowly than anticipated, TRPA will make adjustments to the Regional Plan in one or more of the following areas: (1) annual residential and commercial project allocations; (2) development priorities; (3) capital improvement program; (4) enforcement program; or (5) financial program. The detailed monitoring program may also provide information outside the realm of the key indicators that would indicate a need for adjustment in one of the five areas[.]” to “ME-1.3 BASED ON DEGREE OF PROGRESS TOWARD ENVIRONMENTAL GOALS, AS MEASURED IN THRESHOLD EVALUATION REPORTS, TRPA SHALL MAKE ADJUSTMENTS IN THE REGIONAL PLAN. TRPA shall adjust the Regional Plan periodically on the basis of information reported in the periodic threshold evaluation report.” The policy removes the requirement of specific areas for adjustment that manage growth and threshold attainment. The proposed language does not identify threshold factors to be monitored. The monitoring program is considerably less than comprehensive and the three functions become irrelevant. Without an ongoing comprehensive monitoring program of the basin's environment, less will be known about the impacts of the new Regional Plan and the public will be provided a significantly less clear picture of the progress or lack of progress toward attaining, let alone maintaining, the environmental threshold carrying capacities.

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Regarding ME Goal 2.1, federal and state agencies have spent more than \$1.5 billion on the Lake Tahoe basin in order to restore, protect and preserve the threshold standards. Comprehensive monitoring is critical to maintaining that level of interest in Tahoe. The TRPA must therefore restore the lists previously found in ME Goal 3.1(a) and (b) that have been removed. Moreover, funding issues that afflict an agency's view of monitoring is understandable. However, the TRPA was created to restore and protect the basin's environment. Monitoring is a key component of that protection. For example, had the agency been monitoring the near shore regularly, the proliferation of milfoil and curly leaf pond weed would have been noticed years ago and measures to stop the proliferation would have been taken when it would have been substantially less expensive. The TRPA cannot afford to not provide and commit to a comprehensive monitoring program for the environmental threshold carrying capacities. This is an expense that far outweighs other non-threshold related programs in importance to the public, the states and federal government. The Threshold Evaluation report further diminishes the necessity to monitor by reconsideration and stating it is infeasible.⁴⁰ Yet, this rationale is

⁴⁰ “Threshold Evaluation lists compliance measures in place and supplemental compliance measures by Threshold Category. To satisfy requirements that compliance measures be listed for each Threshold Standard, implemented actions are generalized and provided in each indicator summary narrative in the “Programs and Actions Implemented to Improve Conditions” section. The requirement that TRPA show how much and at what rate a compliance measure will contribute to the attainment of a Threshold Standard is problematic, and needs to be addressed as a component of the Regional Plan update, or through subsequent Regional Plan amendments. In many instances, this requirement fails to account for frequently complex, natural and anthropogenic factors that contribute to the rate at which the Region will attain a Threshold Standard. To determine a compliance measure's relative contribution to Threshold Standard attainment would be unfeasible to research and model. This provision of the Code of Ordinances should be reconsidered and amended because it is not implementable in its present form.” 2011 Threshold Evaluation – Implementation and Effectiveness 12-11.

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unacceptable. The organization's chief mandate is to achieve and maintain environmental thresholds. There is simply no way the agency can carry out that function without the ability to monitor those thresholds.

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III. Conclusion

In closing, although there are myriad additional concerns about the inadequacy of the Goals and Policies and EIS that were not delineated through the forgoing, the time provided to review these documents has severely hampered the public's ability to provide the TRPA with an all-inclusive list of trepidations. This author reserves the right to provide additional comments and request they be incorporated in the FEIS responses.

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Sincerely,

Ellie Waller
Friends of Tahoe Vista

Please acknowledge additional attachment not specified above as part of this submittal:
3) EIS Mandated Sections 5.0 Attachment F

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, Nevada 89449-5310

Attn: Adam Lewandowski, Senior Planner
e-mail regionalplancomments@trpa.org

I have painstakingly identified all the should versus shall in the Goals and Policies
This Regional Plan Update must utilize shall wherever possible to enforce the policies and gain
improvement or attainment of the thresholds as stated by the Compact. The use of the word should
diminishes the requirements.

This footnote accurately captures the intent of should versus shall (mandatory versus voluntary)
footnote #15 The standards in this subsection are taken from the proposed changes to CD-2.1. Note that
there is a mix of "shalls" (mandatory standards) and "shoulds" (voluntary guidelines) for individual project
design. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 13-6

(6) six shalls (or will) have been changed to should

**LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF
TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT AND
ENVIRONMENTALLY-SENSITIVE LANDS SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGE.
New or replacement language**

**LU-4.1 THE REGIONAL PLAN LAND USE MAP IDENTIFIES GROUPINGS OF GENERALIZED LAND
USES AND PRIORITY REDEVELOPMENT AREAS IN THE REGION
Stream Restoration Plan Area**

Stream Restoration Plan Areas are Stream Environment Zones along major waterways that have been
substantially degraded by prior or existing development. Individual Restoration Plans should be developed
for each Stream Restoration Plan Area in coordination with the applicable local government and property
owners in the plan area. Restoration Plans may be developed as a component of an Area Plan or as a
separate document and should identify feasible opportunities for environmental restoration.

New or replacement language

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
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LU-4.5 TRPA SHALL REQUEST THAT ALL LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE AREA PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF AREA PLANS FOR AREAS WITHIN THEIR JURISDICTION. STATEMENTS OF INTENT **SHOULD** BE PROVIDED TO TRPA NO LATER THAN DECEMBER 31, 2013. THE TRPA GOVERNING BOARD SHALL EVALUATE THE LOCAL GOVERNMENT STATEMENTS OF INTENT AND DEVELOP AN ACTION PLAN BY APRIL 30, 2014. THE ACTION PLAN MAY INCLUDE UPDATES AND CONSOLIDATIONS OF PLAN AREA STATEMENTS, COMMUNITY PLANS AND OTHER PLANS FOR AREAS THAT ARE NOT INCLUDED IN AREA PLANS. ANY PLANS THAT ARE UPDATED BY TRPA MAY UTILIZE THE PROVISIONS THAT APPLY TO AREA PLANS. **New or replacement language**

GOAL LU-5

COORDINATE THE REGULATION OF LAND USES WITHIN THE REGION WITH THE LAND USES SURROUNDING THE REGION.

To minimize the impacts on one another, the Tahoe Region and its surrounding communities **should** attempt to coordinate land use planning decisions. This goal is especially pertinent with respect to major land use decisions immediately adjacent to the Region which may have significant impacts on the Region and affect the ability of TRPA to attain environmental thresholds. **Existing language**

HS-1.4. AFFORDABLE OR GOVERNMENT ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS
SHOULD BE LOCATED IN CLOSE PROXIMITY TO EMPLOYMENT CENTERS, GOVERNMENT SERVICES, AND TRANSIT FACILITIES. SUCH HOUSING MUST BE COMPATIBLE WITH THE SCALE AND DENSITY OF THE SURROUNDING NEIGHBORHOOD. **Existing language**

CD-2.11 TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL REQUIRE THAT ALL PROJECTS COMPLY WITH THE FOLLOWING DESIGN REQUIREMENTS. AREA PLANS MAY ALSO INCLUDE REGIONAL DESIGN REVIEW SHALL INCLUDE THE FOLLOWING TO BE USED IN EVALUATING PROJECTS THROUGHOUT THE REGION. THIS REVIEW MAY ENTAIL ADDITIONAL OR SUBSTITUTION REQUIREMENTS OR SPECIAL REQUIREMENTS NOT LISTED BELOW THAT PROMOTE THRESHOLD ATTAINMENT.

- 3) Buffer requirements **should (shall)** be established for noise, snow removal, aesthetic, and environmental purposes. **Changed Language**
- 4) The scale of structures **should** be **compatible (consistent)** with existing and planned Land Uses in the area surrounding uses. **New and existing language**
- 5) Viewshed **should** be considered in all new construction. Emphasis **should** be placed on lake views from major transportation corridors. **New language**

C. Landscaping: The following **should** be considered with respect to this design component of a project:
Existing language

- 1) Native vegetation **should** be utilized whenever possible, consistent with Fire Defensible Space Requirements. **New and existing language**
- 2) Vegetation **should** be used to screen parking, and to alleviate long strips of parking space and accommodate stormwater runoff where feasible. **New and existing language**

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

3) Vegetation (Plants) **should** be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible. **New and existing language**

D. Lighting: Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following **should** be required: **Existing language**

- 1) Exterior lighting **should** be minimized to protect dark sky views, yet adequate to provide for public safety and **should** be consistent with the architectural design. **New and existing language**
- 2) Exterior lighting **should** utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light. **New and existing language**
- 3) Overall levels **should** be compatible with the neighborhood light level. Emphasis **should** be placed on a few, well placed, low intensity lights. **Existing language**
- 4) Lights **should** not blink, flash, or change intensity except for temporary public safety signs **New and existing language**

E. Signing: In the absence of a conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

- 1) Off premise signs are **should** generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated. **New and existing language**
- 2) Signs **should** be incorporated into building design **Existing language**
- 3) When possible, signs **should** be consolidated into clusters to avoid clutter **Existing language**
- 4) Signage **should** be attached to buildings when possible **Existing language**

N-1.3. MOTOR VEHICLES AND MOTORCYCLES SHALL COMPLY WITH THE APPROPRIATE NOISE THRESHOLDS.

The local and state law enforcement agencies **should(will)** not allow motor vehicles and motorcycles to use the streets and highways in the Region (Basin) if they exceed the single-event thresholds for noise. **Changed language**

N-1.5. THE USE OF SNOWMOBILES WILL BE RESTRICTED TO DESIGNATED AREAS.

Snowmobile use **should** be restricted to specified areas where potential conflicts with other winter outdoor activities and wildlife can be minimized. Exceptions will be allowed pursuant to Policy N-1.4, above **Existing language**

N-2.2. (REDUCE) NOISE-RELATED IMPACTS ASSOCIATED WITH THE AIRPORT **SHOULD BE AT AN (TO) ACCEPTABLE LEVELS.** **New and existing language**

The Airport Master Plan **should** include specific recommendations (on aircraft type) and the number of flights per day per aircraft type necessary to attain the environmental thresholds. The Master Plan should also include implementation provisions for attaining the noise thresholds. **Existing language**

GOAL # NH- 1 RISKS FROM NATURAL HAZARDS (E.G., FLOOD, FIRE, AVALANCHE, EARTHQUAKE, SEICHE) WILL BE MINIMIZED.

Land uses within the Tahoe Region **should** be planned with recognition of natural hazards so as to help prevent damage to property and to protect public health. Natural hazard areas or situations can be identified and precautionary measures taken to minimize impacts. **Existing language**

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

GOAL WQ-1

FEDERAL, STATE, REGIONAL, LOCAL AND PRIVATE WATER QUALITY MANAGEMENT PROGRAMS SHOULD BE IMPLEMENTED IN A COORDINATED MANNER TO RESTORE AND MAINTAIN LAKE TAHOE'S UNIQUE TRANSPARENCY, COLOR AND CLARITY IN ACCORDANCE WITH ENVIRONMENTAL THRESHOLD CARRYING CAPACITY STANDARDS. New Language

WQ-2.2. DISCHARGES OF SEWAGE TO LAKE TAHOE, ITS TRIBUTARIES, OR THE GROUNDWATERS OF THE LAKE TAHOE REGION ARE PROHIBITED. SEWAGE COLLECTION, CONVEYANCE AND TREATMENT DISTRICTS SHALL HAVE APPROVED SPILL CONTINGENCY, PREVENTION, AND DETECTION PLANS.

Sewage discharges, regardless of their cause, not only contribute unnecessary nutrient loads to Lake Tahoe, but may also cause public health problems. Accidental discharges may be minimized through proper design, construction, and maintenance practices and comprehensive spill contingency, prevention, and detection plans. All agencies which collect or transport sewage **should** have plans for detecting and correcting exfiltration problems. Existing language

WQ-2.68. LIQUID OR SOLID WASTES FROM RECREATIONAL VEHICLES AND BOATS SHALL BE DISCHARGED AT APPROVED PUMP-OUT FACILITIES. PUMP-OUT FACILITIES WILL BE PROVIDED BY PUBLIC UTILITY DISTRICTS, MARINAS, CAMPGROUNDS, AND OTHER RELEVANT FACILITIES IN ACCORDANCE WITH STANDARDS SET FORTH IN The BEST MANAGEMENT PRACTICES HANDBOOK.

Attempts to control the addition of pollutants to Lake Tahoe and its tributaries **should** not overlook vehicle and vessel wastes. The present shortage of pump-out facilities contributes to the size of this problem. The Best Management Practices Handbook shall be revised to address pump-out facilities. Existing language

WQ-3.10 8.IMPLEMENT LAND USE, TRANSPORTATION AND AIR QUALITY MEASURES AIMED AT REDUCING AIRBORNE NITROGEN EMISSIONS IN THE TAHOE REGION.BASIN SHALL BE CARRIED OUT.

. There is evidence that atmospheric sources of nitrogen may be a major contributor of nutrients to Lake Tahoe, and that local emissions of oxides of nitrogen, primarily from automobiles, account for most of these atmospheric inputs. The land use, transportation and air quality measures aimed at reducing emissions of oxides of nitrogen **should** be carried out to ensure that atmospheric sources do not degrade of Lake Tahoe's water quality. Existing language

WQ-3.11. REQUIRE ALL PERSONS WHO OWN LAND AND ALL PUBLIC AGENCIES WHICH MANAGE PUBLIC LANDS IN THE LAKE TAHOE REGION TO INSTALL AND MAINTAIN (SHALL PUT) BEST MANAGEMENT PRACTICES (BMPs) New and existing language

In all aspects of this BMP retrofit program, TRPA shall emphasize voluntary compliance with the ordinance provisions, the provision of technical assistance through the Resource Conservation Districts, and public information campaigns to inform the public about basic BMP requirements and benefits. Areas targeted for accelerated BMP implementation **should** occur in coordination with local government Pollution/Stormwater Load Reduction Plans. New language

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

T-7.1 Require that Area Plans identify intermodal transportation facilities to serve each town center, regional center, the High Density Tourist District and other major activity centers. Intermodal transportation facilities **should incorporate planned regional transportation facilities, parking, connections between them (e.g., sidewalks, enclosed walkways, etc.) and **should** accommodate increased use of transit and non-motorized travel modes. local agencies may need to coordinate with state Departments of Transportation when identifying intermodal facilities. **New language****

VEG-1.2. OPPORTUNITIES TO IMPROVE THE AGE STRUCTURE OF THE PINE AND FIR PLANT COMMUNITIES SHALL BE ENCOURAGED WHEN CONSISTENT WITH OTHER ENVIRONMENTAL CONSIDERATIONS.

The conifer forests of the Tahoe Region are mostly even-aged. This has serious implications related to plant diversity and forest health. Opportunities to increase the ratio of young trees to mature trees **should** be encouraged. **Existing language**

VEG-1.9. ALL PROPOSED ACTIONS SHALL CONSIDER THE CUMULATIVE IMPACT OF VEGETATION REMOVAL WITH RESPECT TO PLANT DIVERSITY AND ABUNDANCE, WILDLIFE HABITAT AND MOVEMENT, SOIL PRODUCTIVITY AND STABILITY, AND WATER QUALITY AND QUANTITY.

The piecemeal and incremental removal of vegetation may have significant cumulative impacts on the natural resource values of the Region. Project review **should** consider both the direct and indirect impacts of all development, as well as fire safety. **Existing language**

VEG-1.11. ENCOURAGE LOCAL GOVERNMENTS TO DEVELOP URBAN FORESTRY COMPONENTS WITHIN THEIR AREA PLANS. URBAN FORESTRY PROGRAMS **SHOULD SEEK TO REESTABLISH NATURAL FOREST CONDITIONS IN A MANNER THAT DOES NOT INCREASE THE RISK OF CATASTROPHIC WILDFIRE. **Existing language****

VEG-2.1. RIPARIAN PLANT COMMUNITIES SHALL BE MANAGED FOR THE BENEFICIAL USES OF PASSIVE RECREATION, GROUNDWATER RECHARGE, AND NUTRIENT CATCHMENT, AND AS WILDLIFE HABITATS.

The preservation of riparian zones in their natural states **should** be emphasized over more intensive uses. These plant communities serve a variety of natural functions that benefit the scenic, wildlife, and water resources of the Tahoe Region. **Existing language**

VEG-3.1. UNCOMMON PLANT COMMUNITIES SHALL BE IDENTIFIED AND PROTECTED FOR THEIR NATURAL VALUES.

Rare examples of Lake Tahoe's natural vegetation **should** be preserved for their ecological and local significance. Indiscriminate loss of uncommon plant communities shall be avoided. This policy applies specifically to those plant communities for which thresholds were adopted, but also may be extended to other communities later identified as significant by TRPA in cooperation with resource agencies **Existing language**

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
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VEG-4.1. STANDS EXHIBITING LATE SERAL/OLD GROWTH CHARACTERISTICS SHALL BE MANAGED TO ALLOW THESE STANDS TO SUSTAIN THESE CONDITIONS.

The existing forest stands that exhibit late seral/old growth characteristics are rare in the Region and **should** be protected. These stands act as a refuge for late seral/old growth species and will be critical for future restoration of additional late seral/old growth stands **Existing language**

GOAL WL-#1

MAINTAIN SUITABLE HABITATS FOR ALL INDIGENOUS SPECIES OF WILDLIFE WITHOUT PREFERENCE TO GAME OR NON-GAME SPECIES THROUGH MAINTENANCE AND IMPROVEMENT OF HABITAT DIVERSITY.

Emphasis of wildlife management in the Region **should (will)** be on maintaining and improving the functional and biological characteristics of the ecosystem to support the needs of wildlife. **Changed language**

WL-1.1. ALL PROPOSED ACTIONS SHALL CONSIDER IMPACTS TO WILDLIFE.

The impacts of development to wildlife can often be easily mitigated when wildlife are considered early in the project review process. Consideration **should** be given to the movement, water, food, and cover needs of wildlife. **Existing language**

GOAL FI-#1

IMPROVE AQUATIC HABITAT ESSENTIAL FOR THE GROWTH, REPRODUCTION, AND PERPETUATION OF EXISTING AND THREATENED FISH RESOURCES IN THE LAKE TAHOE REGIONBASIN.

The fishery habitat in the Tahoe Region has experienced significant alteration and degradation since the late 1800's. Much like the wildlife resource, management emphasis **should (will)** be on the maintenance of essential habitats. For lakes, management focus **should (will)** be on nearshore substrate quality as it pertains to feeding, cover, and spawning habitats. Stream management **should (will)** emphasize instream flow needs and maintenance of spawning habitat. Policies to achieve this goal are consistent with the adopted environmental thresholds. **Language changed**

FI-1.3. AN INSTREAM MAINTENANCE PROGRAM **SHOULD BE DEVELOPED AND IMPLEMENTED.**

Existing language

FI-1.4. STANDARDS FOR BOATING ACTIVITY SHALL BE ESTABLISHED FOR THE SHALLOW ZONE OF LAKE TAHOE.

There are numerous uses associated with the shorezone of Lake Tahoe. However, some of those activities do not depend on the exclusive use of the nearshore. Boating activity in the nearshore should be permitted only to the extent that it is compatible with shorezone-dependent uses such as swimming and fishing. To minimize impacts to these and other shorezone users, and to reduce the risk of accidents, excessive boat speeds and motor noise **should** be avoided in the nearshore. Operating standards for boating **should** be in accordance with U.S. Coast Guard regulations. Specific areas of habitat **may** require additional regulations to help prevent unacceptable disruption of critical life cycle activities such as spawning. **Existing language**

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
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FI-1.6. INSTREAM FLOWS SHALL BE REGULATED, WHEN FEASIBLE, TO MAINTAIN FISHERY VALUES.

The maintenance of a minimal level of water throughout the year in streams is necessary to protect instream fishery values. Diversions which artificially lower stream flows beyond a level capable of supporting fish or their food organisms is not desirable and **should** be avoided. This policy would only apply to those creeks with artificial diversions and be accomplished, in part, with implementation of Policy FI-1.7 **Existing language**

GOAL #SZ-1

PROVIDE FOR THE APPROPRIATE SHOREZONE USES OF LAKE TAHOE, CASCADE LAKE, AND FALLEN LEAF LAKE WHILE PRESERVING THEIR NATURAL AND AESTHETIC QUALITIES.

The shorezones of the Region's lakes are inherently suitable to different intensities of use depending on local shorezone characteristics. Both the physical and biological qualities of the shorezone are useful for assessing the development potential of a particular site. Visual quality **should** be an additional test of an area's capability to accommodate different types of land use. Policies are developed within the framework of TRPA's Shorezone Plan (which is incorporated into this Subelement) and adopted environmental thresholds. **Existing language**

SZ-1.5. DISTURBANCE OF CLASS 2 AND CLASS 3 CAPABILITY SHOREZONES SHALL BE MINIMIZED TO AVOID ACCELERATED BACKSHORE EROSION OR CLIFF COLLAPSE.

Class 2 and Class 3 shorezones are typically steep and have high erosion potential. No activity **should** be undertaken which is likely to accelerate or initiate backshore erosion **Existing language**

08-50
Cont'd

SZ-1.12. CASCADE AND FALLEN LEAF LAKES **SHOULD BE EVALUATED AND CONSIDERED FOR LOW INTENSITY USES TO INCLUDE RESTRICTIONS ON THE USE AND SIZE OF BOAT MOTORS.**

Both of these lakes are relatively small when compared to Lake Tahoe and are, themselves, located in small basins. Use of powerboats on these lakes impacts a greater portion of the shorezone users because of the small size of the lakes and the fact that the noise is accentuated due to the bowl-shaped topography. Restrictions on motor size and use is a strategy to provide for the best use of these lakes while preserving their many different recreational qualities. El Dorado County, in cooperation with the USFS, private land owners, and other agencies, **should** evaluate the best uses for each lake. **Existing language**

SZ-1.13. ALLOW PUBLIC ACCESS TO THE SHOREZONE WHERE LAWFUL AND FEASIBLE ON PUBLIC LANDS.

There is considerable demand for public use of the Lake Tahoe shoreline. Increased opportunities to use the shoreline shall be provided when consistent with the tolerance levels of the shorezone. Improved access to the shorezone **should** be provided through public lands from expanded public ownership. Trails and support facilities in the backshore **should** be consistent with the goals and policies of the Recreation Element. **Existing language**

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

SR-1.1. ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKEPATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.

The impact of development on the landscape views and scenic qualities of the Tahoe Region **should** be considered as part of the project review process. Conditions **should** be placed on project approval in a manner capable of mitigating any likely impacts. Impacts shall be evaluated against specific management directions provided for each identified landscape view. **Existing language**

GOAL #2SR-2

IMPROVE THE ACCESSIBILITY OF LAKE TAHOE FOR PUBLIC VIEWING.

Lake Tahoe is the dominant landscape feature in the Region and opportunities to view the Lake from roadways **should** be improved. **New language**

SR-2.1. ENHANCE THE OPPORTUNITIES TO VIEW LAKE TAHOE BY DESIGNING VIEW CORRIDORS FROM HIGHWAYS.

View corridors to the Lake **should** be incorporated into the design of urban areas as a strategy for preserving open space areas and improving the views to the Lake. **Existing language**

SR-2.2. SCENIC VIEWPOINTS FROM ROADWAYS **SHOULD BE IDENTIFIED AND PULL-OFF FACILITIES PROVIDED ON PUBLIC PROPERTY, WHEREVER DESIRABLE.**

TRPA **should** work with Caltrans, Nevada Department of Transportation and local governments to increase the opportunities for motorists to park and view Lake Tahoe and in order to limit the tendency or need to pull-off onto unimproved shoulders of roadways. **Existing and new language**

SR-2.4. TIME LIMITS FOR PARKING AT ROADSIDE TURNOUTS **SHOULD BE ESTABLISHED.**

The length of stay at roadside turnouts **should** be limited depending upon the purpose of the turnout. For viewing and picture-taking purposes, parking **should** be short-term, as necessary, to minimize the number of parking spaces and provide for quick turnover. **Existing language**

CULTURAL

The Tahoe Region has a rich historical background that began prior to the arrival of white Caucasian settlers. Remnants of Tahoe's past exist in the form of Indian Native American camps, and trails, way stations, mansions, and resorts that were built by early settlers. These and other historical resources often come in conflict with competing interests that threaten their preservation. Tahoe's landmarks are valuable examples of its past and **should** be appropriately preserved. **Existing language**

GOAL #C-1

IDENTIFY AND PRESERVE SITES OF HISTORICAL, CULTURAL AND ARCHITECTURAL SIGNIFICANCE WITHIN THE REGION.

The Tahoe Region has a heritage that **should** be recognized and appropriately protected. Due to the harsh weather conditions, changing development standards, and changing uses of the Region, many structures that had significant historical or architectural value have been destroyed or lost. **Existing language**

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
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E-1.23. DEVELOPMENT OF ALTERNATIVE ENERGY SOURCES SHOULD BE ENCOURAGED WHEN SUCH DEVELOPMENT IS BOTH TECHNOLOGICALLY AND ENVIRONMENTALLY FEASIBLE.

Existing language

R-1.4 EXISTING TRAILS THAT ARE EITHER UNDERUTILIZED OR LOCATED IN ENVIRONMENTALLY SENSITIVE AREAS SHALL BE RELOCATED TO ENHANCE THEIR USE AND TO PROTECT NATURAL RESOURCES.

Trails that adversely impact a valuable resource or aggravate other environmental concerns should be either redesigned to mitigate impacts or relocated. Trails that are underutilized or not maintained should be appropriately restored. Existing language

R-2.3 NEARSHORE/FORESHORE STRUCTURES SHOULD BE APPROPRIATELY LOCATED TO MINIMIZE IMPACTS TO RECREATIONAL BOATING AND TOP LINE FISHING.

Excellent recreational fishing is possible in the nearshore of Lake Tahoe. Fish concentrate in this zone due to favorable habitat conditions. To the extent feasible, buoys and other nearshore structures in areas of prime fish habitats should be located to provide for safe navigation through this zone Existing language

GOAL R-4

PROVIDE FOR THE APPROPRIATE TYPE, LOCATION, AND RATE OF DEVELOPMENT OF OUTDOOR RECREATIONAL USES.

The appropriate type of outdoor recreational development should depend on demonstrated need. The rate of development should be responsive to demand. The location of facilities should be responsive to both environmental concerns and site amenities. Existing language

R-4.8 VISITOR INFORMATION FACILITIES SHALL BE LOCATED, TO THE EXTENT FEASIBLE, NEAR ENTRY POINTS TO THE REGION OR CLOSE TO URBAN AREAS.

These facilities provide a valuable service to the general public through the exchange of information and by providing travelers with directions to major attractions. The siting of these facilities should complement objectives to reduce the vehicle miles of travel in the Region. Existing language

R-5.1 RECREATION DEVELOPMENT IN THE TAHOE REGIONBASIN SHALL BE CONSISTENT WITH THE SPECIAL RESOURCES OF THE AREA.

The physical and biological characteristics of the Tahoe RegionBasin combine to create a unique variety of recreational opportunities. These qualities define the types of recreational activities that are compatible with the RegionBasin's natural features. Those activities that can best be served elsewhere or which are incompatible with the RegionBasin's natural qualities should be avoided. Existing language

R-7.2. URBAN OUTDOOR RECREATIONAL FACILITIES LOCATED IN SENSITIVE AREAS SHOULD BE ENCOURAGED TO RELOCATE TO OTHER SUITABLE SITES.

This strategy would provide incentives to relocate existing facilities outside sensitive areas such as Land Capability Districts 1a, 1b, 1c, 2, and 3. Existing language

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
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PS-1.2. EXPANSION OF PUBLIC SERVICES AND FACILITIES SHOULD BE PHASED IN TO MEET THE NEEDS OF NEW DEVELOPMENT WITHOUT CREATING INEFFICIENCIES FROM OVER-EXPANSION OR UNDER-EXPANSION.

The Regional Plan provides for periodic evaluations of the capital improvements plan and attainment of environmental thresholds. These evaluations may lead to adjustments in the development management system which could affect the need for, and the timing of, expansion of public services and facilities. For this reason, prudent staging or phasing of expansion programs **should** be employed to minimize the risk of errors in sizing. Existing language

PS-1.3. ALL NEW DEVELOPMENT SHALL EMPLOY APPROPRIATE DEVICES TO CONSERVE WATER AND REDUCE WATER CONSUMPTION. EXISTING DEVELOPMENT SHALL BE RETROFITTED WITH WATER CONSERVATION DEVICES ON A VOLUNTARY BASIS IN CONJUNCTION WITH A PUBLIC EDUCATION PROGRAM OPERATED BY THE UTILITY DISTRICTS.

Water conservation will be necessary to comply with the limits of the California-Nevada Compact (1969). The ability of the water purveyors in the Region to provide adequate water for domestic and other uses depends on water conservation programs. Coordination involving water issues **should** be pursuant to local, state, and federal law. Existing language

GOAL PS-2

CONSIDER THE EXISTENCE OF ADEQUATE AND RELIABLE PUBLIC SERVICES AND FACILITIES IN APPROVING NEW DEVELOPMENT UNDER THE PLAN.

To prevent the over-burdening of public services and facilities, all new development approvals consistent with the development priorities and the planning area statements also **should** consider the adequacy of services and facilities. It also will be necessary to monitor the ability of utility districts and other entities to provide public services and facilities. Existing language

PS-2.1. NO ADDITIONAL DEVELOPMENT REQUIRING WATER SHOULD BE ALLOWED IN ANY AREA UNLESS IT CAN BE DEMONSTRATED THAT THERE IS ADEQUATE WATER SUPPLY WITHIN AN EXISTING WATER RIGHT.

This policy is necessary to prevent conflicts from arising between approved development and state water law. Conditional approvals **may** be appropriate in situations where the existence of a water right is uncertain. Existing language

PS-2.2. TRPA, WATER PURVEYORS, AND THE STATES SHOULD MONITOR THE USE OF WATER WITHIN THE TAHOE REGION AND EVALUATE CONFORMANCE WITH CALIFORNIA-NEVADA COMPACT (1969) WHICH ADDRESSES WATER DIVERSIONS IN THE REGION.

It will be impossible to assess compliance with the California-Nevada Compact without a regular monitoring program. Such a program **should** be a cooperative venture of TRPA, the states, and the water purveyors. Existing language

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Cont'd

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

PS-2.3. NO ADDITIONAL DEVELOPMENT REQUIRING WATER SHALL BE ALLOWED IN ANY AREA UNLESS THERE EXISTS ADEQUATE STORAGE AND DISTRIBUTION SYSTEMS TO DELIVER AN ADEQUATE QUANTITY AND QUALITY OF WATER FOR DOMESTIC CONSUMPTION AND FIRE PROTECTION.

The simple existence of a water supply does not, by itself, guarantee the ability of the water purveyor to deliver adequate quantities of good quality water for domestic consumption and fire protection. These aspects are most commonly a function of system design, involving the distribution and storage of water. System design **should** take into account peak demands and necessary fire flows, pursuant to local, state, federal and utility district standards or Agency standards where no other standards apply. Existing language

PS-3.2. ALL SOLID WASTES SHALL BE EXPORTED FROM THE REGION. CONSOLIDATION AND TRANSFER METHODS SHALL BE DEVELOPED TO ACHIEVE A REDUCTION IN THE VOLUME OF WASTES BEING TRANSPORTED TO LANDFILLS.

Because of their potentially harmful effects on water quality, solid wastes **should** be exported from the Region. To minimize the impacts of the requirement on air quality, a reduction in the volume of wastes **should** be achieved to bring about a corresponding reduction in the vehicle miles travelled by the export vehicles. Existing language

PS-3.3. GARBAGE PICK-UP SERVICE SHALL BE MANDATORY THROUGHOUT THE REGION, AND WILL BE SO STRUCTURED AS TO ENCOURAGE CLEAN-UPS AND RECYCLING.

Because of the fragile environment of the Tahoe Region, certain waste disposal practices may be required to ensure the maintenance of air quality, water quality, and scenic values. Waste disposal programs **should** be reviewed by local governments (e.g., TBAG) to provide incentives and remove disincentives for clean-up programs, composting, and recycling. Existing language

GOAL PS-4

TO ENSURE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE REGION, EDUCATIONAL AND PUBLIC SAFETY SERVICES **SHOULD BE SIZED TO BE CONSISTENT WITH PROJECTED GROWTH LEVELS IN THIS PLAN.**

The Regional Plan will encourage educational and public safety services including police, fire, educational and health services to provide for protection of the public health safety and welfare. TRPA will coordinate programs with appropriate local, state and federal agencies to ensure that the planned growth will also be consistent with the ability to provide these services.

Existing language

PS-4.1. THE IMPACT ON EDUCATIONAL AND PUBLIC SAFETY SERVICES SHALL BE CONSIDERED WHEN REVIEWING PROJECTS AND PLAN AMENDMENTS PROPOSED WITHIN THE REGION. TO THE EXTENT FEASIBLE, ADVERSE IMPACTS **SHOULD BE MITIGATED AS PART OF THE REVIEW PROCESS.**

TRPA shall attempt to coordinate a Region-wide review process that will include the above considerations. Except for environmentally related impacts, TRPA intends to rely on local, state and federal agencies of expertise to insure implementation of this policy. Existing language

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Cont'd

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Attachment A add'l comment FOTV Should versus Shall Language in Goals and Policies
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124)

FIN-4.1. THE TAHOE TRANSPORTATION DISTRICT AND LOCAL, STATE, AND FEDERAL UNITS OF GOVERNMENT SHALL BE RESPONSIBLE FOR CARRYING OUT THE TRANSPORTATION PORTION OF THE ENVIRONMENTAL CAPITAL IMPROVEMENTS PROGRAM, WITH FUNDING ASSISTANCE FROM REGIONAL REVENUE SOURCES, AND WITH THE COORDINATION AND OVERSIGHT OF TRPA.

The Tahoe Regional Planning Agency Bi-State Compact designated the Tahoe Transportation District to implement transit and public transportation improvements contained in the Regional Plan. Other related improvements **should** be the responsibility of local, state, or federal government, depending upon the jurisdiction. The financial program distributes regional revenues to the implementing agencies.

Existing language

**GOAL #ME-2
IMPROVE UNDERSTANDING OF CAUSE-EFFECT RELATIONSHIPS FOR LAKE TAHOE AND THE LAKE TAHOE REGION.
POLICIES**

ME-2.1. TRPA SHALL COMPLETE STUDIES AND UTILIZE DATA FROM OTHER RELEVANT STUDIES TO CONTINUALLY ADVANCE THE UNDERSTANDING OF CAUSE-EFFECT RELATIONSHIPS FOR LAKE TAHOE AND THE LAKE TAHOE REGION. STUDIES THAT RELATE TO AREAS OF THRESHOLD NON-ATTAINMENT **SHOULD BE PRIORITIZED.** Existing language

ME-3.4. THE AGENCY SHALL UTILIZE WILL ESTABLISH A MULTI-SECTOR BASIN PARTNERSHIP A SOCIO-ECONOMIC ADVISORY PANEL TO HELP DEVELOP A SOCIO-ECONOMIC MONITORING PROGRAM, TO PERIODICALLY REVIEW AND REPORT ON THE STATE OF THE REGION BASIN'S ECONOMY AND MAKE RECOMMENDATIONS TO THE GOVERNING BOARD.

TRPA **should** consider the impacts of the Regional Plan on the Region's economy and periodically consider adjustments consistent with attainment of environmental threshold carrying capacities.

Existing language

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Cont'd

Add'l comment FOTV Shall versus Should in Code of Ordinances June 28, 2012 Page 1 of 9
Attachment B Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft
Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, Nevada 89449-5310

Attn: Adam Lewandowski, Senior Planner
e-mail regionalplancomments@trpa.org

I have painstakingly identified all the should versus shall in the Code of Ordinances.
This Regional Plan Update must utilize shall wherever possible to enforce the policies and gain improvement or attainment of the thresholds as stated by the Compact. The use of the word should diminishes the requirements.

This footnote accurately captures the intent of should versus shall (mandatory versus voluntary) footnote #15 The standards in this subsection are taken from the proposed changes to CD-2.1. Note that there is a mix of "shalls" (mandatory standards) and "shoulds" (voluntary guidelines) for individual project design. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Code Page 13-6

CHAPTER 5: COMPLIANCE 5.4 Noncompliance 5.3.3 Permittee Inspection Requests

5.3.3. Permittee Inspection Requests

The permittee shall notify TRPA, by telephone, in person, or in writing, when the project is ready for required inspections. TRPA shall conduct these inspections expeditiously. Notification of readiness for inspection **should be given at least two days** in advance of the desired date for inspection. Inspections may be delayed by TRPA when the project area is covered with snow and if such conditions prevent proper inspection. The permittee shall be responsible for providing access to, and the means for, conducting the inspection.

TRPA Code of Ordinances Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 5-2

I. Stream Restoration Plan Area (11.6 Content of Plan Area Statements)

Stream Restoration Plan Areas are Stream Environment Zones along major waterways that have been substantially degraded by prior development. Individual Restoration Plans **should be developed** for each Stream Restoration Plan Area in coordination with the applicable Local Government and property owners in the Plan area. Restoration Plans may be developed as a component of a Local Plan or as a separate document and **should identify feasible opportunities for environmental restoration**.

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G. Regional Center Overlay

Regional Centers include a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development patterns in the Regional Center have been and **should continue to be more intensive than** Town Centers and less intensive than the High Density Tourist District. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 11-5

12.4.3. Adjustment of Preliminary Community Plan Boundaries

The preliminary boundaries may be adjusted as part of the community plan adoption process. A community plan area may consist of more than one part, provided each part is distinctly enclosed within its own boundary and complies with the requirements of this section. Any adjustment of boundaries, including the establishment of parts, shall be subject to TRPA making the following findings at the time of adoption:

A. Use Considerations

1. The area within the boundaries:

- a. Is an area where commercial, tourist, and related uses are concentrated or where commercial, tourist, or affordable residential uses **should be concentrated**;

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CHAPTER 13: AREA PLANS 13.5 Contents of Area Plans 13.5.3 Development and Community Design
Standards for Area Plans Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page
13-5

3. Area-wide Water Quality Treatments and Funding Mechanisms¹⁰

An Area Plan may propose to establish area-wide water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements:

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm;
- b. **Plans should be developed** in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;

CHAPTER 13: AREA PLANS 13.5 Contents of Area Plans 13.5.3 Development and Community Design
Standards for Area Plans

footnote #15 The standards in this subsection are taken from the proposed changes to CD-2.1. Note that there is a mix of "shalls" (mandatory standards) and **"shoulds"** (voluntary guidelines) for individual project design. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 13-6

CHAPTER 13: AREA PLANS 13.5 Contents of Area Plans 13.5.3 Development and Community Design
Standards for Area Plans

- c. Area Plans that allow buildings over two stories in height **shall, where feasible**, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height. **(This shall is really a should when adding the statement, where feasible)**

3. Building Design

Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

- a. Buffer requirements **should be established** for noise, snow removal, aesthetic, and environmental purposes.
- b. The scale of structures **should be compatible** with existing and planned land uses in the area.
- c. Viewsheds **should be considered** in all new construction. **Emphasis should be placed on lake views** from major transportation corridors.

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4. Landscaping **CHAPTER 13: AREA PLANS** 13.5 Contents of Area Plans 13.5.3 Development and
Community Design Standards for Area Plans

The following should be considered with respect to this design component of a project:

- a. Native vegetation **should be utilized** whenever possible, consistent with Fire Defensible Space Requirements.
- b. Vegetation **should be used** to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.
- c. Vegetation **should be used** to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

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5. Lighting CHAPTER 13: AREA PLANS 13.5 Contents of Area Plans 13.5.3 Development and Community Design Standards for Area Plans
Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following **should be required**:

- a. Exterior lighting **should be minimized** to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
 - b. Exterior lighting **should utilize cutoff shields** that extend below the lighting element to minimize light pollution and stray light.
 - c. Overall levels **should be compatible** with the neighborhood light level. **Emphasis should be placed** on a few, well-placed, low-intensity lights.
 - d. Lights **should not blink**, flash, or change intensity except for temporary public safety signs.
- Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 13-7 and page 13-8

6. Signing CHAPTER 13: AREA PLANS 13.6 Conformity Review Procedures for Area Plans 13.6.1
Initiation of Area Planning Process by Lead Agency

- a. Area Plans **may include** alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.
 - b. In the absence of a conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:
 - (i) Off-premise signs **should generally be prohibited**; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated;
 - (ii) Signs **should be incorporated** into building design;
 - (iii) When possible, signs **should be consolidated** into clusters to avoid clutter;
 - (iv) Signage **should be attached** to buildings when possible; and
- Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 13-8

b. Trail Route Design CHAPTER 30: LAND COVERAGE 30.4 Land Coverage Limitations 30.4.6
Exemptions and Partial Exemptions from Calculation of Land Coverage

- (ii) In designing trail routes, the protection of sensitive areas, trees, and vegetation shall be balanced with consideration of the following:
 - (1) Trail routes **shall generally be consistent** with trail networks identified in Map 5 of the Regional Plan, **(This shall is really a should when adding the statement, generally be consistent)** "Bicycle and Pedestrian Facilities," or adopted federal, state, tribal, or local government plans;
 - (2) Detours in trail design to protect sensitive resources **should avoid significant** additions to trail length; and
- Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 30-25

33.3.7. Discovery of Historic Resources

(33.4 Special Information Reports and Plans 33.3.7 Discovery of Historic Resources)

Whenever historical, pre-historical, or paleontological materials appearing to be 50 years or older are discovered during grading activity and have not been accounted for previously pursuant to Section 67.3, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading and consult with the appropriate local, state, or federal entities and determine whether the site **should be nominated** as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 67: *Historic Resource Protection*.

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Chapter 50 (Allocation of Development) and Chapter 52 (Bonus Unit Incentive Program) will be updated to reflect future releases of development allocations in accordance with one alternative or a variation of one of the alternatives noted on the following table. Annual releases will be in accordance with the principles listed below the table. A preferred alternative has not been endorsed for the Allocation and Development Rights Accounting table

The system for release of allocations, bonus units and CFA **should be modified** in coordination with Local Governments and in accordance with the following principles:

oA maximum yearly release of residential allocations and CFA **should be made to each Local Government** through the performance system and staff **should coordinate with Local Governments** to establish an equitable system for distribution of CFA.

oThe amount of bonus units and CFA held by TRPA and Local Governments **should be evaluated annually** and modified if necessary by the Governing Board to maintain adequate commodities for anticipated redevelopment activities in the region.

oAll allocations and CFA that have been distributed to Local Governments **should be retained** by Local Governments. In the future, Local Governments **should be able to retain all allocations** and CFA and that are distributed to them for use that year or at a later date.

oAll past awards of bonus units **should be honored** until development approvals expire. In the future, all awards of bonus units **should also be honored** until development approvals expire.

oAll past awards of bonus units to Plan Areas **should be honored** regardless of whether or not development approvals within those Plan Areas have expired.

oNo additional Residential Development Rights may be created. Approximately 4,091 Residential Development Rights remain.

oResidential Bonus Units and Tourist Bonus Units that have not been awarded **should be held by TRPA** and used for development transfer matches and existing Bonus Unit programs.

oThe performance system shall be evaluated at least every four years as part of each Regional Plan review and **should be modified if necessary** to implement the Regional Plan.

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CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

The system for release of allocations, bonus units and CFA **should be modified** in coordination with Local Governments and in accordance with the following principles:

oA maximum yearly release of residential allocations and CFA **should be made to each Local Government** through the performance system and staff **should coordinate with Local Governments** to establish an equitable system for distribution of CFA.

oThe amount of bonus units and CFA held by TRPA and Local Governments **should be evaluated annually** and modified if necessary by the Governing Board to maintain adequate commodities for anticipated redevelopment activities in the region.

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o All allocations and CFA that have been distributed to Local Governments **should be retained** by Local Governments. In the future, Local Governments **should be able to retain all allocations** and CFA and that are distributed to them for use that year or at a later date.

o All past awards of bonus units **should be honored** until development approvals expire. In the future, all awards of bonus units **should also be honored** until development approvals expire.

o All past awards of bonus units to Plan Areas **should be honored** regardless of whether or not development approvals within those Plan Areas have expired.

o No additional Residential Development Rights may be created. Approximately 4,091 Residential Development Rights remain.

o Residential Bonus Units and Tourist Bonus Units that have not been awarded **should be held by TRPA** and used for development transfer matches and existing Bonus Unit programs.

o The performance system shall be evaluated at least every four years as part of each Regional Plan review and should be modified if necessary to implement the Regional Plan.
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CHAPTER 61: VEGETATION AND FOREST HEALTH 61.1 Tree Removal 61.1.6 Minimum Standards for Tree Removal

b. TRPA shall review site-specific proposals for and may permit the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of “innovative technology” vehicles and “innovative techniques.”) Project proposals **should be developed** within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

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viii) Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts **should be applied** to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

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61.4. REVEGETATION

61.4.3. Approved Species

Revegetation programs shall use TRPA-approved plant species listed on the TRPA Recommended Native and Adapted Plant List. This list shall be a part of the *Handbook of Best Management Practices* and shall be updated from time to time based on the criteria that listed plants **should be adapted** to the climate of the Tahoe region, **should require little water** and fertilizer after establishment, and **should be non-invasive**.

Specifications of plant materials shall be in accordance with the following requirements:

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Attachment B Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft
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CHAPTER 64: LIVESTOCK GRAZING

64.3.11. Streambank Management

Livestock grazing shall be modified on banks of streams to eliminate water quality impacts where soil erosion or water quality problems exist by the use of fencing, other electronic devices to create riparian pastures, or other methods to modify livestock use. If fencing is used, access to the stream channel shall only be at breaks in the fencing where low water crossings are installed. These crossings shall be armored with rock or other approved materials in order to protect the banks from erosion. Cattle access to the stream for watering purposes shall be at these crossings only. Any alternative man-made watering facilities **should be located 100 feet away from stream channels** and riparian areas.

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64.4.1. Minimum Requirements

The grazing management plan shall include at a minimum:

N. Photo plots **should be established** to document annual growing conditions changes that may occur with the vegetative community. The photo plots **should be permanently located** and repeatable. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 64-3

64.4.2. Confirmation of Plan or Permit

TRPA may require, at the operator's expense, confirmation of the adequacy of the grazing management plan or confirmation of compliance with the plan and the TRPA approval. The management plan **should state why** a particular system was chosen and provide a list of references or information from local experience that fully justifies the use of that grazing management system. Update Committee Public Review Draft – April 25, 2012 | Page 64-3

CHAPTER 65: AIR QUALITY/TRANSPORTATION 65.3 Bicycle and Pedestrian Facilities 65.2.7 Revision of Fee Schedules

B. Regional and Cumulative Mitigation Credit Programs

In those instances when a reduction in daily vehicle trip ends (DVTE) of 1,000 or greater will result from the implementation of an EIP program that is not associated with any required mitigation, TRPA may allow for a regional and cumulative mitigation credit to be given to the participating entities. Credit shall be given based on the number of DVTE that will be reduced as a result of the proposed program. Credit cannot be awarded when the reduction in vehicle trips is a mitigation requirement pursuant to subparagraphs 65.2.4.C or 65.2.5.C above. Candidate credit recipients shall submit a plan to TRPA describing the proposed program, quantifying the reduction in DVTE, and specifying the areas where the credit can be used. The award of mitigation credit shall be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit shall be awarded at such time that the proposed program is implemented. TRPA staff may reevaluate the 1,000 DVTE minimum requirement to determine if the level **should be adjusted**.

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65.3.3. Standards

A. Applicable Agency or Local Government Standards⁵⁴

Easements for public bicycle or pedestrian facilities shall accommodate facilities that comply with the standards of the Agency.

B. Trail Alignment Location

1. **Where feasible**, alignment of bicycle or pedestrian trails that are shown adjacent to public rights-of-way on Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities) **shall be located** in the public right-of-way, subject to approval from the applicable state transportation department.
(Shall is really should when used with , where feasible)

2. Where it is not feasible to locate facilities in a public right-of-way, easement location **should minimize** impacts on private parcels to the extent feasible. TRPA Code of Ordinances Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 65-14

CHAPTER 65: AIR QUALITY/TRANSPORTATION 65.5 Employer-Based Trip Reduction Program 65.4.4 Mitigation Fee

65.4.4. Mitigation Fee

Each rental transaction in which the rental car is rented by, or delivered to, a person in the Tahoe region shall be assessed a mitigation fee for each day of the rental transaction. TRPA shall review the fee schedules in accordance with subparagraph 10.8.5.A.2 in the Rules of Procedure. TRPA and/or the Tahoe Transportation District (TTD) will notify rental car companies when an adjustment is made to the fee. The up-to-date fee **should be posted** on the websites of the TTD and the TRPA.

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17. Flexible Work Hours Outside of Employer's Established Work Schedule (1 credit)

Variable work hours may include, but are not limited to: 1) staggered work hours shifting the work hours of all employees to outside of peak hours; and 2) flexible work hours with individually determined work hours within guidelines established by the employer. Credit shall be given when employees are permitted to take advantage of flexible work hours. This TCM **should be coordinated** with other TCMs, such as van and carpools. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 65-24

CHAPTER 66: SCENIC QUALITY 66.3 Scenic Quality Review in the Shoreland 66.3.1 Applicability

C. Siting of Development

All projects, excluding signs, driveways, parking for scenic vista points, trailheads, and pedestrian/bicycle paths shall be sited in such a manner that they are not visually evident from the scenic highway. All projects, when viewed from a distance of not less than 300 feet, **should meet the Visual Magnitude/Contrast Ratings** for Natural Scenic Highway Corridors established in Appendix D of the Design Review Guidelines Regional **TRPA Code of Ordinances** Plan Update Committee Public Review Draft – April 25, 2012 | Page 66-4

CHAPTER 66: SCENIC QUALITY

66.3 Scenic Quality Review in the Shoreland 66.3.3 Levels of Scenic Mitigation

(v) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break **should extend** vertically to two-thirds of the structure height and horizontally to approximately ten feet. TRPA may approve equal or superior alternatives to this standard.

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Attachment B Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft
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CHAPTER 66: SCENIC QUALITY

66.3 Scenic Quality Review in the Shoreland 66.3.4 General Standards of Review

1. Option 1: Basic Review

As a result of the project, the project area shall score a minimum 28 points, based on the Contrast Rating System. The projects shall meet the following mitigation standards

d. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break **should extend** vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard.
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2. Option 2: Visual Magnitude System

A project shall attain the minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines, or if non-complying shall implement Scenic BMPs as required in Option 1 in E.1 above and shall meet the following standards

b. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break **should extend** vertically to two-thirds of the structure height and horizontally to approximately ten linear feet. TRPA may approve equal or superior alternatives to this standard; and

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CHAPTER 83: SHOREZONE TOLERANCE DISTRICTS AND DEVELOPMENT STANDARDS 83.6 Man-Modified Challenge 83.6.1 Team of Experts

83.6.2. Man-Modified Report

TRPA's team of experts shall prepare a man-modified report in accordance with the requirements of subsection 83.5.2. In addition to the foregoing information, the report shall contain information showing that the area in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a shorezone tolerance district other than the one depicted for said land on TRPA's Shorezone Tolerance District Overlay Maps. In the case where the shorezone has been so modified that it no longer exhibits characteristics similar to any of the established tolerance districts, the report shall recommend the limitations, standards, and regulations that **should be applied** within the new tolerance district.

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CHAPTER 84 DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER

84.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies requires TRPA to regulate the placement of new piers, buoys, and other structures in the nearshore and foreshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds and other relevant concerns. The Goals and Policies also requires TRPA to conduct studies, as necessary, to determine potential impacts to fish habitats and apply the results of such studies and previous studies on shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities in the nearshore and foreshore. The Shorezone Subelement indicates that provisions **should be made** to allow multiple-use piers when such uses are intended to reduce the number of single use piers on adjoining properties. This chapter sets forth standards and provisions in accordance with these policies. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 84-1

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Attachment B Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft
Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER 84.5 Piers 84.5.1 Location Standards

C. The placement of piers shall be prohibited in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat," or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1984 or as amended, except when a boat ramp is removed in conjunction with a new pier application within the same project area and there is a net reduction in habitat disturbance to the areas identified above. When an existing boat ramp is removed to construct a pier, the shorezone use **should be considered** existing; however, the proposed pier shall be considered a new structure. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 84-3

CHAPTER 90: DEFINITIONS 90.2 Other Terms Defined

90.1.10. Mandatory and Discretionary Terms

The words "shall," "will," and "must" are always mandatory. The words "may" and **"should"** are advisory and discretionary terms. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 90-2

Innovative Technology Vehicles

Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles **should be able** to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as "innovative technology" vehicles.

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Attachment C Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental
Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, Nevada 89449-5310

Attn: Adam Lewandowski, Senior Planner
e-mail regionalplancomments@trpa.org

Area Plan approval and execution is a new process and must be carefully monitored in its infancy stages. Staff admittedly stated it's a complex system and will take sometime to articulate a more user friendly set of guidelines to be provided sometime in the future. Complex system sets off alarm bells and this commenter requests the Area Plan process be fully vetted before approval in the EIS.

As stated in the main comment document- a conformance criterion/checklist must be included in the EIS to determine that all I's are dotted and all T's are crossed to ensure "conformance" is achieved. To try and better under the process in which local jurisdictions must undertake to complete an Area Plan through conformance review this commenter attempted to follow code requirements. I have included several references from the Code, not all. This commenter followed the code directions on which code to consult next to determine "Conformance" with the Regional Plan- you'll find this is an exercise for only the most patient of people. The Governing Board members that will be approving the Area Plans and the local jurisdictions and members of the public preparing them will be busy navigating the various code chapters and references to the Goals and Policies.

A process roadmap should have been provided for analysis in the EIS not by this commenter.

Overview of Proposed New Chapter – Chapter 13 Area Plans

Based on the revised Goals and Policies, **this chapter creates a new process** by which local, state, federal, and tribal governments, including TRPA, may prepare Area Plans that conform with the Regional Plan. Following a determination of conformity, TRPA may transfer development review authority so that specified developments will be reviewed only by other governments under the Area Plans, rather than by TRPA under the Regional Plan. Through this program, TRPA would become more of a true "regional" agency that sets regional development goals and standards with less direct permitting of development. Rather, TRPA would serve primarily as an oversight agency to ensure local governments properly implement or "conform" to the Regional Plan. Large developments would continue to be reviewed directly by TRPA.

The content of this chapter is intended to define the **basic requirements** and procedures of a Regional Plan "conformity" review process. **Basic requirements must be accompanied by specific requirements to ensure "all" requirements meet the conformance criteria.**

This commenter logically started with Code Chapter 13: Area Plans.

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 Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

13.1. PURPOSE 3

13.1.1. In order to be responsive to the unique circumstances of communities of the region, the Agency finds that there is mutually beneficial need to provide local, state, federal, and tribal governments with the option to prepare Area Plans, provided such Area Plans conform with and further the goals and policies of the Regional Plan.

13.1.2. This chapter defines **the required content of Area Plans** and establishes that Area Plans may be approved by TRPA if they contain policies and development ordinances that are consistent with and further the goals and policies of the Regional Plan. The development of Area Plans is intended to support the update and consolidation of planning documents in the region.

How will amendments to the Regional Plan be incorporated into Area Plans that conform to the Regional Plan? Will Area Plan amendments be required ? and approved by the Governing Board? This commenter could not find a process for Area Plan Amendments.

13.1.3. This chapter also establishes a conformity program that enables the Agency to transfer **limited development permitting authority** to local governments with conforming Area Plans. Furthermore, this conformity process defines which development activities will not have a substantial effect on the natural resources in the region and are thus exempt from TRPA review and approval, allowing such activities to be implemented through the terms and procedures of a conforming Area Plan. This program will enable TRPA to focus its resources on projects of regional concern, while still maintaining an active and effective oversight role in the implementation of all Area Plans to ensure that Area Plans and activities governed by Area Plans maintain conformity with the Regional Plan. **The EIS and code must provide quantifiable criteria for "limited development permitting authority."**

13.4.1. Development of Area Plan is Optional

A government may adopt an Area Plan with plans and development ordinances that supersede TRPA plans and ordinances if the Area Plan is found to be in conformance with the Regional Plan, in accordance with the requirements of this chapter. A government **may adopt an Area Plan that applies to only a portion of the land area** within its jurisdiction. Jurisdictions that do not adopt an Area Plan shall continue to be subject to all plans, policies, and regulations in the Regional Plan and this Code. **By adopting only a portion of the land within it's jurisdiction an Area Plan will be partially applicable to the current community plan and partially to an Area Plan ? How will TRPA determine compliance?**

13.4.2. Initial Statements of Intent to Develop an Area Plan

All local, state, federal, and tribal governments in the region shall provide TRPA written statements indicating their intent to prepare Area Plans and their anticipated schedule for completion of Area Plans. For TRPA planning purposes, initial statements of intent shall be provided to TRPA no later than December 31, 2013. This shall not preclude the earlier or subsequent development of additional or modified Area Plans, pursuant to this chapter. The TRPA Governing Board shall review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work program by April 30, 2014. The action plan may include the replacement of plan area

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statements, community plans, and other plans with TRPA-approved Area Plans for properties that
 other governments do not include in their Area Plans

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13.5.1. General

An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan. **The MOU must define what actions will be required of the local jurisdiction to demonstrate conformance thus it must be part of the Regional Plan**

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13.5.2. Relationship to Other Sections of the Code

This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. **How will conflict for implementation of design standards be addressed?**

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13.5.3. Development and Community Design Standards for Area Plans

A. Minimum Development Standards

Area Plans shall have development standards that are consistent with those in the table below.

This table refers the reader to Chapters:

30.4 LAND COVERAGE

31.3 DENSITY

36.5 DESIGN STANDARDS

37.4 HEIGHT

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B. Alternative Development Standards and Guidelines Authorized in Area Plans

1. Alternative Comprehensive Coverage Management Systems⁸

An Area Plan **may propose a comprehensive coverage management system** as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system, and 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2. For purposes of this provision, "total" coverage is the greater of existing or allowed coverage. See also Section 1.1.1: *Land Coverage Requirements for Conforming Area Plans*. **Area Plans will have additional area plans within the main Area Plan (i.e. BMP area- wide plan, coverage management system area plan, etc.) Will TRPA APC and Governing Board be required to approve the subset area plans proposed?**

FOTV add'l comment Conformance Review Code June 28, 2012 Page 4 of 11
Attachment C Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental
Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Alternative Comprehensive Management System: Process for Establishing Maximum Coverage

Step 1 – Document coverage information for each parcel in the coverage management area.

A.Document base allowable land coverage (Sec. **30.4.1**).

B.Document maximum allowable land coverage (Sec. **30.4.2**).

C.Document TRPA verified existing land coverage (Sec. **30.3**).

D.Document total allowable land coverage — greater of B or C.

E.If a parcel contains Land Capability District 1 or 2, calculate A–D separately for each LCD.

Step 2 – Calculate base allowable coverage and total allowable coverage for the management area.

A.Calculate base allowable land coverage for management area (total of answer 1A for all parcels).

B.Calculate base allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1A for districts 1 & 2).

C.Calculate total allowable land coverage for management area (total of answer 1D for all parcels).

D.Calculate total allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1D for districts 1 & 2).

Step 3 – Demonstrate that coverage limitations for the management area are consistent with Code requirements (Sec. **13.5.3.B.1).**

A.Base allowable land coverage for the management area shall not exceed answer 2A.

B.Base allowable land coverage for Land Capability Districts 1 and 2 shall not exceed answer 2B.

C.Total allowable land coverage for the management area shall be less than answer 2C.

D.Total allowable land coverage for Land Capability Districts 1 and 2 shall be less than answer 2D.

E.Total allowable land coverage shall not exceed 70%.

08-58
Cont'd

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 Attachment C Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental
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13.5.3 C. Development Standards and Guidelines Encouraged in Area Plans

1. Urban Bear Strategy¹²

In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.

2. Urban Forestry¹³

In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seeks to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

3. Development and Subdivision of Tourist, Commercial, and Residential Uses¹⁴

An Area Plan may allow the development and subdivision of tourist, commercial, and residential uses in the Recreation District outside the Urban Area if found in conformance with the Regional Plan. **The EIS cannot provide analysis or mitigation for this unknown. Outside the urban area is defined as ????**

08-59

4. Alternative Transfer Ratios for Development Rights

(13.5.3 Development and Community Design Standards for Area Plans)

An Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environmental gain compared to the TRPA transfer ratios set forth in Chapter 51: *Transfer of Development*. **The EIS must define unique conditions and provide criteria for equal to or greater environmental gain.**

08-60

D. Community Design Standards (13.5.3 Development and Community Design Standards for Area Plans) To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment. **The Area Plan must be required to provide criteria for equal to or greater environmental gain with substitute standards.**

1. Site Design

All new development shall consider site design that includes, at a minimum:

- a. Existing natural features retained and incorporated into the site design;
- b. Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;
- c. Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards; and
- d. Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

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2. Building Height (13.5.3 Development and Community Design Standards for Area Plans)

- a. Area Plans may allow building heights up to the maximum limits in **Table 13.5.3-1** above.
- b. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
- c. Area Plans that allow buildings over two stories in height shall, **where feasible**, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height. **Where feasible is subjective. The EIS and code must provide quantifiable criteria for "where feasible".**

08-62

3. Building Design (13.5.3 Development and Community Design Standards for Area Plans)

Standards shall be adopted to ensure attractive and compatible development. The following **shall be considered**: **Shall be considered implies, it does not execute an action.**

- a. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- b. The scale of structures should be **compatible** with existing and planned land uses in the area. **Compatible is subjective and may not be in the best interest of the community (examples: Brockway Tower, Tonopalo, Domus Kings Beach Gateway , PepperTree Tahoe City)**
- c. Viewsheds **should be considered** in all new construction. Emphasis should be placed on lake views from major transportation corridors. **"should" must be replaced with "shall" to protect viewsheds in all new and modified construction**
- d. Area Plans shall include design standards for building design and form. Within town centers, regional centers, and the High-Density Tourist District, building design and form standards shall promote pedestrian activity.

08-63

13.6.1. Initiation of Area Planning Process by Lead Agency

The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.

13.6.2. Initial Approval of Area Plan by Lead Agency

A. When TRPA is Not the Lead Agency

If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

08-64

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 Attachment C Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental
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B. When TRPA is the Lead Agency

If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.

13.6.3. Review by Advisory Planning Commission

The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable. **Code must reflect this additional statement. The APC shall obtain and consider public comment as well.**

08-64
Cont'd

13.6.4. Approval of Area Plan by TRPA

For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to consideration of issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment. **Public comment must be heard by the Governing Board in addition to the Advisory Planning Commission. The APC will make recommendations not necessarily inclusive of public comment heard by that body.**

08-65

13.6.5. Findings of Conformance with the Regional Plan

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and code set forth in Sections 4.5 and 4.6, 18 and also the following specific review standards:

This code refers the reader to Chapters 4.5, 4.6, and 18 which in turn send the reader to Chapters 4.2, 4.3, 4.4, 4.4.1A, 4.4.1B, 4.4.2, 16.3.8, 16.4, 16.4.5, 16.5.1, 16.5.2, 16.6, 16.8.2

There is no Chapter 18-

Possibly it was intended to send the reader to Chapter 21 Permissible Uses as there is a reference to Area Plans within this chapter

C. Nonconforming Uses (21.5.2 Changes, Expansions, or Intensifications of Existing Uses)

Uses identified as nonconforming shall not be expanded intensified beyond the use existing on the effective date of the Regional Plan. A nonconforming use may not be changed unless the new use conforms to the use regulations set forth in the Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity. Such approval shall occur through direct TRPA review, through the conformance review process for **Area Plans**, or through Memoranda of Understanding with public agencies.

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 Attachment C Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental
 Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

13.6.5. Findings of Conformance with the Regional Plan A.

General Review Standards for All Area Plans

The submitted Area Plan shall:

1. Identify all zoning designations, allowed land uses, and development standards throughout the plan area;
2. Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;
3. Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;
4. Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain;
5. Promote environmentally beneficial redevelopment and revitalization within town centers, regional centers, and the High-Density Tourist District;
6. Preserve the character of established residential areas outside of town centers, regional centers, and the High-Density Tourist District, while seeking opportunities for environmental improvements within residential areas;
7. Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in Disturbed Stream Environment zones within town centers, regional centers, and the High-Density Tourist District only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone; and
8. Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

B. Additional Review Standards for Area Plans with Town Centers or Regional Centers²⁰

In addition to the requirements of subparagraph A above, submitted Area Plans that contain town centers or regional centers shall include policies, ordinances, and other implementation measures to:

1. Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection;
2. Promote walking, bicycling, transit use, and shared parking in town centers and regional centers, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and regional centers, and to other major activity centers;
3. Use standards within town centers or regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use;
4. Ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers;
5. Identify an integrated community strategy for coverage reduction and enhanced stormwater management; and

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 Cont'd

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6. Demonstrate that all development activity within town centers and regional centers will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

C. Additional Review Standards for Area Plans within the High-Density Tourist District²¹

In addition to the requirements of subparagraph A above, submitted Area Plans that contain the High-Density Tourist District shall include policies, ordinances, and other implementation measures to:

1. Include building and site design standards that substantially enhance the appearance of existing buildings in the High-Density Tourist District;
2. Provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions; and
3. Demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.

13.6.6. Conformity Review for Amendments to Area Plans²²

Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

13.6.7. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan²³

A. TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.

B. If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board's review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

08-66
 Cont'd

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13.6.8. Effect of Finding of Conformance of Area Plan

By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

This code refers the reader to 13.7, 13.8 and Section 2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer which in turn refers the reader to Code EIS certification (Chapter 3: *Environmental Documentation*, (subsection 5.12 Remedial Action Plans), (subsection 5.12 Remedial Action Plans), LOS "F" (Section 65.2); several more....

The Goals and Policies documentation is referenced in the Code.

Plans for Specific Geographic Areas within the Region After adoption of the 1987 Regional Plan, over 170 different plans were adopted for certain geographic areas. These include Plan Area Statements, Community Plans, State and Federal Government Master Plans and other detailed Specific or Master Plans (for ski areas, marinas, the airport, etc). With adoption of the 2012 Regional Plan, local, state, federal and tribal governments are encouraged to adopt Area Plans to supersede the older plans for specific geographic areas. Before taking effect, Area Plans must be found in conformance with the Regional Plan. State and Federal Government Master Plans and some of the other detailed Master Plans may remain in place and continue to be implemented or may be replaced with new Area Plans.

The following Goals and Policies acknowledge the Area Plans: LU-2.1, LU-2.4, LU-2.5, LU-2.6, LU-2.11, LU-4.1, LU-4.2, LU-4.3, LU-4.4, LU-4.5, LU-4.6, LU-4.7, LU-4.8, LU-4.9, LU-4.10, LU-4.11, LU-4.12, LU-4.13, Housing Goal, CD-2.1, T-7.1, VEG-1.11, WL-1.5, IAP-1.3

Footnote references to Goals and Policies:

4 This section more broadly addresses the issue raised by the policy changes to LU-4.2, 4.3, and 4.4 that states that plan area statements, community plans, and master plans are in effect until superseded by an TRPA-approved Area Plan.

5 Text is based, in part, on proposed changes to LU-4.11.

6 Text is based on proposed changes to LU-4.5 regarding a statement of intent for Area Plans.

7 In addition to implementing the proposed changes to LU-4, this table incorporates proposed changes to CD-2.1 that allow greater height limits in town centers, regional centers, and High-Density Tourist Centers than permitted outside such areas.

8 Text is based on proposed changes to LU-2.14, specifically subsection I.

9 Text is based on IM T-8 that addresses changes to T-8.1 to 8.3.

10 Text is based on WQ-3 IMs associated with policies WQ-3.11 and WQ-3.12 approved on January 31, 2012.

11 Text is based on IM LU-3 for transfer ratios approved January 10, 2012.

12 Text is based on policy changes to WL 1.5.

13 Text is based on policy changes to V 1.11.

14 Text is based on an implementation measure that addresses changes to LU-3.

15 The standards in this subsection are taken from the proposed changes to CD-2.1. Note that there is a mix of "shalls" (mandatory standards) and "shoulds" (voluntary guidelines) for individual project design.

16 Text is based on proposed changes to LU-4.6 regarding the local adoption process for Area Plans.

17 Text is based on proposed changes to LU-4.7 regarding the Governing Board's procedure for approving Area Plans.

18 This introductory text is intended to make clear that the Governing Board still has to make the general findings for approving a project and/or amendments to the Regional Plan.

19 Text is based on proposed changes to LU-4.8 regarding the general criteria for conformance review of Area Plans.

20 Text is based on proposed changes to LU-4.9 regarding specific criteria for conformance review of certain Area Plans.

21 Text is based on proposed changes to LU-4.10 regarding specific criteria for conformance review of certain Area Plans.

22 This section recognizes that governments will be amending Area Plans over time and that there needs to be a process by which TRPA monitors such changes to ensure that conformance with the Regional Plan is maintained. Is there an opportunity for distinguishing major and minor plan amendments (with the latter perhaps going on a consent agenda)?

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Cont'd

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23 Similar to the previous section, this address the process for maintaining Area Plan conformity when TRPA makes changes to the Regional Plan that need to be reflected in the Area Plans as well.
24 The requirements of this section are a mix of new text and modifications to new text proposed to LU-4.
25 Text is based on proposed changes to LU-4.12 regarding limits on the transfer of permit authority to other governments.
26 These final three subsections are based on proposed changes to Land Use policies and discussions with staff. Further discussion is needed.
27 Text is based on proposed changes to LU-4.12 regarding maintaining conformance of Area Plans and on the staff report regarding this topic.
28 The language here has been changed from "nonconformities" to "discrepancies" because the former already has a different meaning in the Code.

Conclusion: If this process is to remain in the EIS and code it must provide criteria, a detailed checklist and roadmap to ensure the Area Plan Conformance Review can be reviewed for it's compliance with the Regional Plan by the Advisory Planning Commission, Governing Board, local jurisdictions and the public.

This commenter requests the Area Plan process be fully vetted before approval in this EIS.

Thank you,

**Ellie Waller
Friends of Tahoe Vista**

**08-66
Cont'd**

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 1 of 14
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Tahoe Regional Planning Agency PO Box 5310 Stateline, Nv 89448
Attn: Adam Lewandowski, Senior Planner
e-mail regionalplancomments@trpa.org

Dear Mr. Lewandowski and TRPA Staff

To determine adequacy of various sections within the EIS Land-Use section and how they interconnect, this commenter navigated through several documents to get a comprehensive picture. I've painstakingly looked at the following documents and sections within those documents. For each of the statements, this commenter respectfully requests the TRPA revise the DEIS and re-circulate the documents for public review and comment.

Respectfully, Ellie Waller, Tahoe Vista Resident

EIS Alternatives 2.0
EIS Land Use 3.2
EIS Chapters 3.3 through 3.15 for additional discussion of specific technical topics
EIS Appendix A Alt 3 Goals and Policies
EIS Appendix I Alt 3 Code Revisions
EIS Appendix B Threshold Standards
EIS Appendix D Alt 4 Transect
The Compact
Resolution 82-11
Threshold Evaluation Report
Chapter II Land Use Element, Goals and Policies

Code chapters
11 Plan Area Statements and Plan Area Maps,
12 Community Plans,
13 Area Plans,
14 Specific and Master Plans
Other Code chapters consulted
10 Tahoe Regional Plan Maps,
16 Regional Plan and Environmental Threshold Review
21 Permissible Uses
31 Density in Special Height Districts
36 Design Standards
37 Height
38 Signs
66 Scenic Quality
90 Definitions
Scenic Quality Improvement Plan (SQIP)
CEQA Guidelines
Appendix D of the Design Review Guidelines
Regional Plan Update committee meetings
Land Use Map Urban vs Non Urban 6-25-12

Examples of information found in the various documents are listed below.

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 2 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Impact 3.2-1 Regional Plan Update Draft EIS page 3.2-11 and page 3.2-12

Development Pattern and Land Use Compatibility. The five Regional Plan Update alternatives each proposes land use planning strategies to guide how the existing land use pattern would evolve. To varying degrees, all five alternatives would retain the established growth management system (i.e., authorization of limited numbers of allocations); continue the existing land use pattern (concentration of development in defined community centers); and allow for or encourage transfer of existing and potential development to appropriate areas. All alternatives would result in continuation of generally the same land use pattern, but with varying levels of development and degrees of concentration and location. Areas designated for residential, commercial, and tourist uses would remain the same under all alternatives; no new land use types would be introduced such that incompatible land uses would be placed in proximity to each other. (Changes in land use classification from conservation to recreation are evaluated in Impact 3.2-2 below.) No changes are proposed to industrial zoning that could result in incompatibility with adjacent uses. Plan Area Statements, Community Plans, and Master Plans describe allowable uses, provide detailed guides for planning in specific areas of the Region, and were developed in part to ensure appropriate and compatible land uses, and these would remain in effect until superseded by Area Plans (Alternative 3) or other plan updates, which would, in turn, undergo environmental review prior to adoption. In addition, the project approval process from which the development pattern evolves is established by the Goals and Policies, the Code, and other TRPA, federal, state, and local regulations that ensure that the residential, commercial, tourist, recreation, and conservation uses allowed by the 1987 Regional Plan and carried forward in this Regional Plan Update are compatible with one another. 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]) and removal of development outside these areas. Over time, a greater percentage of development would be located in community centers, with improved access to services and reduced automobile dependency. Because Alternatives 3 and 4 would allow greater density and increased building height within community centers, the intensification of use within the existing urban areas would be greater than under Alternative 2. Alternatives 1 and 5 would continue existing land use policies. As a result, areas designated for residential, tourist, and commercial areas would remain the same, no new land uses would be introduced, no adverse impacts relative to development pattern and land use compatibility would result, and this impact would be less than significant. Because Alternatives 2, 3, and 4 include 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 impact would be beneficial for these alternatives.

08-67

EIS 3.2-1 Impact comment

1) With increased height and density being promoted in specific areas infrastructure needs will increase. New uses proposed will radically alter baseline, coverage, infrastructure, etc (water, sewer, etc.) Studies or modeling must be provided to ensure system capacity is not exceeded. Please cite studies that have been completed or modeling used to ensure system capacity is not exceeded.

EIS 3.2-1 Impact comment

2) Conformance review criteria/checklist must be provided in the EIS to allow the public, APC, Governing Board, local jurisdictions, etc. the ability to determine completeness of the checklist and applicability to the Regional Plan.

08-68

EIS 3.2-1 Impact comment

3) The EIS must provide analysis for expanding the urban boundary to ensure no additional impacts require analysis. A baseline analysis must also be provided for the expanded areas.

08-69

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 3 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

EIS 3.2-1 Impact comment

4) Requirements must be identified in Area Plans to ensure that local jurisdictions are required to study infrastructure needs as part of an Area Plan. Compact Article VII Environmental Impact Statements: requires a certain amount of information be provided to assess environmental impacts. Documents such as the criteria for an Area Plan that are missing prohibit the public from addressing this information.

08-70

Recreation areas are non-urban areas with a high potential for developed outdoor recreation, park use, or concentrated recreation. Lands that are identified as recreation areas include areas of existing private and public recreation use; designated local, state, and federal recreation areas; areas without overriding environmental constraints on resource management or recreational purposes; and areas with unique recreational resources that may serve public needs, such as beaches and ski areas.
 Regional Plan Update Draft EIS 3.2-5

Residential areas are urban areas
 Commercial and Public Service areas are urban areas
 Tourist areas are urban areas
 3.2-6 Regional Plan Update Draft EIS

Recreation comment

1) Adding new uses to the Recreation designation urbanizes the Recreation District. The Recreation designation definition will need to be changed and impacts analyzed associated with the baseline condition changes to assess it as an urban area. New criteria must be added to describe the additional uses.

This is further clarified by staff e-mail exchange clarifying what is urban versus non-urban
 "June 25, 2012 e-mail "Here is the map you requested showing the urban boundary. Pursuant to our existing code all urban lands are defined as those designated as residential, commercial/public service and tourist. Recreation and conservation are defined as non urban". John Hitchcock

08-71

Regional Plan Update Draft EIS 3.2-69

Alternative 3 also proposes to amend the Code to allow the development and subdivision of tourist, commercial, and multi-residential uses in Recreation Districts outside the urban area as a component of an Area Plan or other Master Plan that has been found in conformance with the Regional Plan. This amendment could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region designated as Recreation.

08-72

Recreation comment

2) Recreation Districts outside the urban area (boundary ?) The EIS must define outside urban area if it's not the same as outside the urban boundary. The EIS must provide baseline analysis for lands outside the urban boundary.

Recreation comment

3) The EIS must provide an Urban Boundary map for analysis and comment.
 Compact Article VII Environmental Impact Statements: requires a certain amount of information be provided to assess environmental impacts. Documents such as this map that are missing prohibit the public from addressing this information.

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Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 4 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Code Area Plans

13.6.5. Findings of Conformance with the Regional Plan

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and code set forth in Sections 4.5 and 4.6, 18 and also the following specific review standards:

A. General Review Standards for All Area Plans¹⁹

The submitted Area Plan shall:

1. Identify all zoning designations, allowed land uses, and development standards throughout the plan area;
2. Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;
3. Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;

17 Text is based on proposed changes to LU-4.7 regarding the Governing Board's procedure for approving Area Plans.

18 This introductory text is intended to make clear that the Governing Board still has to make the general findings for approving a project and/or amendments to the Regional Plan.

19 Text is based on proposed changes to LU-4.8 regarding the general criteria for conformance review of Area Plans. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 13-9

Code 13.6.5 comment

The community planning process could change a land use designation in an Area Plan which is a part of the EIS documentation. Safeguards must be in place to ensure up-zoning isn't abused without proper environmental analysis. Requesting an amendment to the Conceptual Map is not providing baseline analysis. Just stating a change for consistency is not providing analysis. The text language must include the requirement of environmental analysis as part of demonstrating consistency with the Regional Plan policies.

08-74

Density and Height Page 3.2-20 Regional Plan Update Draft EIS

Under the 1987 Regional Plan, the height of a building is the difference between the point of lowest natural ground elevation along an exterior wall, and the elevation of the highest point of a roof. In general, structures cannot exceed two stories in most areas unless additional height findings are made. Specific height standards for Special Height Districts are set forth in Chapter 37 of the Code.

In addition to the Plan areas and Community Plan areas, Alternative 2 would establish three DTZs, or areas targeted for redevelopment and to which non-residential development may be transferred. The three DTZs would be limited to the commercial corridors and adjoining parcels of South Stateline (from Kingsbury Grade along US 50 to Ski Run Boulevard and Pioneer Trail), the Kings Beach Community Plan area, and the Tahoe City Community Plan area. Transfer of coverage from any HRA into the South Stateline DTZ would be permissible, as would transfer of coverage from any HRA in Placer County into the Tahoe City or Kings Beach DTZs. Transfer of CFA and TAUs would be allowed only between DTZs and Community Plan areas, and the number of allowable TAUs would be capped at existing levels in all areas except DTZs. The South Stateline DTZ would be granted specific incentives and regulations, including slightly increased height allowance and prohibition against TAU and CFA transfers out of the area.

Density and Height comment

1) There is no reference to what "slightly increased" is or where in code to find it. "Slightly increased" is subjective. Please provide quantifiable criteria.

08-75

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 5 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Regional Plan Update Draft EIS 3.2-41

Density and Height

Under Alternative 2, special height districts would be eliminated and would be conceptually replaced by the DTZs. Within DTZs, lake-side would be defined as areas located within 1,500 feet of the shore and on the lakeside of the highway (e.g., SR 28) and mountain-side would be the area remaining in the DTZ (i.e., greater than 1,500 feet from the Lake or on the mountain-side of the highway). Using these classifications, height would be limited as follows:

☐ South Stateline DTZ: ranges from two stories to four stories based on applicable height district (Exhibit 3.2-8), but generally higher (up to four stories) on the mountain-side and lower (two to three stories) lake-side.

☐ Tahoe City and Kings Beach DTZs: three stories mountain-side, two stories lake-side, subject to increased setbacks and other requirements to maintain view (Exhibits 3.2-9 and 3.2-10)

The existing height measurement approach would remain in place, and buildings with non-conforming heights would be required to come into conformance with height limits if the site is redeveloped.

Density and Height comment

2) The EIS must provide baseline scenic analysis that has been completed in determining South Stateline views are not violated allowing up to four stories? Same for Kings Beach and Tahoe City with three stories. Please provide quantifiable criteria. Surely there are existing buildings that can be analyzed for impact and comparison.

08-76

Density and Height Page 3.2-48 Regional Plan Update Draft EIS

Alternative 3 would revise density and height policies to create additional incentives for redevelopment. TRPA (or local jurisdictions, if allowed under an adopted Area Plan) could permit building heights of up to four stories (56 feet) within Town Centers, six stories (95 feet) within the Regional Center, and 197 feet in the High Density Tourist District (see Exhibit 3.2-11). These revised height policies would likely result in taller buildings in the community centers. The greatest height would be allowed in the High Density Tourist District, with height increases also permitted in the Regional Center, providing an appropriate transition to ensure compatibility between these areas. To complement the increased height in these areas and promote concentrated infill development and redevelopment through transfers, Alternative 3 would allow an adopted Area Plan to increase multi-family density from 15 units/acre to 25 units/acre. These revised policies and standards would create denser and taller centers, and would be compatible with the intent of Alternative 3 to incentivize concentration of development in the community centers through corresponding removal of development elsewhere.

Alternative 3 would amend the density standards to allow mixed-use projects proposing to subdivide multifamily residential units at the maximum density permitted for un-subdivided mixed use developments. This would allow for the subdivision of existing residential and tourist units within mixed-use facilities. These changes would further promote redevelopment, increase housing options available in the Region, and facilitate a more compact development pattern with less intensive uses outside of areas where mixed use is allowed.

Density and Height comment

3) Increase in multi-family density will provide additional opportunities for population growth. In addition to maximum density permitted for un-subdivided mixed-use facilities, please provide maximum population density as stated in the Compact.

08-77

ARTICLE I. - FINDINGS AND DECLARATIONS OF POLICY (4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distributions and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

ARTICLE V. - PLANNING (1) 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.

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 6 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Density and Height 3.2-60 Regional Plan Update Draft EIS Alternative 4, height standards would be amended to promote desired community character, limiting height to two stories adjacent to the street and up to four stories elsewhere within the boundaries of Town Centers (Exhibit 3.2-16). Up to four stories would be allowed in Town Center Districts; up to three stories in Neighborhood Centers; and up to six stories would be allowed for new buildings and existing heights of high-rise buildings would be recognized in the Tourist Center District. Density regulations would be amended to establish a minimum density standards of 8 units per acre in PTOD areas and up to 20 units/acre in Neighborhood Centers and up to 25 units/acre in Town and Tourist Centers for residential and tourist accommodation uses to promote transit and walkability. These 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. The more concentrated land use pattern is expected to reduce automobile reliance, reduce emissions, increase feasibility of transit compared to existing patterns of development.

Density and Height comment

4) "promote desired community character"- this is subjective and cannot be quantified until new Area Plans are complete.

Density and Height comment

5) "would be amended and "would be required" to have a minimum density must not defined in the EIS. The EIS is eliminating choices for the public participating in the current Area Planning process. The density statement should read as follows: allow up to 8 units per acre- not require it.

Regional Plan Update Draft EIS page 3.2-60 The revised height policies would likely result in taller buildings in the community 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.

Density and Height comment

6) "would likely result in taller buildings" – Just state the fact- "will" result in higher buildings.

Density and Height comment

7) "providing an appropriate to ensure compatibility"- some word is missing please provide a complete statement.

Density and Height comment

8) "concentration of development in the community centers" What is the definition of community center within the transect that is being analyzed in Alt 4 - a town center, neighborhood center, neighborhood general ? - the EIS must be specific to allow for proper interpretation.

Density and Height comment

9) "corresponding removal elsewhere" is subjective. The program for removal is unproven.

Density and Height comment

10) "Expected to reduce automobile reliance, reduce emissions, and increase feasibility of transit"

is subjective. No analysis has been provided in the EIS proving concentrated land use patterns will produce the projected results listed.

08-78

08-79

08-80

08-81

08-82

08-83

08-84

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 7 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Density and Height Regional Plan Update Draft EIS 3.2-67

Alternative 5 would maintain the existing density and height regulations as described above for Alternative 1.

Under Alternative 5, a TAU would be redefined under three categories: Pages 3.2-66-67 Draft EIS

- ☐ Timeshare and partial ownership: 1,500 square feet
- ☐ Hotel room with kitchen facilities: 800 square feet
- ☐ Hotel room without kitchen facilities: 450 square feet

08-85

Density and Height comment

11) The EIS must provide analysis showing no additional height requirements are needed to meet the increased size of TAU's.

Density and Height comment

12) The EIS must provide analysis that increasing the size of a TAU from 300-400 sq ft to a 1500 sf timeshare or an 800 sf hotel room with a kitchen does not substantially change the baseline of the original 300-400 sf unit being morphed at the sending unit location.

08-86

Summary of Development Pattern and Land Use Compatibility Effects Regional Plan Update Draft EIS Page 3.2-57

Alternative 3 would utilize the existing land use planning system of the 1987 Regional Plan, with the addition of two new land use designations and three special planning districts: Town Centers, Regional Center, and High Density Tourist District, which overlap with existing Community Plan areas. It proposes policies that would highly incentivize transfers of existing development and development rights, new development, and redevelopment in these areas. 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 and lands distant from the community centers. It would establish new development transfer ratios as incentives to promote these transfers; allocate additional development rights in exchange for excess coverage removal; allow coverage mitigation across HRA boundaries; accommodate additional height to promote denser development and smaller building footprints; and accommodate nonconforming height in target redevelopment areas. Alternative 3 would result in a modest amount of new development (greater than under Alternatives 1 and 2 but less than under Alternatives 4 and 5) and would result in a change in the existing development pattern. Alternative 3 would include considerable incentives to promote infill, mixed land uses, redevelopment, and transfers of existing development, development rights, and coverage into community centers. While the amount of redevelopment and use of these incentives are dependent upon many factors, it is reasonable to expect that over the approximately 20-year planning horizon of the Regional Plan, periods of elevated economic activity will occur and that, collectively, these incentives would encourage investment in new development and redevelopment within the Town Centers, Regional Center, and High Density Tourist District. The resultant development pattern would be denser and more compact community centers than those envisioned in the other alternatives, with a mix of residential, commercial, tourist, and public uses.

08-87

Development Pattern comment

1) The EIS must provide analytical proof that compact communities improve water quality.

Development Pattern comment

2) Define modest. Modest is subjective

08-88

Development Pattern comment

3) Define existing obstacles. This is subjective.

08-89

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 8 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Development Pattern comment

4) "it is reasonable to expect" is an assumption. Please provide quantifiable criteria for elevated economic activity. Cite reports used to determine trend of economic activity and applicability to the Lake Tahoe Basin. The BAE Report and Prosperity Plan do not adequately represent economic analysis for the Tahoe basin.

08-90

Development Pattern comment

5) The EIS must provide analysis that shows the willingness of property owners "with development elsewhere" is a viable exchange program. Please provide quantifiable criteria or supporting studies in other areas similar to Lake Tahoe.

08-91

Page 3.2-58 Regional Plan Update Draft EIS

Alternative 3 would authorize more new allocations than Alternatives 1 and 2, but fewer than Alternatives 4 and 5. It would also create substantial incentives for redevelopment and transfer of existing development and development rights from sensitive lands and areas more distant from the community centers. 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. With transfer of development from sensitive and distant lands, more open space would be created in appropriate areas and restoration of sensitive lands, including SEZ, would result in increased infiltration, reduced urban runoff, and commensurate improvements in water quality, soil conditions and function, vegetation, and habitat for wildlife. (See Sections 3.3 through 3.15 of Chapter 3 for additional discussion of specific technical topics.) Alternative 3 would result in a beneficial impact.

08-92

Development Pattern comment

6) This intensified development pattern will change and upgrade the existing community character, not maintain it. Buildings will be forever- 365 days a year.

Development Pattern comment

7) The economy is a sliding scale of good and bad times with the addition of shoulder seasons that are part of any tourist based economy – The EIS must provided analysis that proves greater densities reduce dependency of automobiles.

08-93

Development Pattern comment

8) A Transfer Development Right incentive program is a wish list of changes in uses. The EIS must provide studies showing the TDR program in Lake Tahoe has been successful in the past and applicable during economic downturns like the one we are experiencing now. The EIS must provide proof that there is a willingness to transfer development rights from sensitive lands or the incentives are useless

08-94

Development Pattern comment

9) Beneficial and impact are contrary. Alternative 3 "would benefit the environment" is more suitable.

08-95

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 9 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Regional Plan Update Draft EIS Page 3.2-65

Summary of Development Pattern and Land Use Compatibility Effects

Alternative 4 would continue to utilize the existing land classifications but would reclassify land uses into a transect-based zoning system. Under Alternative 4, transfer of development would generally be directed toward Town Centers, Tourist Centers, and Neighborhood Centers. This shifting of development would be facilitated to the greatest extent in PTOD areas, where height and density limits would be increased but limited in other transect districts. Alternative 4 would be expected to result in a change in the existing development pattern by creating more compact and walkable community centers in Community Plan areas and encourage environmentally beneficial redevelopment.

Development Pattern comment

10) The EIS must define environmentally beneficial – it is subjective- The EIS must provide quantifiable criteria.

08-96

Development Pattern comment

11) Neighborhood Center definition must be defined in the EIS. They are not as densely populated as Town Centers and Tourist Districts and must not result in a drastic change to its current form.

08-97

Pages 3.2-58-59 Regional Plan Update Draft EIS

Alternative 4 proposes establishment of the five transect zones described below, some of which would be further defined by more specific districts:

☐ T1: Wilderness District, Backcountry District, and General Conservation and Parkland District

☐ T2: Recreation District

☐ T3: Residential District

☐ T4: Neighborhood General District, the Neighborhood Center District

☐ T5: Town Center District, Tourist Center District, and Special Districts

Characteristics such as massing, design, and permissible uses would be designated for each district. Districts would be further divided into Character Areas, which would have unique land use and design standards developed with community input. See Appendix D for an illustration and description of the transect districts, land uses, and specific requirements as to form, function, and performance; also included in Appendix D is a density comparison table for the transect districts.

As a further distinction, T5 districts and the Neighborhood Center of the T4 district would be designated PTOD areas. PTOD zoning is a sustainable planning strategy for urban and rural communities that concentrates development in denser, relatively urban settings to create walkable areas. Redevelopment projects within PTODs would be required to contain a minimum residential density of 8 dwelling units per acre and would be allowed up to four stories in height in central areas.

Transect comment

1) The EIS must provide analytical proof that PTOD is a sustainable planning strategy adaptable to Lake Tahoe's unique environment and fixed infrastructure.

Transect comment

2) "would be required" to have a minimum residential density of 8 units per acre must not be defined by the EIS. The residential densities should be determined during the community planning process by team members. The EIS is eliminating choices for the public participating in the current Area Planning process. The density statement should read as follows: allow up to 8 units per acre- not require it.

Transect comment

3) If 8 units per acre is the requirement the increase must be analyzed in the EIS as it doubles the current baseline of 4 units per acre in Placer County community plans. The EIS must provide information that states the increase from 4 units per acre to 8 units per acre is included in the 4000 residential allocations in Alt 4

Transect comment

4) Increasing the people and densities is what makes the PTOD criteria standards work. This should not be defined in the EIS. This should be part of the community planning process for Area Plans.

08-98

08-99

08-100

08-101

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 10 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Impact 3.2-3 Regional Plan Update Draft EIS 3.2-71

Consistency with Applicable Plans, Policies, and Regulations. 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. As a result, these alternatives do not propose changes that would conflict with the Regional Plan's designated land uses, policies, or regulations. 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 Update and applicable regional and local plans, policies and regulations

Impact 3.2-3 comment

Stating not conflicting with the Regional Plan designated land uses, policies or regulations is not analyzing impacts. Furthermore, establishing MOU's to establish consistency is not providing analysis. The EIS must analyze the changes to the baseline parcels to determine that proper mitigations are assessed. There will be changes to the baseline by adding new uses that require analysis not just consistency of the definitions of land uses. The EIS must provide an impact designation (no impact, less than significant, potentially significant, etc.) for each alternative- even if it's "no impact". None have been provided.

08-102

Community Design Subelement Page II-21 Public Review Draft Revised 04/25/2012 Goals and Policies

1) Outside town centers, building height shall be limited to two stories (24-42 feet). Within town centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within regional centers, building height may be allowed up to six stories (95 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within the High Density Tourist District, building height may be allowed up to 197 feet as part of an Area Plan that has been found in conformance with the Regional Plan. Subject to TRPA approval pursuant to TRPA Code or an approved conforming Area Plan, provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within Ski Area Master Plans, steep sites, tourist accommodation facilities, affordable housing, and essential public safety facilities.

2) Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.

3) Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.

4) The scale of structures should be compatible with existing and planned Land Uses in the area.

5) Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

6) Area Plans that allow buildings over two stories in height shall where feasible include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

7) Area Plans shall include design standards for building design and form. Within town centers, regional centers and the High Density Tourist District, building design and form standards shall promote pedestrian activity. *Community Design Subelement page II-22 Public Review Draft Revised 04/25/2012*

08-103

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 11 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Comments CD-2.1

1) This goal language changes the current starting height allowance at a greater height allowing the maximum to be established at a greater height. Also affordable housing and tourist accommodation units as new uses were added thus requiring analysis of new heights for those uses. Policy CD 2.1 must be analyzed in the EIS as it effects, density, scenic, etc.

1) Height maximums must be established in the Regional Plan enabling the local jurisdictions to establish height maximums within the Area Plans to be in conformance with the Regional Plan? Impacts cannot be analyzed without a maximum identified.

08-103
 Cont'd

Comments CD-2.1

2) Change: should to shall in (5): as not to violate the Scenic Threshold parameters as set forth in the SQIP and Scenic Thresholds.

08-104

Comments CD-2.1

3) Provisions for additional height requirements as noted above for "unique situations"- what makes any of the above mentioned items unique in Tahoe i.e. tourist accommodation facility, affordable housing, ski towers? Definition for unique: being the only one of its kind, unusual; extraordinary- Oxford Pocket dictionary.

08-105

Comments CD-2.1

4) Community Plans are in the process of being updated. Scale and compatibility of existing structures are subjective. The community plan team members will be defining the characteristics they want and don't want.

08-106

Comments CD-2.1

5) Code does not define height for a two story building- so why does the Goal define height for town centers, high density tourist districts.... and two-story buildings outside town centers?

08-107

I asked staff to tell me where in code this is called out- response below

June 3, 2012 Hi Arlo, Where in code do I find reference to the following goals and polices statement?

1) Outside town centers, building height shall be limited to two stories (24-42 feet). Within town centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan.

June 4, 2012 e-mail The 24-42 foot limits in table 37.4.1-1 apply to all buildings (including two story buildings), unless specifically modified by other code sections. To my knowledge, the existing height codes do not explicitly regulate building height by stories (just actual height). Arlo Stockham
 Regional Planning Manager

Further supporting documentation included in the Threshold analysis stating: The Threshold Standard associated with the Built Environment Indicator Reporting Category (often referred to as "Community Design") is a Policy Statement that applies to the built environment, and is not restricted to roadways or shoreline units. As stated in TRPA Resolution 82-11, "It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region." To achieve this Threshold Standard, TRPA must support efforts to adopt programs, design standards, and guidelines that address these aspects of development; site planning to preserve native vegetation, building height to limit view blockage and protrusion above the forest canopy, and architectural design guidelines related to colors, form, and

08-108

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 12 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

materials, to ensure that development is compatible with the overall natural setting. Such programs, standards, and design principles must then be widely implemented in projects that are reviewed and approved by TRPA and local government, to improve the scenic roadway and scenic shoreline units. Progress will be made toward achieving the Community Design Threshold Standard, as more development and redevelopment projects conform to design standards and guidelines. 2011 Threshold Evaluation – Scenic Resources Page 9-23

Comments CD-2.1

6) Height, Bulk and Scale were removed from B. Those descriptive words provide guidelines for specificity and must be added to prevent subjectivity. Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. Examples: proposed excessive height, morphing of TAU size, etc. Altering scenic quality with new design standards, especially when the view of Lake Tahoe is altered, must include accurate and objective analysis of the visual impacts. Area Plans are an integral part of the EIS. This comment must be incorporated for continuity of all the documents.

08-108
 Cont'd

Code 37.6.2. Additional Height for Certain Structures

The maximum height specified in subsection 37.6.1 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this subsection if TRPA makes findings 4 and 7 as set forth in Section 37.7.

37.6.2 comment

Goals and Policies -Goal 2.1 similar projects eligible for additional height. The Goal conflicts with code- goal added additional use: affordable housing and tourist accommodation units. The EIS must provide quantifiable criteria why affordable housing, tourist accommodation units were added to the goal and are considered similar projects as stated in Code.

08-109

37.7.7. Finding 7

The additional building height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

37.7.7 comment

The EIS must quantifiable criteria for minimum necessary to feasibly implement. The EIS must provide quantifiable criteria (examples) of no feasible alternatives.

08-110

Impact 3.2-2

Land Use Classification Change. Implementation of Alternatives 2, 3, 4, or 5 the Regional Plan Update would result in modifications of the land use map. Alternative 1 would not include any such changes and would have no impact.

Alternatives 2 through 5 would 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 revisions are such that they would change lands that are currently higher intensity land use classifications such as residential, commercial and tourist, to lower intensity land uses, including recreation and conservation.

08-111

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 13 of 14
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Impact 3.2-2 comment

1) Changing Conservation to Recreation is up-zoning not lowering the intensity , The EIS must
 analyze the impacts of the parcels that are being re-zoned.

08-111
 Cont'd

Impact 3.2-2 comment

2) Stating consistency of an area is not analyzing an impact.
 Until the impacts are analyzed the Land Use section is rendered incomplete and the EIS inadequate.

Alternative 3 would also include boundary changes to the Land Use Plan to reflect current land uses. Refer
 to Impact 3.2-2, below, for a discussion of potential effects related to boundary changes and modified land
 use classifications proposed under Alternative 3.

Impact 3.2-2 comment

3) This language does not correctly identify what this EIS is actually doing. Modifying a land use
 classification is much different than changing the uses or a boundary change within a land
 classification thus requiring additional analysis that has not been performed in the EIS. Stating
 consistency of an area is not analyzing an impact. Until the impacts are analyzed the Land Use
 section is rendered incomplete and the EIS inadequate.

08-112

Table 3.2-3

Residential Bonus Units Remaining from the 1987 Regional Plan BB, LLC CEP Assigned 10

Table 3.2-4.

Existing Allocations of Commercial Floor Area Special Projects (CEP) * 183,600

Table 3.2-3 and Table 3.2-4 comment

The BBLLC project loans are in default. The status of the project is in question. The bonus
 allocations should be disallowed and added back into the pool for future distribution and the amount
 of commercial floor area assigned to this project must also be returned. Information provided by
 Placer County Staff May 31, 2012 "Not much details as of yet, but we have been informed that the
 property has been listed for sale. As to the loans, those are all still in place, and I would expect that
 the County would be paid with any proceeds from the sale, and any money from that sale remitted to
 the State to be distributed to the taxing agencies. Not sure about the next presentation on the
 project at this time, as there just is not enough concrete information to pass along. I know this is not
 much, but it is all we have at this point. Hope it helps"

08-113

"The ownership of the property has not changed at all. The property is still owned and maintained by
 Steven K Brown. The County at this point is ONLY the lien holder, and as such has no involvement
 in the operations, rent collection, or maintenance of the project. As to the foreclosure issue, it has of
 course been discussed internally, but with the properties listed, it really makes little sense to
 proceed at this point. If we did foreclose, we would be forced to sell the project also. We do speak
 with the owner at least a couple time a week, and we would very much like to see the project
 continue, but we do not have the means to completely control it at this point. Lastly remember that
 this was a Redevelopment Loan, not a loan from the County, and since the State has eliminated us,
 any proceeds from this project or loan payoff will be going back to the State, not staying with the
 County. Steven A. Brown, Redevelopment Program Coordinator ,Placer County Redevelopment Agency"

Comment for Land Use 3.2 Attachment D to FOTV comment June 28, 2012 page 14 of 14
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Beneficial terminology comment

Impact 3.2-1 Regional Plan Update Draft EIS 3.2-11
Development Pattern and Land Use Compatibility.... "this impact would be beneficial for these alternatives"

Summary of Development Pattern and Land Use Compatibility
"environmentally beneficial redevelopment"
Regional Plan Update Draft EIS 3.2-31

Summary of Development Pattern and Land Use Compatibility....which would "encourage more
environmentally beneficial coverage removal projects" Regional Plan Update Draft EIS 3.2-45

Summary of Development Pattern and Land Use Compatibility.... result in a "beneficial impact" with regard to
development pattern and compatibility". 3.2-46 Regional Plan Update Draft EIS

Summary of Development Pattern and Land Use Compatibility....
Alternative 3 would result in a beneficial impact. 3.2-58 Regional Plan Update Draft EIS

ALTERNATIVE 4: REDUCED DEVELOPMENT, INCENTIVIZED REDEVELOPMENT.... with modest
incentives for environmentally beneficial development. 3.2-58 Regional Plan Update Draft EIS

more compact and walkable community centers in Community Plan areas and encourage
"environmentally beneficial redevelopment" Regional Plan Update Draft EIS 3.2-65

and Alternative 4 would "result in a beneficial impact". Regional Plan Update Draft EIS 3.2-65

**The EIS must provide quantifiable criteria for the use of: "would result in a beneficial impact",
"environmentally beneficial" and "environmentally beneficial coverage removal"**

**The EIS must state what the impact actually is doing to benefit the environment and if mitigations are
required to achieve the status of beneficial impact. Beneficial impact is contrary. "would benefit the
environment" is more suitable.**

08-114

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 1 of 13
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Tahoe Regional Planning Agency PO Box 5310 Stateline, Nv 89448
Attn: Adam Lewandowski, Senior Planner
e-mail regionalplancomments@trpa.org

Dear Mr. Lewandowski and TRPA Staff

To determine adequacy of various sections within the EIS Scenic section and how they interconnect, this commenter navigated through several documents to get a comprehensive picture. I've painstakingly looked at the following documents and sections within those documents. For each of the statements, this commenter respectfully requests the TRPA revise the DEIS and re-circulate the documents for public review and comment.

Respectfully, Ellie Waller, Tahoe Vista Resident

EIS Alternatives 2.0
EIS Scenic 3.9
EIS Land Use 3.2
EIS Appendix A Alt 3 Goals and Policies
EIS Appendix I Alt 3 Code Revisions
EIS Appendix B Threshold Standards
EIS Appendix D Alt 4 Transect
The Compact
Threshold Evaluation Report
Chapter II Land Use Element, Goals and Policies Community Design and Scenic Elements

Code chapters
11 Plan Area Statements and Plan Area Maps,
12 Community Plans,
13 Area Plans,
14 Specific and Master Plans
Other Code chapters consulted
1 Introduction To Code Of Ordinances
2 Applicability To Code Of Ordinances
10 Tahoe Regional Plan Maps,
16 Regional Plan and Environmental Threshold Review
21 Permissible Uses
30 Land Coverage
31 Density
36 Design Standards
37 Height
38 Signs
52: Bonus Unit Incentive Program
66 Scenic Quality
90 Definitions
Scenic Quality Improvement Plan (SQIP)

CEQA Guidelines
The Compact
Appendix D of the Design Review Guidelines
Regional Plan Update committee meeting summaries

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 2 of 13
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Examples of information found in the various documents is listed below.

Regional Plan Update Draft EIS Page 3.9-1

The Tahoe Regional Planning Compact (Compact) provides for the development and implementation of Environmental Threshold Carrying Capacities (thresholds). In 1982, the threshold study team completed the Scenic Resource Inventory and evaluation necessary to define and establish threshold standards for preservation of scenic quality. At that time, numerical standards were established for roadway and shoreline travel routes, and roadway and shoreline scenic quality, which are based on a rating scale or numeric standard. Additionally, TRPA adopted a management standard policy statement for overall community design elements. In 1993, TRPA adopted numeric standards for designated public recreation areas and bike trails (TRPA 2007, p. 8-1). The goals of the Scenic Resources Thresholds are to:

- ☐ Maintain or improve 1982 roadway and shoreline scenic travel route ratings,
- ☐ Maintain or improve views of individual scenic resources, and
- ☐ Maintain or improve quality of views from public outdoor recreation areas.

The Compact states: (b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

Comment (1) Scenic

"will achieve" has been omitted and replaced with maintain or improve which diminishes the intent of the Compact and Resolution 82-11 (language noted below) The EIS must ensure maintenance and preservation of scenic quality – this is not demonstrated with the current language.

Regional Plan Update Draft EIS Page 3.9-1

The four thresholds for scenic resources are outlined below. The TRPA 2006 Threshold Evaluation Report found that positive trends have occurred for all four thresholds between 2001 and 2006 (TRPA 2007, Executive Summary p.12), and that three of the four thresholds, namely Scenic Quality, Public Recreation Areas and Bike Trails, and Community Design, are "at or somewhat better than target," as reported in the 2011 Threshold Evaluation (TRPA 2012).

Comment (2) Scenic

The EIS must provide quantifiable criteria for: "at or somewhat better than target" i.e measurable degrees of positive change/improvement. The use of "at or somewhat better than target" is subjective and does not accurately define threshold status.

Resolution 82-11 has specific language

11. The Environmental Threshold Carrying Capacities adopted by this resolution are to be achieved and maintained through implementation of TRPA's regional plan, may be achieved and maintained pursuant to an orderly time schedule adopted for that purpose

ATTACHMENT 1 – RESOLUTION NO. 82-11 A1-4 Public Review Draft Revised 04/25/2012 Goals and Policies

2. That the Governing Body hereby recognizes the long-term nature of the planning process established by the Compact and further recognizes that attainment and maintenance of the Environmental Threshold Carrying Capacities is a continuing process requiring establishment of time schedules by which the environmental standards will be attained, and the Governing Body intends to amend its regional plan to meet such requirements with realistic time schedules and the best available means.

ATTACHMENT 1 – RESOLUTION NO. 82-11 A1-5 Public Review Draft Revised 04/25/2012 Goals and Policies

08-115

08-116

08-117

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Travel Route Ratings –Page 3.9-2 Regional Plan Update Draft EIS

The travel route rating threshold tracks long-term, cumulative changes to views seen from major roadways in the Region within urban, transitional, and natural landscapes. It also tracks views seen from Lake Tahoe looking landward. Roadways have been divided into 54 segments or roadway travel units, each representing a continuous, two-directional viewshed exhibiting a similar visual character. Similarly, Lake Tahoe's shoreline is divided into 33 shoreline travel units. To be considered "at or better than target," all travel routes with a 1982 rating of 15.5 (roadway) or 7.5 (shoreline) or greater must maintain those 1982 scores, and all travel routes with a 1982 rating of 15 (roadway) or 7 (shoreline) or less must improve their scores until the threshold rating is reached.

To establish the travel route rating threshold, an analysis of the principal travel routes was conducted in 1982. This analysis became the baseline condition of existing resources, so that threshold levels could be tied to measurable degrees of change in resource status resulting from changes in the landscape. Threshold ratings for roadway units are based on the six aspects listed below. Items 1, 5, and 6 are used in determining the rating of shoreline travel units.

1. Human-made features along roadways and shoreline;
2. Physical distractions to driving along roadways;
3. Roadway characteristics;
4. Views of the Lake from roadways;
5. General landscape views from roadways and shoreline; and
6. Variety of scenery from roadways and shoreline.

Comment (3) Scenic

The EIS must provide analysis that determines the viewshed effected by skyline changes in the Town Centers, Regional Centers and High Density Tourist Districts. An unintended consequence will be shadow effect. The EIS must provide analysis of shadow effects on communities with increased height proposed.

Comment (4) Scenic

The EIS must provide analysis that determines the viewshed effects of skyline changes in the Town Centers, Regional Centers and High Density Tourist Districts. The cumulative effect of taller, denser buildings will permanently change the scenic landscape of a community. It's difficult to understand how height can be mitigated.

Scenic Quality Ratings Page 3.9-2 Regional Plan Update Draft EIS

The scenic quality rating threshold protects specific views of natural scenic features of Tahoe's natural landscape that can be seen from major roadways and from the Lake. To be considered "at or better than target," all 1982 scenic quality scores must be maintained. The purpose of scenic quality thresholds is to maintain or enhance existing scenic resources. Building on previous work by the Forest Service, the scenic resources in the region including views of the natural landscape and distinctive natural features were identified, mapped, described, and evaluated in 1982. They include the following:

1. Foreground, middle ground, and background views of the natural landscape from roadways;
2. Views of Lake Tahoe from roadways;
3. Views of Lake Tahoe and natural landscapes from roadway entry points into the Region;
4. Unique landscape features such as streams, beaches, and rock formations that add interest and variety, as seen from roadways;
5. Views of the shoreline, the water's edge and the foreground as seen from Lake Tahoe;
6. Views of the backdrop landscape, including the skyline, as seen from Lake Tahoe; and
7. Visual features that are points of particular visual interest on or near the shore, as seen from Lake Tahoe.

Scenic quality threshold ratings are a composite index of relative scenic quality of specific natural features in the region. As defined in the 1982 Threshold Study Report, the relative quality of each resource is rated using the following indicators: unity, vividness, variety, and intactness.

08-117
Cont'd

08-118

08-119

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 4 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Comment (5) Scenic

The EIS must provide analysis that determines the viewshed effected by skyline changes in the Town Centers, Regional Centers and High Density Tourist Districts have not degraded the scenic ratings. The cumulative effect of taller, denser buildings will permanently change the scenic landscape of a community. Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. Perhaps the most compelling incapability will be with the surrounding residential neighborhoods.

08-119
 Cont'd

Comment (6) Scenic

CEQA Guidelines 15064 (b) state: "An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area".

08-120

Comment (7) Scenic

Construction of a project utilizing the new design standards, height, etc. will dramatically impact the surrounding residential neighborhood character. Impact 3.2-1 does not analyze all the scenic changes that will come with additional height: shadow effect, community character change, visual acuity, spatial relationship of the taller buildings to the established residential component of Town Centers, Regional Centers and High Density Tourist Districts.

08-121

2011 Threshold Evaluation – Scenic Resources Page 9-23

The Threshold Standard associated with the Built Environment Indicator Reporting Category (often referred to as "Community Design") is a Policy Statement that applies to the built environment, and is not restricted to roadways or shoreline units. As stated in TRPA Resolution 82-11, "It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region." To achieve this Threshold Standard, TRPA must support efforts to adopt programs, design standards, and guidelines that address these aspects of development; site planning to preserve native vegetation, building height to limit view blockage and protrusion above the forest canopy, and architectural design guidelines related to colors, form, and materials, to ensure that development is compatible with the overall natural setting. Such programs, standards, and design principles must then be widely implemented in projects that are reviewed and approved by TRPA and local government, to improve the scenic roadway and scenic shoreline units. Progress will be made toward achieving the Community Design Threshold Standard, as more development and redevelopment projects conform to design standards and guidelines.

08-122

Comment (8) Scenic

Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. Examples: proposed excessive height, morphing of TAU size, etc.

Comment (9) Scenic

Altering scenic quality with new design standards, especially when the view of Lake Tahoe is altered, The EIS must include accurate and objective analysis of the visual impacts.

08-123

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 5 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Policy CD 2.1

B. 3) Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.

Comment (10) Scenic

The original language specified "shall be established" ensuring compliance. The EIS must provide requirements that achieve scenic quality thresholds- aesthetic is scenic. Re-instate the word shall to ensure requirements are mandatory

08-124

B. 5) Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

Comment (11) Scenic

This is new language that diminishes the ability to attain the scenic quality threshold by using the word should be consider .The EIS language must reflect "shall" to for all new construction to ensure viewsheds are protected.

08-125

Regional Plan Update Draft EIS Page 3.2-69

Alternative 3 also proposes to amend the Code to allow the development and subdivision of tourist, commercial, and multi-residential uses in Recreation Districts outside the urban area as a component of an Area Plan or other Master Plan that has been found in conformance with the Regional Plan. This amendment could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region designated as Recreation. 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 to air quality from construction, ground disturbance, and stationary and mobile source emissions; noise from new stationary and mobile sources; traffic generation; water quality from construction activities and additional impervious surfaces; and scenic effects from new structures on vacant land. Any development (1) would be required to secure allocations within the total authorized by the Governing Board, the programmatic impacts of which would have been assessed in the context of the Regional Plan; (2) would be in conformance with an approved Area Plan or Master Plan, which would have been deemed in conformance with the Regional Plan and would have been subject to environmental review and approval; and (3) would be required to undergo project-specific environmental review which, depending upon the nature and size of the project, may require TRPA approval. However, because this Code amendment and land use designation change would potentially lead to development of vacant land not currently contemplated for commercial, tourist, and multi-residential development, and such development could result in substantial project-specific environmental effects, this land use change would be potentially significant

Comment (12) Scenic

Here, the DEIS states what is self-evident, to conclude that altered views would be potentially significant. The current base-lined environment will significantly be impacted, not just vacant land not currently built upon but any project requesting height or density increases requested will alter scenic values.

08-126

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 6 of 13
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Regional Plan Update Draft EIS Page 3.9-3

Scenic quality ratings do not provide a means of evaluating urban or recreational development, but are used to ensure that development does not remove or substantially degrade individual scenic resources. The ratings are used to evaluate development only insofar as development affects natural features. This threshold is much more sensitive to change as a result of development than the travel route rating threshold, as views of resources can be blocked or significantly modified by an individual development project (TRPA 2007).

Comment (13) Scenic

Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. It is not until visual impacts are adequately addressed may the DEIS identify feasible measures to preserve the integrity of the existing views.

08-127

Regional Plan Update Draft EIS Page 3.9-3

The threshold contains three general types of scenic resources: (1) views from the recreation area or bicycle trail; (2) views of natural features within a recreation area or along a trail; and (3) visual quality of the built environment within a recreation area or adjacent to a trail. For bicycle trails, views of the Lake are also included. Threshold ratings for views from the recreation area or bicycle trail, views of natural features, and Lake views use the same criteria established for the scenic quality rating system described above. This involves ratings for unity, vividness, variety and intactness. Each of the criteria is assigned a value from one (low) to five (high). The sum of the ratings for each indicator is the threshold rating for the resource.

Comment (14) Scenic

The EIS must analysis the proposed changes to add commercial, residential and tourist accommodation units to a recreation area to ensure they will not violate existing scenic values. Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. . It is not until visual impacts are adequately addressed may the DEIS identify feasible measures to preserve the integrity of the existing views

08-128

2011 Threshold Evaluation – Scenic Resources page 9-23

The Policy Statement of the Community Design Threshold Statement is implemented in two ways. First, design standards and guidelines that are tailored to the needs and desires of individual communities have been developed and made part of their community plans and redevelopment plans. These standards are considered "substitute" standards because they replace all or portions of TRPA ordinances that regulate the same subject area. This process has been used extensively throughout the Region to provide community-specific sign standards, yet it has also addressed issues such as building height and architectural design guidelines. Placer County, Washoe County, Douglas County, and the City of South Lake Tahoe have adopted substitute standards. Secondly, the more general site planning and design principles in the *Code of Ordinances*, and design guidelines in the *Regional Plan*, are applied to individual development or redevelopment projects, and are reviewed and approved by TRPA and local governments.

Comment (15) Scenic

Code language Chapters 11, 12, 13 will pre-bias conformance allowing lowering of the bar for attainment to be achieved by Area Plan language. The EIS must list substitute standards as they too, must be analyzed. Specific height amendments have allowed projects to circumvent the existing Community Plan design standards.

08-129

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 7 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

2011 Threshold Evaluation – Scenic Resources page 9-24

The contribution of improvements to the built environment toward attainment of travel route and scenic quality ratings is clear. As of 2011, travel route ratings are, overall, at or better than their target values, and showed a trend of moderate improvement. This is evidence that actions taken by TRPA were effective at achieving the intent of the Policy Statement. Also, positive changes in the built environment, central to the evaluation of the community design threshold, are recognizable in many places in the Lake Tahoe Basin. Visual evidence that the Community Design Policy Statement is being achieved can be seen firsthand in numerous places. The most notable improvements are seen in the urban and commercial centers. The number and prevalence of development and redevelopment projects that conform to applicable design Threshold Standards and guidelines, indicates the high degree of success in achieving the Community Design Threshold Standard. As more development and redevelopment projects are implemented, the aesthetic and visual quality of the built environment will continue to improve because projects are not approved by TRPA unless project proponents can demonstrate compliance with scenic design requirements.

08-130

Comment (16) Scenic

The EIS must provide quantifiable criteria that established target values as a measurement that can be analyzed. Progress toward achievement while stating "trend of moderate improvement" is subjective. The EIS must provide quantifiable criteria showing attainment. The South Shore hole-in-the-ground is a negative impact that cancels out improvements with the Marriott and Ski Run developments. Boulder Bay and Homewood are not urban or commercial centers and improvements have not been clarified as the projects are not built so North Shore does not have recent notable improvements. The Domus affordable housing project is a negative trend toward the Community Design Threshold Standard and would violate Gateway standards that are going to be implemented. Tonopalo blocked a viewshed. Please provide specific projects that indicate success toward achieving the CD Threshold Standard.

Comment (17) Scenic

Threshold Appendix D page 3 of 3 SR-4

Community Design Built Environment

Non-attainment status 2006 and 2011

↑ trending positive

4 Based on staff's best professional judgment. Trend icon used in previous Threshold Evaluations: Positive

Trend "↑"; Negative Trend

"↓"; No Trend "="; Unknown = "Unk"

It's either attained or in non-attainment- what analysis or science quantifies trending as a measurement?

Implemented as determined by this definition

2011 Indicator Reporting Category Status Summary 5 *Status determination based on the aggregation of all indicators within an Indicator Reporting Category. This approach was used for the 2011 Threshold Evaluation solely to characterize the overall status of indicators relative to standards within an Indicator Reporting Category. Status determinations at the Indicator Reporting Category are not to be misconstrued as a status and trend determinations made for individual Threshold Standards unless only one standard exists within an Indicator Reporting Category.*

It's either attained or in non-attainment- Define implemented in the context of indicator reporting?

"Not Applicable" as determined by definition

2011 Trend 6 *Trend determination based on the aggregation of all indicators within an Indicator Reporting Category. This approach was used for the 2011 Threshold Evaluation solely to characterize the overall trends of indicators relative to standards within an Indicator Reporting Category. Trend determinations at the Indicator Reporting Category are not to be misconstrued as a trend determination made for individual Threshold Standards unless only one standard existed within an Indicator Reporting Category.*

It's either attained or in non-attainment- Define not applicable in the context of indicator reporting?

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Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 8 of 13
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Goals and Policies EIS Apdx A and Goals and Policies document- page numbers identified below.

GOAL CD-1

INSURE PRESERVATION AND ENHANCEMENT OF THE NATURAL FEATURES AND QUALITIES OF THE REGION, PROVIDE PUBLIC ACCESS TO SCENIC VIEWS, AND ENHANCE THE QUALITY OF THE BUILT ENVIRONMENT.

Comment (18) Scenic

While the title remains the same the language below was removed on January 4, 2012 ACTION Sheet (Summary Scenic Subelement 01/04/2012 Attachment A | Page 8) I did not and still do not agree the removal was a correct action by Regional Plan Update Committee –because it removes language that states how it works based on findings and natural scenic qualities – it described the relationship of goals and policies to the threshold and scenic values and has diminished them.

Deleted text: “Based on findings in the Compact and evidence presented in the environmental threshold carrying capacity study, both the natural scenic qualities of the Region and the man-made environment have suffered degradation in the past decades. It is important that both the natural environment and the built environment be brought into compliance with the established thresholds, including the thresholds and policies found in the Scenic Subelement.”

Community Design Subelement Page II-20 Public Review Draft Revised 04/25/2012

Community Design Subelement Page II-29 Public Review Draft Revised 04/25/2012 EIS Apdx A

08-132

SCENIC

Comment (19) Scenic

I do not agree with the removal of the language (underlined) as it diminishes the requirement for compliance. Impact statements 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.

Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe Region. The Region affords views of a magnificent lake setting within a forested mountainous environment. The unique combination of visual elements provides for exceptionally high aesthetic values. The Bi-State Compact declares “Maintenance of the social and economic health of the region depends on maintaining the significant scenic ...values provided by the Lake Tahoe Basin”.

The Scenic Subelement establishes Goals and Policies intended to preserve and enhance the Region's unique scenic resources by advancing the scenic threshold standards.

Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe BasinRegion. The Basin Region affords views of a magnificent lake setting within a forested mountainous environment. The unique combination of visual elements provides for exceptionally high aesthetic values. The maintenance of the Basin's scenic quality largely depends on careful regulation of the type, location, and intensity of land uses. The Compact declares “Maintenance of the social and economic health of the region depends on maintaining the significant scenic ...values provided by the Lake Tahoe Basin”. The Scenic Subelement establishes Goals and Policies intended to preserve and enhance the Region's unique scenic resources by advancing the scenic threshold standards.

Scenic Subelement IV-21 Public Review Draft Revised 04/25/2012

Scenic Subelement IV-26 Public Review Draft Revised 04/25/2012 EIS Apdx A

CHAPTER IV - CONSERVATION ELEMENT IV-25 Scenic Subelement Revised 02/29/2012 RPU committee TRPA web

08-133

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 9 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Note: The RPU Committee supported (5-1)(Nay: Shute (CA) in absentia) Scenic Goal SR-1 on January 26, 2012.

GOAL SR-1

MAINTAIN AND RESTORE THE SCENIC QUALITIES OF THE NATURAL APPEARING LANDSCAPE.

MAINTAIN AND RESTORE THE SCENIC QUALITIES OF THE NATURAL APPEARING LANDSCAPE.

As with many of the Region's natural resources, the scenic qualities of the Region are vulnerable to change. Modifying the natural scenic features of the Region is a by-product of development, but such impacts can be minimized and mitigated. A coordinated effort that incorporates architectural design and location considerations in plan development and the project review process is a useful means for promoting scenic and aesthetic values. Policies to achieve this goal are consistent with the adopted environmental thresholds..

Comment (20) Scenic

I do not agree with the changed language as it diminishes the requirement for compliance. Impact statements 3-2.1 and 3.2-2 do not adequately analyze to 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. Minimized and mitigated are subjective.

08-134

Original language

As with many of the Region's natural resources, the scenic qualities of the Basin are vulnerable to change. Modifying the natural scenic features of the Basin is a by-product of development, but such impacts need not be devastating. A coordinated effort that incorporates architectural design and location considerations in the project review process is a useful means for promoting scenic and aesthetic values. Policies to achieve this goal are consistent with the adopted environmental thresholds

CHAPTER IV - CONSERVATION ELEMENT IV-25 and IV 26 Scenic Subelement Revised 02/29/2012

Scenic Subelement IV-21 Public Review Draft Revised 04/25/2012

Scenic Subelement IV-27 Public Review Draft Revised 04/25/2012 EIS Apdx A

SR- 1.1 ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKEPATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.

Comment (21) Scenic

Language was changed. I do not agree with the removal of the language (underlined) as it diminishes the requirement for compliance. With the removal of the language to EIS analysis has not included the necessary remedial criteria to appropriately study the details of the 1983 Scenic analysis of recreation areas. Impact 3.2-2 in the Land Use section does not analyze scenic impacts for additional proposed uses: tourist accommodation, commercial, residential which all can apply for additional height.

08-135

Original language

The impact of development on the landscape views and scenic qualities of the Tahoe Region should be considered as part of the project review process. Conditions should be placed on project approval in a manner capable of mitigating any likely impacts. Impacts shall be evaluated against specific management directions provided for each identified landscape view. Management and remedial criteria for each roadway and shoreline unit shall be updated through appropriate studies so they are consistent with the format and detail of the 1983 scenic analysis of the recreation areas. in the Lake Tahoe Basin Scenic Resource Evaluation, 1983, Wagstaff and Brady. In addition, the Scenic Quality Improvement Program (SQIP, adopted September, 1989) and *Design Review Guidelines for Scenic Quality (September, 1989)* are to provide direction for the design, review, and implementation of projects reviewed from identified roadways, bikepaths, public recreation areas, and Lake Tahoe.

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 10 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

SR-1.1. ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKEPATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.

New language

The impact of development on the landscape views and scenic qualities of the Tahoe Region should be considered as part of the project review process. Conditions should be placed on project approval in a manner capable of mitigating any likely impacts. Impacts shall be evaluated against specific management directions provided for each identified landscape view in the *Lake Tahoe Basin Scenic Resource Evaluation, 1983, Wagstaff and Brady*. In addition, the *Scenic Quality Improvement Program (SQIP, adopted September, 1989)* and *Design Review Guidelines for Scenic Quality (September, 1989)* are to provide direction for the design, review, and implementation of projects reviewed from identified roadways, bikepaths, public recreation areas, and Lake Tahoe.

Scenic Subelement pg IV-21 Public Review Draft Revised 04/25/2012

Scenic Subelement IV-27 Public Review Draft Revised 04/25/2012 EIS Apdx A

CHAPTER IV - CONSERVATION ELEMENT IV-26 Scenic Subelement Revised 02/29/2012 RPU committee TRPA web

Comment (22) Scenic

Conditions shall be placed on project approval if you expect compliance. Provide quantifiable criteria how mitigation can improve a scenic value.

Impacts shall not violate specific management directions....

Quantifiable criteria for evaluation methods must be identified for landscape view to ensure no further degradation of the scenic values occur.

08-136

Comment (23) Scenic

The EIS must provide visual simulations for the proposed height increases in Town Centers, Regional Centers, High Density Tourist Districts as well as in Conservation and Residential Lands rezoned to Recreation that are proposing new uses. The simulations must be analyzed and must include shadow analysis to ensure the scenic thresholds are not degraded.

08-137

Comment (24) Scenic

The following are Code related scenic requirements and references as a roadmap for understanding scenic requirements.

37.5.2 Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings

C. Additional Building Height for Public Service and Certain Recreation Buildings That Are Not Visible From Lake Tahoe and That Are Not Located Within or Are Not Visible From Designated Scenic Highway Corridors

The maximum building heights specified in Table 37.4.1-1 may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA-designated scenic highway corridor pursuant to Chapter 67: *Historic Resource Protection*, provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Chapter 67. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 37-6

08-138

D. Additional Building Height for Certain Recreation Buildings Within Adopted Ski Area Master Plans

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are identified in an adopted ski area master plan, are not visible from Lake Tahoe, are not located within or visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. Additional height shall be calculated as follows: . Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 37-6

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 11 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

37.7 Findings for Additional Building Height

37.7.9. 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. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 37-14

37.7.11. Finding 11 (Specification of Special Height Districts in Adopted Redevelopment Plans)

Special height districts may be specified in adopted redevelopment plans if TRPA makes the following findings:

D. The special height district is consistent with Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.
 Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 37-14

52.3 Multi-Residential Incentive Program 52.3.4 Affordable and Moderate-Income Housing

52.3.5. Residential Bonus Unit Substitution

Residential bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to subsection 50.9.6 on a unit-for-unit basis, provided that the following conditions are met:

A. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path; Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 52-4

Comment (25) Scenic

Note- Chapter 36 of the Code must add Chapter 66 as reference as Scenic Quality Standards used to be part of the Design Standard Chapter- it is now a stand alone Chapter called Scenic Quality Standards Chapter 66 and not currently called out.

08-139

66.1. Scenic Quality Standards

66.1.1. Purpose

The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

66.1.2. Applicability

All projects shall comply with the standards of this section.

66.1.3. Roadway and Shoreline Unit Scenic Quality

The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8, and 13-9 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the referenced study report shall be used to determine if a project will cause a decrease in the numerical rating.

66.1.4. Roadway and Shoreline Unit Travel Routes

The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating travel routes as identified in the referenced study report and as further explained in the report entitled *A Scenic Analysis of Principle Travel Routes In The Lake Tahoe Region*, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 66.3 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 66-1

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 12 of 13
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
 Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

CHAPTER 1: INTRODUCTION TO CODE OF ORDINANCES

1.4 Land Use Documents Supporting the Code of Ordinances

1.4.3. Environmental Threshold Carrying Capacities

Article V(b) of the Compact requires TRPA to adopt environmental threshold carrying capacities for the Tahoe region. Article II (i) of the Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Thresholds are required to address matters such as air quality, water quality, soil conservation, vegetation preservation, and noise. After preparation and review of a study report for establishment of environmental thresholds, as well as an environmental impact statement, the TRPA Governing Board enacted Resolution No. 82-11 on August 26, 1982, adopting environmental threshold carrying capacities for the Tahoe Region. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 1-6

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 2-12

2. Structural Modifications

Structural modifications to existing structures required to comply with local building department and/or International Building Code (IBC) standards, provided:

- ii) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 2-14

CHAPTER 10: TRPA REGIONAL PLAN MAPS

H. Scenic Units Overlay

The scenic units overlay maps indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 10-2

CHAPTER 11 PLAN AREA STATEMENTS and PLAN AREA MAPS,

11.6 Content of Plan Area Statements

C. Scenic Restoration Areas

The scenic restoration area designation indicates one or more highway units or shoreline units in the plan area that are not in compliance with the Scenic Threshold rating and that this area is therefore subject to the scenic quality provisions of Chapter 66: *Scenic Quality*. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 11-5

CHAPTER 12 COMMUNITY PLANS

12.7 Community Plan Process

B. Complete the assessment of environmental opportunities and limitations. This shall include the establishment of baseline information about the location, amount, and condition of all threshold-related elements applicable to the community plan. At a minimum, this also shall include:

1. Stream environment zones;
2. Fish habitat;
3. Coverage (hard, soft, and potential);
4. Scenic resources;
5. Traffic level of service;
6. Vehicle miles travelled;

08-139

Cont'd

Comment on EIS Scenic 3.9 FOTV add'l comment Attachment E June 28 2012 13 of 13
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

- 7. Outdoor recreation facilities;
- 8. Tributary and littoral water quality;
- 9. Air quality;
- 10. Visibility; and
- 11. Noise;

CHAPTER 13 AREA PLANS,
13.6 Conformity Review Procedures for Area Plans
13.6.1 Initiation of Area Planning Process by Lead Agency
6. Signing

- a. Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 13-8

CHAPTER 36 Design Standards
36.4 Scenic Quality Improvement Program
36.4. SCENIC QUALITY IMPROVEMENT PROGRAM

- Additional design guidelines applicable to specific areas shall be set forth in a document called the Scenic Quality Improvement Program. Provisions of that program shall be required by TRPA, as appropriate, as conditions of project approval.

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 36-2

36.5.4. Setback Standards

The setback standards shall be:

- A. For parcels abutting roadways rated in TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet.

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 36-3

36.6. BUILDING DESIGN STANDARDS

36.6.1. General Standards

C. Color of Structures

- 1. For all structures visible from the Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, subdued colors of earthtone ranges shall be used for the primary color of structures.

Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 36-4

- 4. TRPA may grant exceptions to this provision pursuant to Section 67.7, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in subparagraph 83.11.1. Structures in the shoreland that were constructed prior to January 1, 1950, may maintain their historic colors when doing exempt maintenance and repair. Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 36-5

08-139
Cont'd

FOTV add'l comment EIS 5.0 Mandated Sections Attachment F June 28, 2012 page 1 of 3
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

Tahoe Regional Planning Agency PO Box 5310 Stateline, Nv 89448
 Attn: Adam Lewandowski, Senior Planner

e-mail regionalplancomments@trpa.org

RE: Comments on the Draft Environmental Impact Statement for the Regional Plan Update

Dear Mr. Lewandowski and TRPA Staff

While none of the alternatives would substantially change the basic, existing Regional land use pattern (i.e., concentration of development in Community Plan areas and largely unchanged land use classifications), each would allow for some new development, redevelopment, and restoration. Therefore, energy would be expended in the form of gasoline, diesel fuel, and oil for vehicles equipment in support of construction and operation. Construction activities and demolition of existing facilities would generate non-recyclable materials, such as solid waste and construction debris. Electricity and natural gas would be expended for the construction and operation of future commercial, residential, and tourist uses and facilities. This would include irreversible changes associated with excavation, grading, and construction activities and would affect air quality, coverage, and water quality. These changes would be addressed through project-specific review and environmental analysis and implementation of site-specific mitigation measures; however, the potential for disturbance would represent an irreversible change. In addition, construction activities would entail the use of concrete, glass, plastic, and petroleum products, as well as an increase in energy consumption, which would be irreversible and irretrievable upon expenditure. Regional Plan Update Draft EIS 5-3

Comment (1) Mandated Sections

The development and redevelopment of areas designated Town Centers, Regional Centers and High Density Tourist Districts (example: Kings Beach) will significantly change the current community center character with proposed TDR incentives allowing more compact development than exists today. Along with TDR incentives, greater height, bulk and massing will be allowed and additional uses to area designations that currently do not exist, will also substantially change community center character (example: Van Sickle State Park conservation designation to recreation.) Area Plans will be allowed to supersede the Regional Plan guidelines provided the Area Plan is found in conformance with the Regional Plan – yet no Conformance Review criteria/checklist is provided for comment.

The EIS language does not accurately describe the existing baseline and how it will be changed nor does it analyze the baseline. The language does accurately represent the overarching theme of “irreversible change.”

08-140

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 conform to existing conditions. Alternative 4 would reclassify the Douglas County Dumpsite from conservation land to a special district, which would not change the intensity of existing uses at the site. However, Alternatives 3 and 5 also propose reclassification of land uses (250 acres adjacent to the High Density Tourist District in Alternative 3, boundary revision of PAS 087 in Alternative 5) that could result in development of vacant lands not currently contemplated for such land uses.

These reclassifications could be growth inducing.

Comment (2) Mandated Sections

This is intuitively opposite of what will occur with new uses of development in recreation (residential, accessory, tourist accommodations, etc.) and will INCREASE intensity that does not exist today.

The EIS language does not accurately describe the existing baseline and how it will be changed nor does it analyze the baseline.

The EIS accurately states “could be growth inducing” thus increasing intensity reducing intensity

08-141

FOTV add'l comment EIS 5.0 Mandated Sections Attachment F June 28, 2012 page 1 of 3
 Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

In conclusion, implementation 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. TRPA-Mandated Sections Ascent Environmental Page 5-6 Regional Plan Update Draft EIS

Comment (3) mandated Sections

The Goals and Policies eliminated the requirement to provide time schedules diminishing the ability to achieve and maintain the thresholds as prescribed by the Compact. The EIS must incorporate the Goals and Policies, the Code and Threshold Evaluation to accurately reflect the adequacy or inadequacy of the technical content of the EIS. These documents must not be stand alone as they all incorporate different combinations of incentives, criteria, revisions, evaluation that ultimately determine impact and mitigation requirements to attain and maintain the thresholds.

08-142

5.5 GROWTH-INDUCING IMPACTS

Because the Region is nearing a build-out condition (approximately 90 percent of privately-owned parcels in the Region have been developed), the amount of growth attributable to new development under any Regional Plan Update alternative would be limited by the small proportion of undeveloped parcels in the Region that remain available for development and the growth management regulations that remain in effect under all alternatives. Regional Plan Update Draft EIS 5-5

Comment (4) Mandated Sections

The amount of growth attributable to new development would be a limited by the small portion of undeveloped lots. This is misleading and implies that no growth will occur with the increased densities proposed in Town Centers, Regional Centers, High Density Tourist Districts, potential expansion beyond the urban boundary and changes of use proposed for the land use designation of Recreation.

08-143

Much of the remaining undeveloped land that can support new development consists of residential parcels. Regional Plan Update Draft EIS 5-5

Comment (5) Mandated Sections

The PTOD proposed requirements are mandated a minimum density of 8 units per acre for those areas designated PTOD. This is a 50% increase in some community plans thus inducing growth.

08-144

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 conform to existing conditions.

Alternative 4 would reclassify the Douglas County Dumpsite from conservation land to a special district, which would not change the intensity of existing uses at the site. However, Alternatives 3 and 5 also propose reclassification of land uses (250 acres adjacent to the High Density Tourist District in Alternative 3, boundary revision of PAS 087 in Alternative 5) that could result in development of vacant lands not currently contemplated for such land uses. These reclassifications could be growth inducing.

5-6 Regional Plan Update Draft EIS

Comment (6) Mandated Sections

As previously commented – these requested changes are not minor and are growth inducing by adding additional uses of residential, tourist accommodation units, etc

08-145

FOTV add'l comment EIS 5.0 Mandated Sections Attachment F June 28, 2012 page 1 of 3
Re: Tahoe Regional Planning Agency's Regional Plan Update's Draft Environmental Impact
Statement (California SCH# 2007092027; Nevada SCH# E2008-124).

In conclusion, implementation 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. 5-6 Regional Plan Update Draft EIS

Comment (7) Mandated Sections

The intent of the Compact is;

ARTICLE I (b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

The EIS has not provided sufficient analysis that the proposed increased development in Town Centers & High Density Tourist Districts, TDR incentives , morphing of TAU's, future transportation system implementation, land uses changes within the Recreation designation, additional residential, tourist and commercial floor area allocation, Area Plan implantation, etc. or any combination of these in the alternatives will achieve and maintain the environmental threshold carrying capacities.

The EIS is legally inadequate and must be re-circulated with updated analysis as provided by this commenter in several documents from Friends of Tahoe Vista and the acknowledged comment documents from Tahoe Area Sierra Club, North Tahoe Preservation Alliance, Friends of West Shore, League to Save Take Tahoe, North Tahoe Citizens Alliance, Friends of Crystal Bay/Brockway, and Friends of Lake Tahoe.

08-146

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09

Ellie Waller**Friends of Tahoe Vista**

5.23.12

Ellie Waller, Friends of the Tahoe Vista said that she has concerns about the land use map iterations that were presented to the Regional Plan Update Committee. The first map came out October 25 and there was various changes requested of some of the conversation lands to recreation. In the April 25 Governing Board presentation information packet it says partial rezoning should be done community by community as part of the community planning process. Why have we singled out these reclassifications for VanSickle, Douglas County Dump Site, and a minor boundary change for Heavenly Valley? In the land use section of the EIS 3.2, land use classifications, the alternatives 2, 3, 4 and 5 will be implementing changes and I will read the specific ones. Alternative 3 will change 250 acres of private land adjacent to the proposed high density tourist district from conservation to recreation. Alternative 4 would re-designate Douglas County Dump Site from conservation land to a special district which is a new land designation in the transect zoning system. Alternative 5 would revise boundaries of plan area statement 087, 080,095 and 085 and this would result in reclassification of 1300 acres of conservation land and 22 acres of residential land all owned by the US Forest Service to recreation. Will all these proposed alternatives be changed in Alternative 3 to make the conceptual land use map consistent with the map? These amendments do not analyze anything, they just change land use classifications to allow future projects that benefits other rezoning without the plan area statement amendment process. Then there is a mitigation that goes along with that in Alternative 3, revise requirements for development in the recreation district. TRPA will allow development involving commercial uses, residential uses, tourist accommodation uses and/or subdivision in recreation provided it is done in an area plan or master plan update. It doesn't matter that it is going to happen after the Regional Plan and those kinds of development rights can induce growth and the way the language is written by adding new land uses to recreation designations, there are unintended consequences of inducing that growth. Once the Regional Plan is done deal, no comprehensive analysis will be required, just stating consistency with the existing plan recreation uses, plan area statement strategies and permissible uses, isn't analyzing impact. I can't find quantifiable criteria or analysis for the aforementioned reclassifications. If these proposed re-designations become part of the Regional Plan amendment package, it will pre-bias conformation review process for the area plan and master plan updates. Recreation is currently defined in Chapters 11 & 90 of the Code, Recreation areas are non-urban areas with good potential for developed outdoor recreation, park uses or concentrated park recreation. Additional land uses to this designation have not been spelled out in the Code. If you are going to add the ability to do commercial, residential, tourist, etc. it should be defined in the new recreation definition. These reclassifications should not be adopted as part of this Regional Plan amendment package and should be required to follow Chapter 10.4 procedure for map amendment, Chapter 11.8 plan area statement or plan area map amendments. Both state that this is pursuant to the Rules of Procedure through amendments or resolutions. These amendments safeguard land use changes to ensure proper environmental analysis is completed. If the Board wishes, I have those amendments and she can read those in. I have already submitted this to the proper staff.

09-1

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June 7, 2012

Via E-mail

Norma Santiago, Chair
Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
128 Market Street
P.O. Box 5310
Stateline, NV 89449
norma.santiago@edcgov.us
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Alexander Leff, Conservation Director
Friends of the West Shore
PO Box 552
Homewood, CA 96141
alex@friendswestshore.org

Re: Request for Significant Missing "Insert" or "Close-Up" Maps to be Included in the Draft Environmental Impact Statement and Extension of Regional Plan Update Comment Period

Dear Chairperson Santiago and Ms. Marchetta:

Pursuant to the Tahoe Regional Compact Article VII(a)(4), Friends of the West Shore hereby respectfully requests the Tahoe Regional Planning Agency (hereinafter "TRPA") publish specific missing "insert" or "close-up" maps in the Regional Plan Update's Draft Environmental Impact Statement (hereinafter "DEIS") and re-solicit public comment on the complete DEIS for an additional sixty (60) days. Compact Art. VII(b).

Friends of the West Shore (hereinafter "FOWS") and other concerned groups and citizenry have uncovered numerous and significant missing documents from the DEIS that fundamentally obstructs the public's ability to adequately assess the Regional Plan and its required project alternatives for environmental impacts and environmental threshold carrying capacity achievement and maintenance. Compact Art. VII(a)(2)(C). Specifically, these documents include ten (10) "inserts" or "close-ups" of Land Use Plans of Community Centers under Alternatives 1 and 5 that permit detailed analysis of controversial land-use topics.

010-1

PO Box 552, Homewood, CA 96141 Phone: 516.567.7072 www.FriendsWestShore.org

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TRPA's fundamental mandate under the Compact is to "achieve and maintain" environmental threshold carrying capacities and to implement a Regional Plan that achieves and maintains those environmental threshold standards. Yet, the Compact's prerequisite that TRPA draft a comprehensive environmental impact statement also inheres the public with an explicit duty to ensure a proposed Regional Plan and its project alternatives achieve and maintain the environmental thresholds. Compact Art. VII(b) ("The public *shall* be consulted during the environmental impact statement process and views *shall* be solicited during a public comment period . . .") (emphasis added).

There is simply no reasonable way the public, not to mention the agency itself, can adequately determine whether the proposed Regional Plan and its project alternatives comply with the Compact's fundamental mandate if significant documents are missing from the DEIS and are not made publicly available through other means. Although Compact Art. VII(c) states "[a]ny environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public..." the documents missing from the DEIS are neither a matter of public record nor generally available to the public. The documents in question have simply never been created in a format of similar scale, size, and color, which would allow the public to compare land use impacts among the various alternatives.

FOWS was informed that when Ms. Jennifer Quashnick contacted TRPA to locate the aforesaid documents, TRPA referred her to the lengthy list of Community Plans and Plan Area Statements online. Upon careful review of those documents, Ms. Quashnick and FOWS found no maps with any semblance of comparability to "inserts" or "close-ups" of Land Use Plan maps provided for in Alternatives 2, 3 and 4.

TRPA staff claims the DEIS did not include "insert" maps for Community Centers in the DEIS' analysis of Alternatives 1 and 5 because Alternatives 1 and 5 did not propose "any changes to land use designations and planning processes in community centers." However, there are several assumptive problems with this claim. First, as noted above, in order for the public to evaluate the differences among the alternatives, maps need to be provided that are of the same scale, format, and color. Second, with regard to staff's response, it is unclear what is defined as a "Community Center" in each alternative. Although FOWS is still reviewing the over 3,000 pages of documents, we have only seen this defined for Alternative 3. Finally, an admittedly problematic comparison of the high-level regional maps actually provided for in the descriptions of Alternatives 1 and 5 to the almost incomprehensible maps intimated to by TRPA staff in the Community Plans and Plan Area Statements reveals, what appear to be, substantial differences in the colored land use designations. See DEIS Chapter 2, Exhibits 2-4 & 2-25. Examples include the following:

- On the southern end of the Basin, the Recreation designation located near the vicinity of South Stateline and the Heavenly California Base is larger in Alternative 5 than exhibited in the high-level map for Alternative 1;

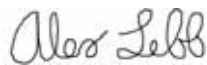
- On the West Shore, Alternative 5 shows an entirely new Recreation designation located roughly northwest of Homewood as well as more land with the Recreation Land Use designation (and less with the Conservation designation) south of State Route 89 near Tahoe City;
- There appears to be more Recreation and less Conservation lands roughly east of Incline Village in Alternative 5 as compared to Alternative 1; and
- Differences exist in the Land Use Designations in the vicinity of Glenbrook and Spooner Summit in Alternative 5 when compared to Alternative 1.

Furthermore, although FOWS does not believe TRPA untrustworthy, public commenters have an implicit duty under the Compact to exercise a degree of skepticism in dealing with potentially self-serving statements found throughout the DEIS. Therefore, it is not enough for FOWS, or the public at large, to simply “take TRPA’s word for it.” Rather, public commenters must be able to independently confirm or deny central premises of TRPA’s DEIS through analysis of documents located in the DEIS itself, or made obtainable in other publicly available records during the entire DEIS comment period.

FOWS therefore respectfully requests TRPA publish the Alternative 1 and 5 “inserts” or “close-ups” of the same Community Centers shown in maps for Alternatives 2, 3, and 4. Because TRPA did not make those documents available for the public to analyze in the DEIS on April 27, 2012, the date of the DEIS’ publication, TRPA must extend the comment period 60 days as required by Compact Art. VII(b) and TRPA’s Rules of Procedure § 6.13.2.

Thank you for considering this request.

Sincerely,



Alexander Leff, Conservation Director
Friends of the West Shore

Cc (via email): TRPA Governing Board Members
Susan Gearhart
Judith Tornese
Jennifer Quashnick

010-1
Cont'd

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From: alexander.leff@gmail.com on behalf of [Alexander Leff](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); ronslaven@hotmail.com; [Claire Fortier](#); [Nancy McDermid](#); jreid@bhfs.com; [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Subject: Extension of Regional Plan Review
Date: Sunday, May 13, 2012 8:49:30 AM

To the TRPA Governing Board:

In the interests of fundamental fairness, the Regional Plan is too complex to be reviewed by both you and the public in only 60 days. Please consider granting an extension of at least an additional 90 days for comprehensive substantive review to take place.

Sincerely,

Alexander Leff, Esq.
Conservation Director, Friends of the West Shore

011-1

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012

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May 25, 2012

Via E-mail – Hard Copy to Follow

Norma Santiago, Chair
Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
128 Market Street
P.O. Box 5310
Stateline, NV 89449
norma.santiago@edcgov.us
jmarchetta@trpa.org

MAY 30 2012

Re: Request for Extension of Regional Plan Update Comment Period

Dear Chairperson Santiago and Ms. Marchetta:

Friends of the West Shore hereby respectfully requests, pursuant to TRPA Rules of Procedure § 6.13.5, an extension of 30-days for the public to review and provide comments on TRPA's proposed amendments to the Regional Plan, the Transportation Plan, the Codes and Ordinances and the accompanying draft environmental impact statement.

Friends of the West Shore, along with numerous other organizations dedicated to the health and well-being of Lake Tahoe and its surrounding communities, as well as thousands of part-time and full-time residents, have now been tackling the daunting task of reviewing and preparing comments on the proposed comprehensive changes to almost every foundational document governing the region – the Regional Plan, the Transportation Plan, the Code of Ordinances, and a 780-page draft Environmental Impact Statement, as well as a number of critical, large documents in support of the changes. Having worked diligently on reviewing the documents and supporting references for the last 30 days, it is apparent that good cause exists for TRPA to allow some additional time that is necessary to prepare thoughtful and complete comments on the proposed changes.

012-1

As TRPA's board and staff are fully aware, many of the changes are extensive, complicated and technical. For many of the issues, Friends must enlist the assistance of knowledgeable consultants to help the group and its members correctly understand the many proposals and their impacts. Although 60-days is the minimum comment period required by the TRPA Compact and normally is a sufficient amount of time to comment, it is fair to say that the Regional Plan Update proposals are some of the most significant and extensive changes and documents ever to be presented to the TRPA Board and public. An additional 30-days for the public to comment on the numerous documents and changes is entirely proportionate to the number and density of documents the public is being asked to review. Indeed, the sole document referenced by the EIS in its economic analysis – a report prepared by Bay Area Economics – was

Tahoe Regional Planning Agency
May 25, 2012
Page 2 of 3

not available for review until mid-May, approximately 15 days into the comment period. Friends of the West Shore and others obviously needed access to that report in order to evaluate the EIS's cost-benefit assertions. A modest extension of time will better assure that Friends of the West Shore and others – from all ranges of opinions – will provide the most informed, thoughtful and substantive comments with the best chance of meaningfully informing the Governing Board's deliberations.

Given that any changes adopted by TRPA likely will endure for a generation, and the current process is perhaps the only opportunity a generation of Tahoe residents will have to provide input on TRPA's fundamental strategy to achieve the environmental thresholds and Tahoe Regional Compact's goals, it is imperative that the TRPA Board provide the community ample time to understand the proposal and prepare thorough comments. Neither Friends of the West Shore nor any other groups or interested residents are responsible for the current timing of the Regional Plan Update. Although it is certainly understandable that TRPA is eager to complete the update as soon as possible, the agency should be sensitive to placing undue pressure on or otherwise penalizing residents and their participation efforts because of years worth of delays that were not caused or contributed to by the residents. To the extent TRPA's actions may prove controversial to a large portion of the Tahoe community, that fact also counsels in favor of a modest extension of time to prepare comments and, in the end, help reassure those members of the public who may disagree with TRPA's decision that at least the Governing Board carefully considered all of the objections and had the best substantive comments at its disposal.

With the exception perhaps of an apparent anxiety to complete the long-delayed process, there do not appear to be any substantive reasons that outweigh the wisdom and duty of TRPA making sure that the public has the time realistically necessary to digest and comment on the numerous proposals and documents. The State of Nevada has not set, nor should it be allowed to unilaterally dictate, a deadline of December 2012. Whether the Governing Board makes decisions in December 2012 or January or February 2013 would seem to be of little substantive importance. Similarly, if necessitated by an extension of the comment period, TRPA should be able to extend a final decision schedule in order to accommodate holiday vacations between Christmas and New Years. Friends of the West Shore is certainly respectful of the Governing Board's and staff's time. Friends only asks that the Governing Board and staff provide the same consideration to Friends' members and other Tahoe area residents who have equally busy lives and obligations over the next month. Unlike the Governing Board and staff, Friends and most residents do not work for the agency, the local cities, counties, or other interested parties and have not necessarily been involved in the day-to-day evolution of the various proposals.

Lastly, certain likely commenters have been appointed to a negotiating team for the States and TRPA to address specific non-unanimous issues. In effect, this means that certain non-TRPA individuals have already been provided an additional month to submit comment and indeed negotiate on those key issues. Extending the remaining members of the community 30 more days to comment would allow them the same time to address those and other concerns and perhaps any recommendations made by the negotiating teams at the July 25th TRPA Governing Board meeting.

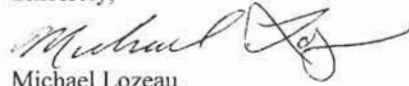
Hence, some additional time to comment is warranted and good cause exists for extending the comment period by 30-days.

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Cont'd

Tahoe Regional Planning Agency
May 25, 2012
Page 3 of 3

Thank you for considering this request.

Sincerely,



Michael Lozeau
Lozeau Drury LLP

cc (via e-mail): TRPA Governing Board members
Susan Gearhart
Judi Tornese
Alexander Leff

012-1
Cont'd

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013**Alex Leff****Friends of the West Shore**

5.23.12

Alex Leff, Friends of the West Shore and we are comprehensively reading and analyzing the draft Regional Plan Environmental Impact Statement and attended documents. At this time we would like to principally on three issues: 1) this Governing Board must adopt a regional plan that will achieve and maintain the promulgated environmental Thresholds, achieving and maintain these promulgated environmental Thresholds is the linchpin upon preserving Lake Tahoe now and in the future is based. Therefore each and every decision this Board makes must be in furtherance of that goal. 2) The countless land use planning exceptions in the Regional Plan Update effectively prohibits prospective calculation of permitted development and removes any teeth from the documents which may have increased the amount of conservation around the Tahoe Basin. Furthermore, the sheer amount of exceptions is poor planning, poor policy and ferments ambiguity. Finally, frequent monitoring of whether promulgated Thresholds have been achieved and/or are being maintained is essential to ensuring compliance with the Compact. This Board must insure that the Regional Plan incorporates frequent and significant scientific monitoring requirements that disclose whether the goals and policies implemented to achieve and maintain the promulgated environmental Thresholds will be maintained. After reviewing the documents thus far, Friends of the West Shore would like to revisit the idea of this Board granting an extension on the comment period. For example, the BAE economic analysis, which is the basis for the proposed Regional Plan's incentive based redevelopment program was released approximately 15 days after the release of DEIS. This is just one of several examples that justify this Board granting an extension to ensure that the public may comprehensively review these lengthy and complex documents. Friends of the West Shore appreciate the opportunity the comment on the Regional Plan Update and we are looking forward to working with this Board, the TRPA staff and Tahoe Basin stakeholders throughout this process. We look forward to submitting comprehensive comments on the DEIS and thank you for your consideration.

013-1

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014

Jennifer Quashnick
Friends of the West Shore

6.28.2012

Jennifer Quashnick, Friends of the West Shore said we appreciate the time that TRPA staff has put into these documents, but unfortunately the documents fail to serve the purpose intended to evaluate the state of Tahoe's environment and the impacts to future proposals. First I would like to tell you a little more about my background. I hope a Masters in Environmental Science and Health from University Nevada Reno. I worked as TRPA's Air Quality and Noise Program Manager from 2001-2005 and after a year in Colorado I returned to Lake Tahoe and have since worked on environmental science and planning issues for several conservation organizations focused on protecting Lake Tahoe. That said I spent the last 60 days intently reviewing the Draft Threshold Report and environmental impact documents and coordinating with other members of the conservation community.

014-1

Although we will submit our detailed written comments by the end of the day, I would like to take this opportunity to focus on some of the bigger concerns we have. First the change in methodology used in the Threshold Evaluation is inappropriate, serves to diminish the value of the Environmental Thresholds. Statistics and carefully selected data sets appear manipulated to support favorable conclusions which in turn support the RPU alternatives and especially Alternative 3. For example, we have seen worsening air quality in the Basin since 2006, however through these misleading trend lines and careful wording, this most recent pattern is discounted and the conclusion presented is the air quality is still improving.

014-2

Second, the RPU and RTP documents fall far short of adequately analyzing environmental impacts, instead they appear to either grasp for straws at whatever references were most supportive or obscure or put off the analysis to the locals and area plans for future projects, but this fails to do the very thing TRPA was created to do, regional planning for the Lake Tahoe Basin. The alternatives fail to analyze other options that have been discussed over the last several years even though TRPA assured the public that there would be evaluated. This becomes very obvious when one examines the 2010 fact sheets from board meetings and compares them to the current alternatives.

014-3

So moving on to one of my favorite subjects, air quality although 15 years ago we may have had some bragging rights about improving air quality in the Basin, it is now getting worse. We are exceeding health based standards and our ozone levels are damaging our already fragile forest. But the documents paint a very nice picture while neglecting some of the most important sources of pollution. They also appear to ignore emission for the Nevada side of the Basin. With regard to the air quality standards, California residents are currently provided are afforded more protection than Nevada residents. Although for years we have talked about updating Thresholds to protect the Basin equally, this isn't included in any alternative. And so far as I know, we haven't yet invented large fans that we can place along the state lines to keep air masses to crossing the legal boundaries. And we still have those pesky inversions that make emissions in the Basin stick around a lot longer than other places. Therefore rely on state-wide evaluations simply does not suffice. Even as air quality trends worsen, VMT has gone down but primarily as a result of the economy and high gas prices. This happened everywhere, not just in Tahoe. But what it means is that even if we added nothing more to the Basin, VMT will eventually go back up.

014-4

The Regional Plan needs to consider these impacts before adding even more development and people to the Basin. Although we are supposed to be looking at ways to reduce greenhouse gas emissions, all alternatives increase greenhouse gas emissions. Further it appears that the plans are favoring one approach to meet the California law over achievement of the Environmental Thresholds. The Compact supersedes state law period. We need to reduce our greenhouse gas emissions while achieving TRPA Thresholds not instead of meeting them.

The other subject I would like to touch on is why do we live and visit Lake Tahoe. I have been coming here all my life and like many people I know we have left for other opportunities only to return and do what we can to stay. We live here to be in the mountains, to have nature just outside our door. We go for walks in the forest just a few hundred feet from our front doors and we prefer to spend more time outside than inside. The point is residents and visitors come to the Basin to get away from urbanization, therefore the concept that we will add more people and more urbanization to the Basin will only further to degrade the very environment and the very community that we have all come here to appreciate.

014-5

Finally there has been much discussion around trying to make Tahoe into a “Health and Wellness Mecca” by adding health centers and spas. But Tahoe already is a health and wellness mecca, just spend some time outdoors. A gym or spa can built anywhere, but our Basin can’t and once it is gone, it is gone. But unlike the environment, the economy will turn around. Anything we do from this point forward needs to be based on science, on what we know and what we don’t know or we will miss our last chance to protect this unique national treasure. I urge you to carefully consider our written comments, which we will provide by the end of the day and I thank you for your time.

014-5
Cont'd

015

June 27, 2012

Norma Santiago, Chair
Tahoe Regional Planning Agency Governing Board
P.O. Box 5410
Stateline, NV 89449

Re: Regional Plan Update and Environmental Impact Statement Review

Dear Ms. Santiago and Governing Board;

Thank you for the opportunity to provide comments to the Governing Board (Board) regarding the on-going Regional Plan Update (RPU), and the Draft Environmental Impact Statement (EIS). As a local resident and President of Lake Tahoe Community College District I sincerely appreciate the time and effort the Board has taken to ensure the community understands and has the opportunity to comment on the RPU and EIS.

Having moved to this community a year ago, I have been encouraged by the changes proposed for environmental redevelopment. After the many years of decline in the public and private infrastructure, the sense of optimism in the business, environmental, and local community for the RPU and EIS is evident. The Lake Tahoe area has such a profound potential for becoming the world class destination that integrates the environment with the economic sustainability of the community.

In reviewing the RPU, Alternative 3 appears to represent the best approach that integrates environmental restoration with community revitalization. The following are important points that will ensure Lake Tahoe's movement toward that world class destination community:

- Streamlining project review and permitting processes
- Watershed-based approaches and area-wide plans rather than "parcel by parcel"
- Regional focus through taking backyard planning and moving it to local governments
- Flexibility to address unique local conditions
- Transferring development rights from sensitive and outlying areas to existing designated "town centers"
- Exemptions for small structures

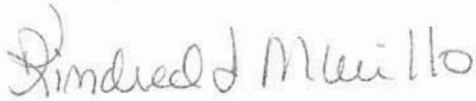
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015-1

The Tahoe Basin is a very special environment which deserves thoughtful; regionalized; integrated; and coordinated planning. As the Chief Executive Officer of Lake Tahoe Community College and an active member of our community, I support the concept of local governments dealing with activities that are not regional, and the TRPA dealing with the truly regional issues.

Thank you for time and thorough review of this process. I look forward to The Tahoe Basin becoming that destination experience that will be world renowned.

Sincerely,



Kindred I. Murillo
Superintendent/President
Lake Tahoe Community College District

015-1
Cont'd

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League to Save Lake Tahoe

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Joint Comments to the Regional Plan Update Draft Environmental Impact Statement

June 28, 2012

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Executive Summary

Tahoe Regional Planning Agency

June 28, 2012

P.O. Box 5310
129 Market Street
Stateline, NV 89448
Attn: Adam Lewandowski, Senior Planner
e-mail: regionalplancomments@trpa.org

Re: Comments to the Regional Plan Update's Draft Environmental Impact Statement

Dear Mr. Lewandowski, Governing Board members, and TRPA staff:

The League to Save Lake Tahoe, Friends of the West Shore, and the Tahoe Area Sierra Club (collectively "the Group") appreciate the opportunity to address the Tahoe Regional Planning Agency (TRPA) and its Governing Board with comments to the Regional Plan Update's Draft Environmental Impact Statement (hereinafter "RPU DEIS"). The Group also wishes to incorporate separate comments by the North Tahoe Citizen's Action Alliance, the North Tahoe Preservation Alliance, the Friends of Lake Tahoe, Joy Dalgren, Friends of Crystal Bay/Brockway, and Tony Kalbfus, economist. This Executive Summary complements the comprehensive and detailed joint comments submitted by the Group and found herein.

With cognizance of the important work being performed in the Bi-state Consultation meetings, the Group is committed to resolving many of our concerns through those proceedings. Through that collaborative process, the Group will attempt to obtain the safeguards necessary to develop a Regional Plan that supports the Compact's principle goal of achieving and maintaining the environmental threshold carrying capacities. However, the Group has a fundamental obligation to comment on the innumerable scientific and legal inadequacies, prevaricating analyses, and misleading presentation of information and assumptions found throughout the 2011 Threshold Evaluations Report (hereinafter "2011 TER"), RPU DEIS, and Regional Transportation Plan Draft Environmental Impact Report / Environmental Impact Statement (hereinafter "RTP DEIR/DEIS").

Given the fact that the public was provided only 60 days to analyze thousands of pages of documents, the Group has reviewed the TER, RPU DEIS, and RTP DEIR/DEIS to the best of their ability. The Group is seriously concerned with the RPU's land-use planning premises and facilitation of development. It is clear that the RPU's incentivization schemes to concentrate development in higher-density areas for apparent environmental benefits are, in actuality, a pre-textual justification for permitting greater development in areas previously unthreatened by the specter of environmentally detrimental development. Although the

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Group supports redevelopment that is consistent with the character and scale of our current communities, redevelopment through “incentivized rights transfers” alone, which will permit significant increases in building size, coverage, height, and density, will not by itself generate the environmental benefits required to achieve and maintain the environmental thresholds.

The Compact advocates for *appropriate* development within the Tahoe Basin as long as that development compliments or supports the Compact’s overarching goal of achieving and maintaining the environmental thresholds. The preferred Alternative (Alternative 3) is a tremendous step backwards, contravening the progress made in the 1980 Compact. The 1980 Compact rejected the original Compact’s method of allowing local cities and counties to control development and project approvals without the affirmative approval of the TRPA Governing Board. Correspondingly, perhaps the Group’s largest concern is the Regional Plan Update’s proposal to delegate approval authority of projects up to 200,000 square feet within Area Plans back to the local agencies. This proposal to abrogate the Governing Board of its duties to review and approve all projects within the Tahoe Basin conflicts with the Compact’s explicit mandates. Moreover, the RPU DEIS lacks any sound evidence to prove that the proposed exemption of TRPA review through the concept of Area Plans will result in no significant environmental impacts. The abstract nature of this categorical exemption makes it impossible for TRPA to predict what activities or projects local jurisdictions will propose, therefore opening the door to potentially enormous and unintended environmental impacts.

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Also of concern are the timeframe, deadlines, and counter-intuitive organization by which this Regional Plan Update and associated documents have been produced and presented for public comment. The order and simultaneous evolution of these documents are procedurally erroneous and ostensibly inappropriate. The comment period for the 2011 Draft Threshold Report extends beyond the 60-day comment period for the RPU DEIS and RTP DEIS/DEIR. Because TRPA Compact Article V(c) mandates the creation of environmental thresholds to protect the Basin’s unique environment, the Regional Plan must *achieve and maintain* the thresholds. It is not possible to evaluate the environmental impacts of the proposed Regional Plan Alternatives, let alone analyze the RPU DEIS for inadequacies, without a comprehensive examination of the 2011 TER. Due to the conflicting timeframe by which these two reports were released, it is therefore imperative that the results of a final threshold report be incorporated into the RPU FEIS. The blatant contradictory way in which TRPA conducted this process directly undermines its fulfillment of its core mission, i.e. to restore and protect Lake Tahoe’s environment by ensuring the thresholds are achieved and maintained.

A third general concern with the proposed RPU is its inconsistency with the Compact where it directs Area Plans to be treated as components of the Regional Plan, but implemented by and with non-TRPA ordinances. This is in conflict with the Compact’s mandate that TRPA adopt all ordinances necessary to implement the Regional Plan. The Area Plan approval process will detrimentally affect the public’s fundamental right to participate in TRPA’s decision-making process by removing decisions from the TRPA’s

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purview. The provision to limit the public's comments before the Governing Board only to those issues raised before the Advisory Planning Commission violates the public's right to directly address the Governing Board on the proposed Area Plans.

In addition to the foregoing, the Group's joint submission will comment extensively on RPU DEIS sections including, but not limited to Land Use, Water Quality, Air Quality, Noise, and Soil Conservation.

The Group believes that the currently proposed RPU DEIS is insufficient in addressing the above concerns, *inter alia*, and that it cannot properly inform the Governing Board on the impacts and benefits of each Alternative, nor provide a legally adequate basis for approving the Regional Plan Update. The Final Environmental Impact Statement must address these major concerns. Our questions and comments must be addressed, and the responses publicly reviewed, so that the Governing Board is fully informed and thus able to evaluate all of environmental impacts associated with the Alternative they choose.

Thank you for the opportunity to raise the above concerns.

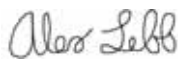
Sincerely,



Darcie Goodman-Collins, Ph.D.
Executive Director
League to Save Lake Tahoe




Susan Gearhart
President
Friends of the West Shore



Alexander Leff, Esq.
Conservation Director
Friends of the West Shore




Laurel Ames
Co-Conservation Chair
Tahoe Area Sierra Club



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Section I: Land Use, Soils, WQ, & Biological Resources

SUBSECTION I A: LAND USE

The following subsection includes detailed comments outlining our numerous concerns with the proposed amendments to the Land Use Element. These comments will be complemented by Michael Lozeau of Lozeau Drury LLP's legal analysis of the proposed amendments to the Land Use Element. In general, this section of the Environmental Impact Statement lacks the necessary environmental analysis, draws inappropriate conclusions, and fails to provide adequate mitigation measures. These major problems make this Environmental Impact Statement insufficient in informing the Governing Board on the impacts and benefits of each Alternative and providing a legally adequate basis for approving the Regional Plan Update.

016-2

Accessory Use

The EIS fails to evaluate the amount of increased accessory floor space and associated impacts as a result of the proposed land use policies.

Change in allowances of development in Recreation Areas

The Recreation Area classification is defined explicitly as non-urban areas. Allowing development and subdivisions in Recreation Areas changes the purpose of recreational land. The proposed Code 13.5.3.C.3 is inconsistent with LU-2.2 and Plan 208. The EIS fails to address this inconsistency between these proposed policies. There's no allowance within these seven provisions for subdivision on non-urban lands. The language from LU-2.2 States;

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LU-2.2.7. NO NEW DIVISIONS OF LAND SHALL BE PERMITTED WITHIN THE REGION WHICH WOULD CREATE NEW DEVELOPMENT POTENTIAL INCONSISTENT WITH THE GOALS AND POLICIES OF THIS PLAN.

This policy does not consider the following divisions of land to be inconsistent when the result does not increase the development potential permitted by this pPlan:

- A. Division of land for the purposes of conveying a portion thereof to a governmental agency, public entity, or public utility.
- B. Division of land for the purposes of creating cemetery lots.
- C. Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversary legal proceedings to which the Agency is a party. Any such division of land or approval of any other project or action resulting from such legal proceedings; shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Bi-State Compact. Based on the above evaluation, appropriate adjustments to the Regional Plan shall be made.
- D. A modification to an existing subdivision or a lot line adjustment or lot consolidation, which does not result in any increase in development potential, or in present or potential land coverage or density, and shall not have an adverse impact upon the health, safety, general welfare or environment of the Region.
- E. Conversion of an existing structure, to a stock cooperative, community apartment, condominium, or any other form of divided interest; which conversion does not result in any increase in development potential, or in present or potential land coverage or density, and will not have an adverse impact upon the health, safety, general welfare or environment of the Region.
- F. Redivision, adjustment, or consolidation, of parcels within an existing urban area, as part of a TRPA approved redevelopment plan that does not increase development potential region/basin-wide.
- G. Division of land through condominiums, community apartments, or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this pPlan. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this pPlan.

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Page 114 of the 208 Plan states that “the TRPA Compact Requires, in Article V (c), that the TRPA prepare and implement an integrated land use plan for the Tahoe Region. The resulting land use plan, as set forth in the Goals and Policies and Plan Area Statements and maps, assists TRPA in meeting its water quality objectives by directing development to already urbanized areas of consistent land use, instead of redeveloping areas of the Region.” Allowing development in Recreation Districts directly conflicts with this concept. Development should remain within areas that are already urbanized. Changing the RPU to allowing development in Recreation Districts without analyzing the impacts makes the EIS insufficient.

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SUBSECTION I B: SOILS, HYDROLOGY, AND BIOLOGICAL RESOURCES

SOILS

Summary of Comments on Chapter 3.7 Geology, Soils, Land Capability, and Coverage

This summary will articulate the areas in which the EIS fails to adequately analyze the impacts of the various proposed changes in the Regional Plan Update Alternatives concerning soils, land capability, coverage and certain aspects of hydrology and water quality. Key concerns with this analysis are summarized below, and supporting evidence and missing links for each concern are detailed in the body of this letter. Without proper evaluation in the EIS, the public, stakeholders, and decision makers cannot make informed decisions about how the proposed Regional Plan will achieve and maintain the thresholds. Therefore, the FEIS needs to show that the changes in coverage allowances and management as proposed do not impact the environment, provide sufficient mitigation if necessary, and attain and maintain the soils threshold.

The EIS states, “When balanced against the reduced coverage from residential, commercial, and tourist uses in Alternative 3, and the greatest reduction in SEZ land coverage of any of the other alternatives, Alternative 3 would have less-than significant impact on coverage in the Region. In fact, Alternative 3 would have very significant impacts on coverage in the Region by 1) not following the threshold indicator and evaluating coverage on a region-wide basis instead of a parcel by parcel basis. Many individual parcels would be severely impacted and would not be consistent with the impervious coverage standard due to numerous coverage exemptions including allowances up to 70% (including on Class 4 land), exemptions for bike trails, pervious coverage, sheds, pervious decks, and comprehensive coverage management areas, 2) the plan would reduce soft coverage at the expense of increasing hard coverage, which has a significant impact and 3) there are no mitigations provided for these significant impacts.

In general, the EIS Soils chapter contains a general lack of scientific studies supporting the coverage changes proposed and masks impacts by not providing full information on a number of issues outlined below. After the summary of main issues, a page by page analysis of the Soils Chapter (3.7) and Hydrology Chapter (3.8) follows and includes specific detailed concerns, questions, and references regarding the summarized issues.

Main issues with Chapter 3.7 and related portions of Chapter 3.8 of the EIS include:

1) The EIS Chapter 3.7 is based on a faulty process

The Regional Planning process has not been performed in the correct order, and, as a result, 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. The illogical way in which TRPA is conducting this process directly undermines its fulfillment of its core mission, to restore and protect Tahoe’s environment by ensuring the thresholds are achieved

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and maintained. Prior to proposing Regional Plan alternatives, the TRPA should have evaluated the thresholds and determined if updates were needed to the threshold standards, including the indicator for impervious coverage, then used those updated standards to propose a plan to attain those thresholds and then put forth an EIS that evaluated whether the proposed policies attained the thresholds.

As it stands today, the impervious coverage indicator detailed in Resolution 82-11 (http://www.trpa.org/RPUEISReferences/General%20Refs/3.4_TRPA%201982_Resolution%2082-11.pdf)

O16-4
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is the indicator that must be attained. This indicator has not been proposed for change, therefore the Regional Plan must conform to this indicator and the EIS must evaluate the coverage policies based on this indicator. Unfortunately, the Regional Plan makes numerous exceptions to the indicator which cannot be adequately mitigated in a manner that would ensure compliance with Resolution 82-11

2) The EIS and 2011 Threshold Report misinterprets the manner in which the impervious threshold indicator should be evaluated

Coverage in the EIS and the 2011 Threshold Evaluation are analyzed on a region wide basis rather than a parcel level basis as was indicated by the Bailey Report. The EIS and Threshold Report examine coverage within each land capability district rather than on a parcel basis. Judge Neilsen's 1985 opinion (766 F.2d 1308, *State of California v. Tahoe Regional Planning Agency* (1985), paragraphs 48 and 49, <http://law.justia.com/cases/federal/appellate-courts/F2/766/1308/302803/>), is clear that coverage must be evaluated on parcel basis rather than a watershed or region wide basis. The Soils Chapter 3.7 does not acknowledge the necessity to evaluate on a parcel basis, yet the Hydrology Chapter 3.8 supports Judge Neilsen's opinion stating that the Bailey land capability system is "considered necessary in the Region to protect water quality and preserve environmental balance at the individual parcel scale."

O16-5

The EIS provides no information regarding the number of parcels in the basin that are over covered or how many additional parcels will be over covered in the proposed Regional Plan. The FEIS must provide such an analysis at the parcel basis. It would also be helpful to provide an analysis on the Plan Area Statement (PAS) basis, subwatershed basis, and HRA basis as was performed in the 2006 Threshold Report. This analysis is lacking in the 2011 Threshold Report. Once such an analysis is provided, then the true impacts of the proposed Regional Plan changes can be ascertained. Until such a time, the EIS cannot adequately determine the impacts of the proposed policies on the threshold indicator and the current evaluation of impacts in the EIS is invalid as it only evaluates region wide impacts rather than parcel or small scale impacts. Again, conducting an environmental analysis on the proposed alternatives for the Regional update prior to completing and integrating a finalized threshold evaluation is illogical and weakens the ability for the TRPA to ensure the thresholds are achieved.

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Furthermore, the 2011 Threshold Evolution Report did not have an Environment Assessment. This is a huge concern as prior Threshold Reports did conduct Environmental Assessments. For example the 2006 Threshold Report EA is located at <http://tiims.org/getdoc/9aa36dc4-9f4a-457a-9755-28959e8b26c5/Threshold-Update-Environmental-Assessment-Final-Ap.aspx>

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Why was an EA conducted for 2006 Evaluation, but not for the 2011 Evaluation?

016-6

3) The EIS does not adequately differentiate between impacts from hard coverage and soft coverage

The EIS does not provide any analysis (let alone a scientific based analysis) regarding the difference in impacts between hard coverage and soft coverage. The proposed Regional Plan's policies will allow conversion of soft coverage to hard coverage under certain circumstances, yet the EIS provides no analysis of this impact aside from making an unfounded statement with no reference that soft coverage is just as, or more impactful than hard coverage. The FEIS must include an analysis of the different impacts that occur from soft and hard coverage and how the conversion to more hard coverage will impact the environment. An analysis needs to be provided that shows comparative measures of runoff, erosion, infiltration rates, fine sediment production collected during the same or similar runoff events at relevant times of the year. Without understanding the differences between these two types of coverage the EIS cannot evaluate the impact of such proposals to the soils, water, and vegetation thresholds.

016-7

Also the EIS fails to evaluate if different types of soft coverage have different impacts. For example, is there a difference in the impacts from an unmaintained logging road versus an old staging area?

4) The EIS does not provide adequate coverage inventories or predictions

The EIS does not provide an inventory of current soft coverage, the amount of soft coverage that will be retired, the amount of soft coverage that will be converted to hard coverage, or the total amount of hard coverage once all exceptions are taken into account.

In order to understand the impacts of allowing soft coverage to be converted to hard coverage, the FEIS must provide an inventory of existing soft coverage and how much this coverage will be converted to hard coverage.

Also the EIS excludes many types of hard coverage from totals including exemptions from bike paths, public facilities, public infrastructure, and recreation facilities. It is impossible for the EIS to determine the impact to the threshold if these numbers are excluded or masked. The FEIS must also include the increase in coverage that will occur from exempted coverage in coverage totals in order to determine the impacts of these policies.

The EIS lacks a current inventory of the total amount of hard coverage that will exist in the Basin after all the proposed policies are applied. Tables must illustrate under each

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alternative the total amount of increases or decreases in hard coverage that will occur when all the proposed policies are combined and not mask hard coverage increases that occur from transferring of soft coverage and numerous coverage exemptions.

016-8
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5) The EIS incorrectly categorizes Land Capability 4 as High Capability Land

The EIS and the Regional Plan categorize Class 4 land as High Land Capability when in fact it is in between low and high land capabilities. This is problematic because many benefits are given to class 4 lands such as increases to 70% coverage and other coverage exemptions even though the land is not suited to such high intensity uses and impacts to the environment will occur.

The Bailey Report (Bailey, 1974) lists lands in classes 1 and 2 as "Lands That Should Remain in Their Natural Conditions," classes 3 and 4 as "Lands That Are Permissive to Certain Uses But Not Others," and class 5, 6, and 7 as "Lands That Are Most Tolerant to Urban-Type Uses." The Bailey report states that Class 4 lands are "well suited for forestry and low-density housing." These lands are only allowed 20% land coverage through the Bailey report which is the standard for the impervious coverage threshold standard in Resolution 82-11.

016-9

The EIS must acknowledge types of the uses that class 4 land is and is not suitable for. Then the EIS must evaluate the environmental impacts that will occur based on the proposed Regional Plans for treating Class 4 land as suitable for high capability uses including receiving a number of exemptions.

6) The impacts to coverage from proposed code changes that will allow subdivisions in recreation lands is not evaluated in the EIS

The proposed Regional Plan will simultaneously allow recreation facilities to be exempted from coverage and allow subdivisions to be built on recreational lands. Recreational lands consist of a large portion of land within the Basin and development potential under the current 1987 Regional Plan is very limited. With these changes, substantial amounts of recreational land will be opened to a higher potential of being developed and much of this development will be exempt. The FEIS must evaluate the amount of coverage that may occur under these new policies and must include these numbers in the total expected amount of increased coverage that will occur in the Basin.

016-10

7) The EIS misinterprets EPA Water Quality Trading Policy

The EIS cites current Hydrologically Related Areas (HRA) restrictions as contradictory to EPA water quality trading policy. However, the EIS has misinterpreted the EPA policy, because in fact HRAs are not in violation of this policy. The EIS claims that not allowing trading of coverage is contrary to EPA policy, but EPA policy is in regards to trading a pollutant, not trading a management policy. The pollutant could be fine sediment, nitrogen, or phosphorous. HRA restrictions do not prevent local jurisdictions from trading these pollutants. Coverage is a management technique to preserve soil function; coverage is not a

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pollutant itself. The FEIS must correct this mistake and explain that coverage is not a pollutant and therefore restricting trading of coverage is not contrary to EPA water quality trading policy.

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8) The EIS misinterprets the purpose of restrictions for Hydrologically Related Areas (HRA) and excludes information regarding how location of coverage impacts water quality

The EIS interprets protection of deep water clarity as the sole purpose of HRA regulations. There are a number of other environmental protections that occur from HRA regulations that the EIS ignores including protection of stream water quality, stream ecology, nearshore conditions including controlling algae growth and promoting healthy littoral benthic invertebrate communities. The EIS does not analyze the impacts that will occur to these aspects of the environment under the proposed policies to eliminate HRA restrictions for the trading of new coverage. The FEIS must include an analysis of these impacts.

016-12

Numerous studies have been performed (as detailed in full comments below) that demonstrate that the location of coverage within a watershed is an important factor in regards to environmental impact. The EIS fails to study the impacts that occur from concentrating coverage in certain watersheds, and moving and concentrating coverage closer to the Lake. Proposed policies removing HRA restrictions for additional coverage, allowing increases to 70% coverage in communities near the Lake, and allowing for concentration of coverage through Comprehensive Coverage Management plans all create impacts by this increase and concentration of coverage in areas in which impacts to the nearshore and streams could likely occur. The EIS fails to analyze this impact and cite relevant studies. The EIS also fails to include an inventory of what potential transfer of coverage could look like if coverage transfers across HRA were to be allowed and where coverage trading potentials are located (i.e. where are the largest potential sending sites for coverage, and which are the most likely receiving sites and what would the increases and decreases look like in these trading scenarios?).

9) The EIS does not show adequately evaluate increasing coverage to 70% on certain parcels.

The current Regional Plan was designed to allow 50% coverage on certain parcels. During the creation of this plan a loophole was created to allow one project to be built to 70% coverage by restricting the increase to undeveloped parcels. Instead of correcting this mistake and brining the cap back to 50% coverage for both developed and undeveloped parcels, the proposal is to increase the cap to 70% in designated areas.

016-13

There is no scientific justification or evaluation provided for this 70%. Did the agency determine that 70% was not impactful but that 75% was? What is the difference in environmental impact between covering at 60% or 70% or 80%? Is 70% a number that is justified by economics? Is a property owner more likely to rebuild at 70% coverage rather than 80%. These are the types of analyses that the EIS has failed to include.

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10) The EIS fails to evaluate the impacts of potential coverage

Under the Comprehensive Coverage Management system potential coverage would be allowed to be transferred from lands that have almost no potential to be built. Some lands have minimal allowed uses and are protected under the subdivision regulations. Combining these parcels with other parcels that have more development uses creates a situation in which potential coverage that had almost no likelihood of being developed on will be utilized on other parcels. The EIS provides no analysis of how much potential coverage could be possible transferred from lands with limited uses to lands with intensified uses. Furthermore, the EIS provides no mitigation measure such as requiring that a Comprehensive Coverage Management system is restricted to transferring existing coverage and is not allowed to transfer potential coverage.

016-14

11) The EIS fails to analyze impacts of moving coverage from rural uses to urban uses.

The TMDL documents as referenced in the EIS demonstrate that not all coverage uses are equal and that different types of coverage uses have varying degrees of impacts with more urban uses having greater impacts. For example commercial uses are more impactful than residential uses and multi-family residential uses are more impactful than single family uses. The FEIS must evaluate how incentives to move coverage to more urban uses will increase the impact of the coverage.

016-15

12) The EIS fails to evaluate the impact of the proposed coverage changes in relation to nearshore impacts.

Removing HRA restrictions and increasing coverage in areas close to the Lake by increasing maximum allowable coverage and allowing for Comprehensive Coverage Plans may likely have significant impacts to nearshore conditions. The EIS failed to analyze how these changes could impact nearshore conditions. Impacts to deep water clarity are linked to regional wide impacts. However, near shore conditions are often impacted by local inputs. For example, a localized input of nitrogen and phosphorus will have a direct impact to the nearshore area that is the receiving area of these inputs, but a nearshore area on the other side of the Lake will not likely show an affect. The proposed Regional Plan will concentrate development and urban impacts to 9 different urban centers, 8 of which are adjacent to the Lake. The FEIS must evaluate the potential for hotspots of algae growth that may likely occur due to the increased urban inputs from nearshore areas.

016-16

13) The EIS inaccurately assumes proposed policies will increase BMP compliance

In numerous places throughout Chapter 3.7, the EIS makes the argument that there will be an increase in BMPs from coverage transfers. This however is a faulty argument because the receiving sites are required to install BMPs regardless of whether the project was or was not adding additional coverage. The EIS cannot claim the proposed coverage policies as benefit to ensuring BMP compliance.

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14) The EIS fails to provide significant mitigation measures

Because the EIS ignores impacts and identifies the proposed policies as less than significant, the EIS does not propose mitigations for these policies. The FEIS must reassess these impacts and determine if there are any feasible mitigations measures. Detailed comments on Chapter 3.7 and associated chapters and documents follow below:

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Detailed Comments on Chapter 3.7 and related chapters and documents

Impacts to Soils and Coverage (Section 3.7)

Page 3.7-2 - Table 3.7.1 – 2011 Status of the Soil Conservation Threshold Standards

Table 3.7.1 is based on the threshold evaluation report that examines the amount of coverage within each land capability district on a regional wide basis rather than on a parcel basis. Bailey needs to be assessed on a parcel basis (766 F.2d 1308, *State of California v. Tahoe Regional Planning Agency* (1985)), not an aggregated regional or watershed basis. The opinion states on Page 6 of 7 that “...TRPA points out that the impervious cover threshold was adopted as a management standard and argues that it does not consist solely of the numerical percentages in the Bailey Report. TRPA further points out that it has determined that the threshold is to be applied on a ‘watershed association’ basis, rather than ‘parcel-by-parcel.’ TRPA is indignant that the district court did not defer to its interpretation of this threshold. We find TRPA’s protests unpersuasive.” Therefore the EIS analysis is ineffective at determining how many parcels (or for that matter, Plan Area Statements, subwatersheds, or HRAs) are over-covered. Location of coverage within the watershed is an essential component to analysis, not just the amount of coverage (USEPA Caddis) (http://epa.gov/caddis/ssr_urb_urb4.html).

016-19

The threshold evaluation reports up to 2006 did not examine coverage on a region wide basis, but the 2006 threshold changed without reason to the way that this threshold standard was reported and moved to reporting on a number of different scales including a region wide basis. However, the 2011 report takes a drastic turn and deviates further by only evaluating impervious coverage on Basin wide basis and not any other scales. The 2001 report is located at http://www.trpa.org/documents/docdwnlds/Historic/2001_THRESH_EVAL_7-2002.pdf (page 357 of 857). The 2006 Threshold Evaluation is located at <http://www.trpa.org/default.aspx?tabindex=1&tabid=174>

The Regional Plan polices must ensure attainment of the impervious coverage threshold. However, if the EIS analyzes the threshold at a scale not intended by Resolution 82-11 then the EIS cannot evaluate the impacts that occur to the threshold. The EIS has failed by only evaluating impacts at the Basin-wide scale. The proposed policies may have extremely significant impacts that were not identified by not analyzing impacts at the scale intended by Bailey.

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Page 3.7-3 – Land Coverage Standards

The EIS explains land coverage standards, but fails to define soft coverage as soil that was compacted prior to February 10, 1972. The EIS also references Schueler 1994 in regards to the connection between impervious surfaces and water quality for hard and soft coverage, but the EIS fails to acknowledge that the Schueler report only studies hard coverage (roof tops, roads, etc) and excludes studies on the impacts of compacted, but uncovered soil. The FEIS must clarify that the Schueler report only is representative of hard coverage and is not representative of soft coverage. Why does the EIS not provide any references regarding impact of soft coverage? Hard coverage and soft coverage have different impacts and the EIS fails to outline these differences. What are the different rates of infiltration, runoff, vegetation growth, microbial processes, etc. between these two types of coverage?

0-16-20

Page 3.7-9 – Soft Land Coverage

As noted above the definition for soft coverage is incorrect because it fails to differentiate between soils compacted before and after February 10, 1972. The correct definition is located in the Code of Ordinances. The EIS must be corrected to include the official definition of coverage as defined in the Code. This is important because when soft coverage is transferred there is going to be a large burden on the agency to confirm that the soil was compacted prior to this date. The Homewood Mountain Resort is a great example of project that had inaccurate information about the compacted soil and a large percentage of the soft coverage turned out to be soil that was illegal compacted after 1972 and could not be counted as a transfer.

016-21

Page 3.7-10 – Existing Coverage

Table 3.7.5 does not distinguish between hard coverage and soft coverage and therefore cannot adequately evaluate impacts. The EIS must provide the amount of soft coverage that exists. Without providing a baseline for soft coverage how can the EIS determine the impacts proposed policies regarding soft coverage transfer? Furthermore, if compacted soil is included, it is unclear if the numbers only include compacted soil created after 1972 or all compacted soil in the Basin.

Also the analysis looks at the coverage standard region wide rather than at coverage on a parcel basis which is the intent of Bailey (766 F.2d 1308, *State of California v. Tahoe Regional Planning Agency* (1985)). As this was the intent of Bailey, by not providing information regarding the number of the parcels that are out of compliance with Bailey, the EIS fails in providing an accurate baseline on which to compare impacts. How can the EIS determine the number of parcels that will be brought closer to conformance or the number of parcels that will be increased beyond the Bailey standards by the proposed policies, when the EIS provides not baseline numbers on this information to begin with?

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Page – 3.7-11 - Exhibit 3.7-1 – Existing Impervious Surfaces with Hydrologically Related Areas

Does this map differentiate between soft coverage (soil compacted prior to February 12, 1972) and soil compacted after February 12, 1972? If it does not include soft coverage, then how can the EIS determine the combined impacts of changed policies regarding both soft coverage transfers and removal of HRA restrictions?

016-23

Page 3.17-17 – Methods and Assumptions

The EIS describes the methodology for determining coverage scenarios. Estimation of coverage of new development is based on old development information. New development is larger in size than old development due to preference for large homes, larger tourist accommodations, and greater use of accessory floor space. The EIS fails to take this trend into account and therefore underestimates coverage by including the size preference for structures built back in the 1950s and 1960s in the estimates.

016-24

Page 3.7 -18 - Impact Analysis and Mitigation Measures – Impact 3.7-1

The EIS claims that for coverage, “the total increase would be well within the base allowable coverage for the Region.” This fails to acknowledge the intent of Baileys which protects impacts on different parcels of land by determining the ability of that particular piece of land to handle a certain amount of development. It was not intended to be analyzed by aggregating on a region wide basis. A more appropriate analysis would determine the potential for each parcel of land to be developed based on the base allowable limits and then determine how many parcels were not meeting the standards set in Resolution 82-11. Additionally, an aggregated analysis cannot analyze localized impacts.

Furthermore the analysis fails to differentiate between the hard coverage and soft coverage. Hard coverage is detrimental in a variety of ways in which soft coverage is not, including prevention of daylight reaching soils decreasing soil microbial activity, and impacts on other soil processes. Hard cover is also more difficult to restore than soft coverage because of the demolition required. The FEIS must include a study that adequately demonstrates to decision makers and the public how the different alternatives will increase hard coverage in the Basin. Without this analysis it is impossible to determine impacts to both soils and water quality thresholds. The numbers in the DEIS are inadequate because it is impossible to determine the impacts without differentiating between the changes in hard versus soft coverage in the Basin. The DEIS fails to produce a scientific argument with substantial references outlining the different impacts that occur from hard and soft coverage. The EIS assumes that transferring soft coverage to hard coverage will not have any impacts without providing any scientific references for that assumption.

016-25

Under a new analysis, Alternative 3 would likely show a much higher amount of increase in hard coverage which is more impactful than the combined 66 acres increase that includes reduction from soft coverage but potential massive increases in hard coverage that will occur

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from the policy changes in Alternative 3 regarding additional allowance for soft to hard coverage transfers.

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Page 3.7-19 – 3.7 -21 - Table 3.7-8 and 3.7-9 – Estimated Changes in Coverage

These tables are inadequate because they do not include coverage resulting from public facilities, public infrastructure, or recreation facilities and therefore these impacts cannot be adequately evaluated. Coverage is coverage and the impacts to soil and water are not different for publically owned coverage versus privately owned coverage. The EIS must include an analysis of the impacts from increased coverage even if the coverage receives exemptions. All coverage impacts must be understood and evaluated for all expected coverage within the region. This is especially important when coupled with the RPU's plans to increase development in recreation areas. The EIS has not quantified the amount of recreation lands that may utilize coverage because of proposed changes in allowed uses on recreational lands.

016-26

Also it is unclear if these tables distinguish soft and hard coverage numbers. The FEIS must clarify how much coverage in this table is hard coverage and how much is soft coverage.

Page 3.7-24 – Land Coverage Transfer Areas

The EIS makes the assumption that the only importance of HRA restrictions is to protect Lake Tahoe, not the other waterbodies within the Tahoe Basin. HRAs also protect soils, vegetation, streams, fisheries and invertebrates within streams, and sensitive habitat. The EIS has not evaluated the impacts to these other factors that may likely occur as a result of the proposed removal of HRA restrictions. Furthermore, the impervious threshold standard in Resolution 82-11 is designed to protect soils from impervious coverage, not solely the Lake.

Also faulty logic is used when the EIS states, "As of 2011, only 35 percent of existing developed parcels had Water Quality BMP certifications (TRPA 2011). Therefore, it would be reasonable to assume that at least 65% of transferred coverage would result in the removal of coverage without BMPs and the placement of coverage with BMPs, and that existing restrictions on coverage transfers serve as a barrier to accelerated implementation of water quality BMPs on coverage." This is faulty logic because any development or redevelopment must implement BMPs regardless of where the coverage was derived from. Removing HRAs does not change the requirement that a development or redevelopment would have to install BMPs. This faulty logic occurs again in the last paragraph of page 3.7-30. The EIS assumes added BMP benefits will come from the proposed changes, but the BMPs would have been performed regardless of the proposed changes.

016-27

Page 3.7-30 – first paragraph – Land Coverage Transfer Areas

The EIS states that there would be a higher portion of coverage transfers coming from existing hard coverage under alternative but it would be a disincentive for development so less soft coverage would be transferred. Again the EIS fails to adequately analyze impacts

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because it fails to differentiate between the impacts of soft coverage and hard coverage. The EIS should make a scientific based determination as to whether an alternative that reduces more hard coverage or more soft coverage is most beneficial.

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Page 3.7.30 - second paragraph – Land Coverage Transfer Areas

The EIS states regarding transferring across hydrologically related areas that, “No evidence has been found that coverage transfers affecting the same receiving water are more beneficial in closer proximity. Current EPA policy promotes water quality trading programs that occur at the watershed scale or for an area where a TMDL has been adopted (i.e., Lake Tahoe Basin Watershed) because they increase the effectiveness and efficiency of achieving water quality goals (EPA 2003). Restricting coverage transfers to HRA boundaries is inconsistent with EPA policy on water quality transfer programs because HRA boundaries are not coincident with watersheds or areas where a TMDL has been approved.”

This is an inappropriate use of this policy as the EPA document refers to pollutant trading, not coverage. The EIS makes an inaccurate interpretation of EPA policy. The EPA 2003 document

(http://www.trpa.org/RPUEISReferences/3.7%20Geo%20soils/3.7_USEPA%202003_Final%20Water%20Quality%20Trading%20Policy.pdf) that is cited is not accurately interpreted and further EPA information demonstrates that the location of development does indeed matter to aquatic health.

016-29

The 2003 report is regarding the TMDL. The soils threshold established in Resolution 82-11 for the impervious coverage is not a standard for pollutant loading, but rather for the many functions of non-degraded soils such as infiltration, erosion prevention, vegetation growth, and nutrient cycling. The coverage threshold standard remains as a standard regardless of the adoption of the Lake Tahoe TMDL. The trading program described in the 2003 report is in regards to trading pollutants not trading coverage. While coverage certainly impacts the amount of pollutants entering Tahoe waters, the threshold standards for coverage were not created solely for this purpose and cannot be evaluated under the pollutant trading model outlined in the 2003 report. A jurisdiction could demonstrate how meeting the coverage standard assists in achieving pollutant reduction and then use those amount of water quality pollutants to be traded following the premise of the EPA report, but the EPA does not comment on the actually ability of trading coverage to reduce pollutants nor does it outline the other impacts of trading coverage such as impacts to infiltration, vegetation, nutrient cycling, etc.

It is important to remember coverage is not a pollutant. Rather fine sediment, phosphorus, and nitrogen are the pollutants (as identified in the TMDL and/or Resolution 82-11) and those are what can be traded according to the EPA Final Water Quality Trading Policy. This EPA report does not address the relationship between location and coverage impacts as is referenced in the EIS. The EIS provides false information by stating that “restricting coverage transfers to HRA boundaries is inconsistent with EPA policy on water quality transfer programs because HRA boundaries are not coincident with watersheds or areas

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where a TMDL has been approved.” The EIS must correct this fallacy it has provided. The TMDL is for fine sediment, not for coverage. The coverage policy of HRA restriction is not inconsistent by any means with EPA 2003 Water Quality Trading Policy. Fine sediment reductions can still be traded amongst jurisdictions under HRA restriction, but coverage itself cannot. This distinction must be clarified in the EIS. The EIS must retract its statement that HRA restrictions are inconsistent with EPA Water Quality Trading Policy.

The Lake Tahoe TMDL focuses how to reduce fine sediments that are impacting deep water clarity in Lake Tahoe. However, the protection of the nearshore area from phosphorous and nitrogen is also very important, but not addressed as part of the TMDL. The EIS fails to note that these nearshore areas are impacted on a local basis rather than on a Basin wide basis. Without a specific TMDL for nearshore conditions, the HRA restrictions remain important to ensure that coverage is not over used in one particular area that may cause local impacts to the nearshore. The importance of these restrictions to nearshore areas has not been documented in this EIS.

The statement that “no evidence has been found that coverage transfers affecting the same receiving water are more beneficial when they are in closer proximity” is inadequate because numerous scientific studies demonstrate that location of impervious surfaces does impact water quality. It is important to remember that there are other receiving waters in the Basin besides Lake Tahoe itself which includes 63 tributaries as well as various wetlands. Numerous scientific studies have demonstrated that location of impervious coverage in relation to a water body plays a very important role in how that coverage impacts the water body. The EIS even references one such document itself (Schueler 1994) which clearly shows that location to a receiving water matters. The existing coverage standards and restrictions assist in not only protecting Lake Tahoe, but the 63 tributaries in the Basin. One of the threshold standards is Tributary Water Quality. Changes to the coverage policy and not following the coverage standards may impacts this threshold as well.

Furthermore, the EIS has failed to analyze how many parcels will be affected by removing the HRA restrictions. Decision makers cannot access the impacts from this change in policy without an analysis of how much coverage could or would likely be transferred across boundaries and into which watersheds. How many parcels today cannot receive excess coverage under current regulations that would be able to receive coverage under the proposed regulations? Can these parcels not be built on at all or can they not be built to the size that they prefer? What projects are on the table today that cannot go forward without the removal of HRA restrictions?

Page 3.7-30 – last paragraph – Land Coverage Transfer Areas

The EIS states that “alternative 2 would likely increase the proportion of existing hard coverage transfers but would decrease the amount of transfers, potentially resulting in a negligible change in the amount of existing hard coverage transferred.”

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Where is the evidence that a negligible change in hard coverage would occur? The EIS must provide a quantitative analysis regarding how much hard coverage will be decreased or increased over the whole basin under each different alternative. It is not as important as to how much coverage is transferred. Rather, it is important as to whether standard as defined by Bailey is being attained.

016-30
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Page 3.7-33 – Land Coverage Transfer

The Regional Plan proposes that sending sites regardless of land capability will be transferred on a 1:1 ratio for coverage transfers in which the Bailey limit will be exceed with coverage up to 50% of the parcel. This is problematic for two reasons. First, there is no overall reduction in coverage, just moving coverage around and concentrating more of it in one place. Second, there is no incentive to reduce coverage from SEZs if all the ratios are the same.

2.11.H of the proposed Code of Ordinances states, “Notwithstanding Subsections A-G above, when existing development is relocated to town centers, regional centers or the High Density Tourist District and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.”

Regional Plan policies are supposed to move development more into conformance. The above proposed policy allows the proliferation of non-conformance whereas today's policy focuses on brining properties into more into conformance. Allowing for the continuation of non-conformance does not assist in achieving the soils threshold. This is of particular importance because as noted later in the our comments, the impacts of coverage for more urban intensified areas are greater than the impacts of coverage from the designated uses in the outskirts such as single family residences. By allowing an exception in which a property does not need to move closer to conformance, the impactful use is containing and the threshold is not moving closer to attainment.

016-31

The system for receiving one bonus unit for the retiring of coverage needs to be examined for its effectiveness. How much coverage will actually be retired? What will be the impacts of trading coverage for other commodities? On what environmental or economical basis were these numbers derived?

Removing HRA boundaries has impacts because as noted above, coverage does not only affect the Lake, but surrounding tributaries and to the near shore. The EIS claims there will be more coverage removal in SEZs without HRA, yet the EIS fails to quantify how much coverage reduction will occur and what the impacts to tributaries will be in which more development will occur.

Again the 2003 EPA is incorrectly interpreted at the bottom of page 3.7.33. The EIS again fails to distinguish that the water quality trading program is based on the trading of pollutants, not the trading of management techniques. Coverage is a management technique

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to preserve soil function; coverage is not a pollutant itself. The reference to the EPA policy needs to be removed as it does not relate to coverage transfers.

The EIS states on the bottom of 3.7.33 “Coverage transfer ratios in Alternative 3 would result in a reduction of coverage in sensitive lands and an overall reduction in coverage.” Again, the EIS fails to analyze how much coverage hard coverage reduction or increases will occur in the Basin and how much soft coverage reduction will occur as well as failing to analyze the impact of increased hard coverage in comparison to the benefits of reduced soft coverage. Again, the EIS has failed to examine Bailey’s on a parcel by parcel basis rather than on a region wide basis. As described above the Judge Neilson’s ruling made it clear that the threshold is based on the parcel, not on the region as a whole. Although Alternative 3 may provide the most incentives for removing soft coverage from SEZs, the EIS fails to analyze the impact of moving increased coverage onto other parcels. In order to comply with the Compact and Resolution 82-11, the Regional Plan must ensure that Bailey’s is met on each and every parcel in the Basin, not whether the aggregated coverage for an individual land capability district follow the Bailey limits. Until the EIS evaluates coverage under these terms, it does not serve a document that evaluates the impacts to the impervious coverage threshold as defined under 82-11.

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Page 3.7.34 – Land Coverage Transfer Areas

In the second paragraph the EIS states, “Information on the relative values, market price of coverage, and the existing supply of coverage available for sale with each HRA is summarized in Appendix H.” However, it is unclear whether Appendix H distinguishes between soft and hard coverage. This distinction is important because soft coverage transfer has different policies in Alternative 3 based on land capability. Appendix H cannot adequately analyze the impacts without an understanding of what coverage can or cannot be transferred. If Appendix H can make these differentiations of soft and hard coverage, then the rest of the EIS on coverage could also take these differences into account and must do so for the FEIS.

The EIS states, “TRPA estimates that removal of the HRA restrictions under Alternative 3 could result in an increased proportion of coverage in the Marlette HRA, Cave Rock HRA, and Nevada portion of the Agate Bay HRA.” The EIS does not evaluate whether this increase is an impact, nor does it provide mitigation for the increases that may occur in these areas which are some of the most pristine areas around the Lake. These impacts seems counter intuitive to the goal of Alternative which is to relocate development and coverage to the town centers. If the intent of alternative is to relocate coverage to more appropriate areas then why is this policy appropriate if it moves coverage from the areas with the most urban centers such as South Stateline HRA to the areas with the least development (Marlette HRA). Interestingly, the DEIS states in the last paragraph that, “The HRAs that TRPA has estimated may receive an increased proportion of coverage under Alternative 3 do not include any of the priority watersheds.” The EIS fails to point out that that the reason why these are priority watersheds is because they have been degraded and the reasons why the others are not priority watersheds is because they haven’t been degraded. Moving coverage

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from degraded areas to non-degraded areas is just moving the impact from one location to a less appropriate location and creating a new impact in the more pristine area. Therefore the EIS is incorrect in saying that “the removal of HRA restrictions could have a beneficial effect” when it is clear that effect will likely be a significant impact.

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Page 3.7-35 - Exhibit 3.7.4 – Existing Impervious Surfaces and Town Center, Regional Center, and High Density Tourist Districts

The exhibit is titled “Existing Impervious Surfaces and Town Center, Regional Center, and High Density Tourist Districts.” It is unclear if these map includes both hard coverage and soft coverage and if the soft coverage is compacted soil created prior to February 10, 1972 or after. The FEIS must clarify if the map is only hard coverage, or is hard coverage and soft coverage, and if it is soft coverage that it is or is not only soil that was compacted prior to February 10, 1972.

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Page 3.7.36 – Land Coverage Transfer

The first paragraph speaks about the economic benefits of removing HRA restrictions which would cause the price of coverage to decrease in some areas. However, since Alternative 3 also proposes a decrease in trading ratio to 1:1 for coverage trades up to 50% coverage, there is no environmental benefit because no additional coverage will be removed it will only be transferred. The idea of a strong ratio is that the impacts would be decreased. With a 1:1 or close to 1:1 ratio the impacts are merely moved, but never reduced.

Again the EIS utilizes a faulty argument by saying that, “It would be reasonable to assume that at least 65 percent 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 of the volume of coverage transferred would likely result in the rate of water quality BMP implementation and an increase in the total amount and proportion of coverage with BMPs.” First this is faulty because there is nothing to prevent a BMP property from selling its coverage. Second, the receiving property would have to perform BMPs regardless of the coverage transfer. Third, if the transfer is from potential coverage then there was no need for BMPs on the sending site to begin with.

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Moving potential coverage outside of an impacted HRA and turning it into real coverage in a pristine HRA has no environmental benefit to the impacted HRA and has significant impact to the pristine HRA. Since potential coverage can be used for single family and multi-family residential housing the impacts to these HRAs could be significant. Also the EIS does not specific how potential coverage will work for mixed use. The code prohibits potential coverage to be transferred for commercial and tourist purposes. What if the project is mixed use and contains commercial and multi-family. Can any potential coverage be used for this type of mixed use project?

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Page 3.7.36 – Excess Coverage

This EIS does not address the inadequacies of the mitigation fees that exist today and the Regional Plan fails in addressing how to increase these fees so that the land banks can adequately buy and restore land a market value.

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Page 3.7-37 and 3.7.38 – Other Coverage Policies

As for the many reasons described above the proposal to combine coverage across many parcels through the comprehensive coverage management system defies the impervious coverage standard in Resolution 82-11 and once again defies the 1985 9th Circuit Court ruling regarding coverage on a watershed association basis (766 F.2d 1308, *State of California v. Tahoe Regional Planning Agency* (1985)). It says the approach would have to be effective at coverage overall, but it does not say that it would have to be effective at reducing existing coverage overall and includes potential coverage on lands that may not be truly viable to be built because they are protected by the Goals and Policies under the subdivisions regulations and this coverage could be moved to land in which subdivision could be built thereby increasing both the coverage and the number of subdivisions in the Basin. Taking potential coverage off of these lands that likely would not be developed anyways is not a reduction in existing coverage and may only be a reduction in potential coverage with increases in existing coverage and that potential coverage may not even have much potential to be built.

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The EIS states that for bike trails there would be an increase of 148 acres of hard coverage and 7 acres in stream environmental zones. Is this addition of 148 acres overall and 7 acres in SEZs included as part of Table 3.7-8? It seems that having this coverage exemption does not discourage bike paths from going through SEZs. The FEIS must examine if this policy does not promote Bike Paths being situated on the least impactful route as possible. It seems like the best way to protect SEZs would to be require coverage to be transferred on to SEZs and other sensitive lands, but and only allow the exception for high capability lands. This would encourage the building of bike paths in less sensitive places. It is important to remember that impervious coverage threshold was intended to protect the soil and the soil in the SEZ cannot differentiate between a public use project and a private one. The impacts still remain the same. The EIS does not adequately describe how the design will be built to minimize impacts. The EIS in this Chapter says to see Impact 3.10-1 for an in depth discussion. The in depth discussion should take place in the soils chapter. This reference to other chapters also occurs for details on temporary structures as well as pervious pavement and pervious decking.

Page 3.7-38 – Other Coverage policies

The EIS outlines another exemption for coverage for a structure that does not have a permanent foundation. It is important for the EIS to look at all of these changes cumulatively. While each one of these exemptions may not appear in and of itself like a big deal, when all added together the changes to coverage exemptions becomes drastic. A property can now transfer in soft coverage across a hydrologic zone at 1:1 ratio to cover up

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to 70% of their land, some of which could be pervious and then they could cover even more of their parcel because of that “reduction” in numbers, add in a 500 sq foot impervious deck, and 120 sq foot shed. What is to keep a property from actually having no soil and no trees on its property under such an extreme circumstance? The EIS must look at all these coverage changes cumulative, which it fails to do.

Regarding pervious coverage, pervious coverage is already a BMP to mitigate for the allowed coverage. Giving a coverage increase for using pervious coverage is double dipping. Furthermore, data shows that pervious pavement is not effective if not maintained and acts like impervious pavement. How will the TRPA enforce maintenance of the pervious pavements that gets a coverage credit?

In regards to pervious decks it appears that the decks are not 100% pervious, but are partially pervious and partially not, with grates mixed in with slabs. In order to truly be pervious, the water has to hit to the ground, not a hit a plank that runs to grate and then hits the ground.

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Page 3.7-39 – Other Coverage Policies

The argument that pervious decks will be an environmental benefit by increasing the amount of BMPs is faulty. BMPs are mandated by the agency as a requirement to mitigate for the coverage already on a parcel. Creating a deck with impacts does not mitigate for an already required BMP mitigation that the agency has failed to enforce.

The EIS states, “Impact 3.8-4 in Section 3.8, Hydrology and Water Quality, identifies potentially significant stormwater runoff and pollutant loading impacts from the proposed coverage exemptions in Alternative 3. As described in that section, implementation of Mitigation Measure 3.8-4 would be required to reduce these potential impacts to a less-than-significant level by requiring for coverage exemptions to be based on implementation of BMP requirements, design guidelines, and the coverage of the Bailey land capability system.” Mitigation measures should have been included in the soils section since the soils threshold indicator will be impacted. Second, mitigation measures are not provided for increases in allowances for soft coverage transfers, removal of HRA boundaries, and increases in maximum allowed coverage. The impacts and lack of mitigation for these coverage will be discussed later in Water Quality section of this comment letter in order to best follow the pages of the EIS. However, it should be pointed out that the EIS fails to evaluate the impacts and provide appropriate mitigation for the coverage changes.

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Page 3.7-39 – Total Change in Coverage

The EIS states notes that coverage will be increased to 70% on high capability developed parcels in Town Centers, The Regional Center, and the High Density Tourist District. However, the EIS fails to acknowledge and evaluate that the proposed Goals and Policies and Code of Ordinances also allows increases to 70% in Community Plans. Furthermore, the EIS does not define or evaluate “high-capability”. The EIS fails to document that the proposed Goals and Policies and Code allows these transfers to land capability 4 which is

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not actually high capability land. The EIS must go back to the Bailey Report and evaluate the impacts to class 4 land in the EIS which is in fact not High Capability Land. Allowing exceptions for coverage to allow high intensity uses on lands classified as appropriate for low intensity uses is impactful and must be evaluated.

The Bailey report lists lands in classes 1 and 2 as "Lands That Should Remain in Their Natural Conditions," classes 3 and 4 as "Lands That Are Permissive to Certain Uses But Not Others," and class 5, 6, and 7 as "Lands That Are Most Tolerant to Urban-Type Uses." In this report the Class 4 lands are "well suited for forestry and low-density housing." These lands are only allowed 20% land coverage through the Bailey report which is the standard for the impervious coverage threshold standard in Resolution 82-11. Taking a standard of 20% coverage (with low density-housing as the supported use) and allowing this to increase to 70% with intense compact development is contrary to the Bailey Report and Resolution 82-11 and therefore is not in compliance with the Compact. The EIS failed to see how this coverage exemption and other coverage exemptions fail to follow meet threshold standards and compliance with the Compact. Until the threshold for impervious coverage is amended, the Regional Plans Goals and Policies and the Code must follow the set standard. Deviation from this standard in the past does not set precedent for creating even more deviations from the standard in the future. The EIS must adequately present how all the changes to impervious coverage allowances are significant impacts because they cause increase violations of the standards created by Bailey. The EIS states that there will be an offset to increasing coverage to 70% by reducing coverage on other parcels. It is important to remember the 1985 Neilsen Opinion which pointed confirmed that coverage matters on a parcel by parcel basis rather than on a watershed or region wide basis. The EIS fails to evaluate the impacts to the actual lands that receive the 70% coverage.

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The number 70% is a random number from a scientific perspective. The EIS has provides no evidence as to whether 70% versus 80% versus 60% versus 40% is impactful or not impactful. Have other communities demonstrated that that 70% coverage is not detrimental, but 75% is? A loop hole was created many years ago to allow one project to be built beyond the 50% limit. In order to prevent more projects like this from occurring, the old code was written to allow this increase to occur on undeveloped land and not on developed land. Instead of fixing this impactful loophole in the proposed Regional Plan, TRPA has instead proposed to extend the loophole to all properties without scientific analysis of the impacts.

In the fourth paragraph, the EIS references Table 3.7-8 which outlines coverage increases, but fails to show the increases/decreases in hard coverage versus the increases/decreases in soft coverage. Without providing such a distinction the EIS fails to adequately analysis impacts. The FEIS must include a table that shows increases/decreases in soft coverage. Also it is unclear how many of these acres being reduced is potential coverage being reduced or existing coverage being reduced. The EIS must specify this distinction.

The last paragraph on this page state, "any projects under Alternative 3 that would result in additional coverage would be limited such that total coverage in the Region as established by the Bailey System is not exceeded, and/or such that total coverage existing excess

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coverage is reduced.” First, there is a concern that there is nothing requiring that the reduced coverage must be hard coverage and this policy may produce an increase in overall hard coverage in the Basin. This is a significant impact. Second, the League argues that the statement is false because comprehensive coverage management areas will allow a parcel to add additional coverage beyond its base allowable limit by trading for **potential** coverage rather than removing existing coverage within the comprehensive coverage management area. This is also a significant impact.

The EIS states, “Alternative 3 includes several targeted changes to policies and implementation measures to reduce coverage from sensitive lands and incentivize redevelopment within Town Centers, the Regional Center, and the High Density Tourist District.” However, the EIS fails to document whether the coverage removed is soft versus hard and how much the overall increase in hard coverage will be. Furthermore, the EIS fails to adequately evaluate the different impacts of soft and hard coverage. Without these evaluations the EIS cannot determine if there is or is not a significant impact.

The EIS states, “There would be an increase in coverage within targeted community centers where neighborhood-scale, area wide BMPS may be implemented since Alternative 3 would provide the greatest incentives for the concentration of coverage within targeted community areas.” Why is the Regional Plan promoting the concentration of coverage when the concentration of coverage is in direct opposition to the threshold indicator for impervious coverage? The EIS fails to provide an analysis of benefits and impacts of concentrating coverage and cannot make an adequate determination as to the significance of this impact.

The EIS states, “Alternative 3 would also result in the greatest reduction in coverage on SEZ.” However, the EIS fails to analyze whether the reduction is from hard or soft coverage. One of the concerns with the allowing soft coverage to be transferred off of SEZs at the same ratio as hard coverage from SEZs is that it creates a low hanging fruit in which developers will not likely buy and restore SEZ land that has hard coverage on it because it is cheaper to restore soft coverage. The EIS fails to evaluate this impact and fails to demonstrate the different types of impacts that occur from hard and soft coverage and how this coverage change may cause no reductions of hard coverage in SEZs to occur. Again the EIS has failed to evaluate an impact that will be likely significant.

The EIS refers to benefits of bike trails to air quality, traffic, recreation, and greenhouse gas emissions, but fails to analyze the impact to the soil threshold itself which is clearly significant since excess coverage in SEZs will be given away for free.

The EIS states, “When balanced against the reduced coverage from residential, commercial, and tourist uses in Alternative 3, and the greatest reduction in SEZ land coverage of any of the other alternatives, Alternative 3 would have less-than significant impact on coverage in the Region.” The League argues that in fact Alternative 3 has very significant impacts on coverage in the Region by 1) not following the threshold standard and evaluating coverage on region-wide basis instead of a parcel by parcel basis. Many individual parcels will be severely impacted and will not be attained with the impervious coverage standard due to

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numerous coverage exemptions including allowances up to 70% (including on Class 4 land), exemptions for bike trails, pervious coverage, sheds, pervious decks, and comprehensive coverage management areas, 2) the plan will reduce soft coverage at the expense of increasing hard coverage which has significant impact and 3) there are no mitigations of these significant impacts.

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Threshold Evaluation for Soils in relation to EIS

First, a number of concerns exist with the Soil Conservation Chapter of the 2011 Threshold Evaluation Report. In general, for all thresholds, the 2011 Threshold Report has changed its evaluation system to make it an aggregated evaluation that makes it appear that the Agency is meeting the threshold indicator when it is not. The impervious threshold indicator is a great example. In 2006 the Threshold standard for hard coverage was considered nonattainment (2006 Threshold report). In 2011 New mapping techniques revealed that the amount of hard coverage in the Basin was actually almost double than what was known in for the 2006 report. The impervious coverage indicators were classified as nonattainment because 4.2% of the 1b lands were covered in the Basin in 2006. The 2011 evaluation has increased this number to 6.8% which is significantly worse yet instead of the standard being classified as nonattainment it is now classified as "Considerably Better than Target." This and the other threshold indicator statuses are masked by this new aggregate evaluation system.

Second, for soils specifically, there was a drastic change that happened between how the impervious coverage was evaluated prior to 2006 that is significant. A second more significant change also happened in the evaluation between 2006 and 2011.

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First between 2001 and 2006 the report went from determining indicator on attainment based on hydrologically related areas rather than parcels. Second from 2006 to 2011, the report dropped the evaluation on the HRAs and only examines coverage on a Basin wide measurement. Both the 2006 and 2011 Threshold reports have inaccurately understood the threshold standard and have examined the threshold on a HRA wide basis and a Basin wide basis respectfully. The Threshold evaluations of 1996 and 2001 did not examine attainment in this manner. It is unclear why this shift occurred. It is clearly contrary to the 1985 Neilsen opinion described in above sections. The entire Threshold Evaluation and EIS are inadequate under this new method of evaluation.

For example on page 3 of the 2001 Threshold Evaluation Report Executive Summary (http://www.trpa.org/documents/docdownlds/Historic/2001_THRESH_EVAL_7-2002.pdf)

It states, "Impervious coverage is in non-attainment, although it may be better described as being in partial attainment. All new projects since 1987 are in attainment with the Bailey coefficients for impervious coverage. The reason for the non-attainment status of this threshold is due to the pre-1972 excess coverage that has not yet been mitigated through excess coverage mitigation programs." It is clear that in 2001 the standard was being

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examined on a parcel basis not on a region basis. A shift occurred without reason in the 2006 evaluation. The 2011 threshold evaluation for coverage must be re analyzed looking at whether individual parcels meet the Bailey standard and then the Regional Plan EIS must be re analyzed accordingly.

Pages 357 -362 of the 2001 Report goes into more detail (http://www.trpa.org/documents/docdwnlds/Historic/2001_THRESH_EVAL_7-2002.pdf). The 2001 describes the threshold indicator as nonattainment and does not evaluate on a land capability region wide basis like is done in the 2006 and 2011 reports. The 2011 Threshold report must be down to match the intent of Bailey as ruled by Neilsen in 1985 and performed in all reports up until 2006. The EIS coverage chapter must be redone to evaluate impacts with this change. The reason for this change in 2006 is unclear,

According to the 2006 report, the only reference provided on how to measure the impervious coverage status came not from any written documentation but from mere personal communication with a TRPA staff person, who was not a soils expert, and the report provides no other evidence for how this came to be. Page 4-13 of the 2006 Threshold report states, "Since the land coverage threshold is intended to be attained within each of the designed hydrologic transfer areas within the Basin (personal communication Gordon Barrett, personal communication), the impervious cover data were evaluated by land capability class within the hydrologic areas." How is it possible that there is nothing record that clearly explains how the impervious coverage should be measure and why has it continually changed throughout the many threshold reports without substantial evidence that changes to the manner of analysis were necessary?

The 2006 report was more clear and slightly more in tune with Bailey's intent than the 2011 report. This report identifies and addresses the attainment status of the 184 subwatersheds within the Basin. The 2006 report also gives impervious coverage percentages based on the 182 Plan Area Statements. In comparison, the 2011 is a farce, reporting only on the Basin wide status of coverage, not on a HRA basis, watershed basis, subwatershed basis, or parcel basis. The 2011 report should include all of this information and make the attainment determination based on Bailey's intent of a small area of land.

The 2006 report gives information that paints a picture of how overly impacted the urban areas already are, stating on page 4-15, "In general, impervious cover within urban zones amounts to 42 percent of hard coverage on commercial and public service lands; 43 percent on tourist accommodation and related lands; and 23 percent on residential lands. When examined by PAS units, excess coverage is apparent for 1B, 2, and 7 land capability classers. Also, 125 of 182 PAS units have greater than 10 percent hard cover and 60 have greater than 25 percent hard cover." Without this same type of information included in the 2011 Threshold evaluation or in the EIS, decision makers cannot possible know the impacts on either threshold attainment or the impacts of coverage changes on the soils and other thresholds. The 2006 report points to the fact that the areas closet to the resource that we are trying to protect are overcovered to the point of impact as described by Schueler's 1994 paper with almost 75% of PAS going beyond the 10% threshold upheld by scientist and

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almost a third beyond 25%. The newest LiDAR data shows that the Basin is much more covered (almost double) than the data that used in the 2006 report. It is very important for the 2011 report and the EIS to use this new data to determine these new percentages.

Furthermore, the 2011 report is lacking compared to the 2006 in that the 2006 gives a brief analysis of the differences between soft coverage and hard coverage impacts as well as the impacts of hard coverage in urban areas. The 2011 report lacks any such discussion. The soils chapter of the 2011 Threshold Evaluation and the EIS are both inadequate.

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Putting the Cart before the Horse

Threshold amendments must be proposed, studied, evaluated, and then adopted first. Following this, the Regional Plan should work to attain this threshold as amended. The EIS can then look at the plan to evaluate if the proposed Regional Plan will achieve this amendment threshold. A threshold amendment for impervious coverage was outlined in the 2006 report, but was never studied, evaluated or adopted. Until such a thorough process occurs, the Regional Plan Update and its EIS must be evaluated on the existing threshold indicator as it stands in Resolution 82-11. Instead the proposed Regional and its EIS are not following the impervious coverage indicator.

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Furthermore, the 2011 Threshold evaluation reports of a future report that is to be published in December 2012 regarding soft coverage numbers in the Basin (p. 5-5). Since soft coverage is such an important issue it is improper for the Regional Plan to be proposed and evaluated without such knowledge for analysis in the EIS.

In this RPU, land use changes are proposed without proper scientific study and analysis of new guidelines that may or may not serve the Basin's environment better. The process for this Regional Plan Update is backwards in that important studies should have been performed and then the scientific community should have evaluated the best standards and indicators based on very sound science for how coverage should be managed in the Basin. Instead the proposed Regional Plan and its EIS are bending existing rules and not creating a document based on the best science regarding coverage.

Relevant information the Soils Chapter EIS failed to incorporate

There are many important scientific peer reviewed studies the EIS either failed to incorporate or adequately address in evaluating the impacts on coverage.

First, Appendix H references Schueler 1994 in regards to the connection between hard and soft impervious surfaces and water quality, but the EIS fails to acknowledge that the report focuses solely on hard coverage (roof tops, roads, etc.) and excludes the impacts of compacted, but uncovered soil. This failure of the EIS to note the other relevant aspects of this report include not mentioning numerous studies that show that impervious coverage greater than 10% impacts aquatic systems. Schueler on page 7 documents a study of fish which states, "Two sensitive species (trout and sculpin) were lost as imperviousness increased from 10% to 12% and four more were lost when impervious cover increased to

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25%. Significantly, only two species remained in the fish community at 55% impervious coverage. The report says that managers often have to choose which part of the watershed to save and which to sacrifice by concentrating development in high density clusters. Page 8 states, "The corresponding impervious cover in these clusters is expected to be very high (25% to 100%) making it virtually impossible to maintain predevelopment stream quality. A watershed manager must then confront the fact that to save one stream's quality it may be necessary to degrade another." This is essentially what is happening in the Regional Plan, but the EIS fails to document that one area will be sacrificed and fails to analyze those impacts. What will happen to the areas at 70%? Why is the Regional Plan still even allowing 50% coverage let alone 70% when evidence shows that 10% has impacts? What will the impacts be since the over covered areas will be closest to the lake? What will happen to the fish community and invertebrate community that are sensitive to nearshore conditions? Recent research by Andrea Caires from the University of Nevada demonstrates that significant spatial and temporal changes have occurred the nearshore ecology of Lake Tahoe (<http://tahoescience.org/wp-content/uploads/2012/05/Caires-Andrea-.pdf> and <http://tahoescience.org/wp-content/uploads/2012/06/Caires-Andrea-presentation.pdf>). The EIS fails to take into the account the proposed impacts to nearshore ecology by concentrating coverage closer to the Lake.

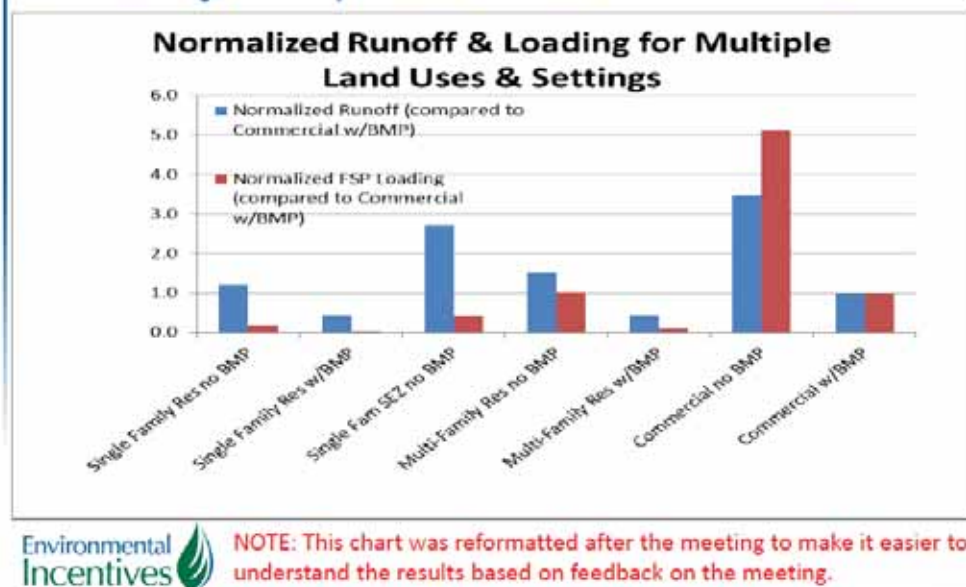
Second, the EIS fails to acknowledge studies that show that urban coverage is the most detrimental coverage and fails to analyze the impact of increased and concentrated urban coverage in the Basin. The Lake Tahoe TMDL has demonstrated that 72% of fine sediments come from urbanized areas of the Lake (TMDL 2010, p. 7-3). Table 4-24 in the June 2009 TMDL Technical Report shows that the percentage of very fine sediment is much higher for commercial, multi-family, and roads when compared to single family residences. The EIS fails to show how the new land use policy for coverage will severely impact these already impacted areas. The chart below prepared by Environmental Incentives for the California Tahoe Conservancy (Coverage study recommendations and TDR Transfer Matrix Review PowerPoint on January 23, 2012) demonstrates how even with BMPs, commercial areas are much more impactful than residential areas. The EIS fails to take such information into account when it analyzes the impacts for the increases in coverage to more urban commercial areas.

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F1: What determines how much coverage impacts the environment?



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Also, the EIS fails to take into account that the location of urbanization matters. Numerous studies have shown the importance of proximity of development to the aquatic resource that is being protected. The EPA website (http://www.epa.gov/caddis/ssr_urb_urb4.html) states, "Where urbanization occurs in the watershed can affect its influence on stream ecosystems" and cites numerous studies. The EIS does not take into account the impacts of how the proposed coverage changes will relocate coverage and create more intensely urbanized areas closer to the Lake and to some streams. This includes changes to increasing coverage in town centers etc., removing HRA restriction and relocating soft coverage from outside urban areas and turning it into hard coverage in urban areas.

Appendix H

Page H-1

Soft coverage was not taken into account for these numbers, which is problematic because the Regional Plan proposes soft coverage transfers. The EIS cannot adequately analyze impacts without this information.

The EIS states that "Coverage is defined by TRPA (Code Chapter 90) as a human built-structure or other impervious surface that prevents precipitation from directly reaching the

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surface of the land underlying the structure, therefore precluding or slowing the natural infiltration of water into the soil.” The appendix fails to mention that land is not considered coverage if it permits 75% infiltration of the soil and supports growth of specific types of vegetation. It also fails to define soft coverage as compacted soil that existed prior to February 10, 1972.

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Page H-2 and H-3

The Appendix refers to Schueler 1994 stating that “Research has established the connection between impervious and compacted surfaces and water quality.” However, the Appendix is incorrect because Schueler only examines impervious surface and does not analyze compacted surfaces. The Appendix fails to account for the different types and degrees of impacts that occur from soft coverage.

The EIS states that coverage associated with development was taken from “actual coverage associated with a sample of existing development (Table 1).” However, this is problematic because newer development is much larger than older development. For example Table 1 states that the average multi-family residential unit is 655.7 sq ft. What percentages of multi-family homes were from developments built in the last ten years? The new multi-family which includes duplexes and condos that will be built will very likely be representative of places such as Boulder Bay and Sierra Colina in which the average square feet was much larger than 655.7 sq ft. There is a grave concern that the coverage in town centers for multi-family has been underestimated because it is based on average all development rather than newer development.

016-44

Appendix H demonstrates that Alternative 2 will have more single family residential coverage than alternative 3, but that the Alternative will have less multi-family residential coverage than alternative 2. Since multi-family coverage is more impactful than single family as described in the hydrology section, what is the impact of increasing multi-family coverage and decreasing single family coverage?

Page H-7

Table 8 demonstrates that new acres of new coverage resulting from authorized development will be twice as high in alternative 3 than in alternative 2 and that coverage transfers make them relatively equal. However, it does not describe how many of these acres transferred will be soft coverage and that increased hard coverage will be much greater overall in Alternative 3 than Alternative 2. The FEIS needs to include this information.

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Page H-8

The impervious surface GIS layer does not include soft coverage. How are coverage reductions determined without this information especially in regards to proposed policies to incentivize soft coverage transfers? Also, the impacts of transferring from soft to hard cannot be determined if these numbers are unknown.

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Page H -11

The same issue regarding missing information for soft coverage applies to the inventory of *Inventory of Available Coverage* to determine impacts of proposed policies. How is the inventory correct if it excludes soft coverage and how are impacts effectively evaluated without this information?

Also, the fees are flexible and will likely increase in all cases. How relevant is this study for the next twenty years of transfers when the fees will be constantly changing?

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HYDROLOGY AND WATER QUALITY

Page 3.8-8 – Affected Environment

The EIS states, “Less than 4 percent of the land cover in the Region has been converted to impervious surfaces (hard coverage) associated with development. Of this total impervious surface area, approximately 75 percent is found within roughly 2 miles of the lakeshore (Minor and Cablk 2004: p58).” This is very important and the EIS should point out within 2 miles of the lakeshore how much of the land is covered. Is the land within 2 miles of the Lake 10% covered? 15% covered? 20% covered? What are the environmental impacts as outlined by such scientists such as Schueler by adding even more coverage to these already impacted areas?

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Page 3.8-8 – Littoral Lake Tahoe

The EIS states, “Nearshore turbidity is consistently in attainment with the current threshold. However, TRPA, in coordination with Tahoe Science Consortium researchers, is currently evaluating the need to revise the standard because of concerns that the aesthetic quality of the nearshore area is not adequately protected or correlated with the current standard.” The Group is supportive of the efforts of TRPA to create a better standard for nearshore conditions. However, the concern is that since the change will occur after the Regional Plan Update that the EIS has failed to address how changes, especially those related to coverage will impact nearshore conditions. Littoral (nearshore) impacts are different from pelagic (deep water) impacts because littoral areas are often impacted based on localized effects within the area of the watershed adjacent to specific shore area where as deep water clarity is effected by all actions surrounding the lake. For instance if a sewer pipe breaks near the shore, it is the area within the shoreline where the spill will occur that will be impacted, not an area all the way across the lake. The changes to coverage policies will impact nearshore clarity by creating hotspots in which coverage is beyond the Bailey recommend limits through changes to HRA policy, increasing coverage to 70% in many places, soft coverage to hard coverage transfers, and allowing for Comprehensive coverage management systems, all of which allow or facilitate the concentration of additional coverage in one place that is often within close proximity to the Lake. The EIS fails to analyze this impact.

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Page 3.8-10 – Phytoplankton Primary Productivity

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The EIS states, “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’s threshold standard. 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. Specially, 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.” Exhibit 3.8-2 provides a visual picture that shows that since the adoption of the 1987 Regional Plan, the phytoplankton primary productivity has nearly doubled. This shows that the management practices have failed. The League argues that instead of getting rid of this very important standard, that more effort is placed into trying to understand the problem and find a better solution. It is of great concern that the shift is to smaller algae, because smaller particles, whether organic or inorganic have, have greater light scattering properties and adversely affect deep water clarity than larger particles. Also, increases in phytoplankton are also likely causing impacts to nearshore as well and cannot be ignored. In the Tahoe Basin, the ecology and biota of the Lake is largely ignored. The change in phytoplankton since the 1960s is likely due to changes in the food web. Focusing on restoring a more historic food web to the Lake could be an effective management tool that the TRPA has yet to implement.

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Page 3.8-11 – Tributaries

The threshold status for “Tributary Water Quality” has and continues to be in nonattainment since 1991. The EIS does not acknowledge this threshold status is nonattainment. Furthermore, the EIS fails to analyze the impacts to this threshold from the changes that will occur in coverage policy.

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Page 3.8-18 - Nutrient Loading to Surface Water and Groundwater

The EIS does not describe whether Alternative 2 will be more beneficial to nutrient loading than Alternatives 3 and 4. The EIS must analyze which alternative will be more beneficial.

The EIS states, “This impact 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.” The League contends that the EIS has failed to evaluate the impacts on nutrient loading caused by the numerous changes in coverage policies described above (HRA transfers, soft to hard coverage transfers, increasing additional coverage even further beyond the Bailey’s limits, concentrating coverage in Comprehensive management plans, and exceptions for single family residential and public trail uses. Coverage impacts nutrient retention and interception and therefore the EIS must examine how these policies impact nutrient loading and associated impacts to deep water

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clarity and the nearshore. This is particularly important with the nearshore because the combinations of the coverage policies along with TMDL allowances for pollutant trading, the ability to create hotspots for algae growth in the nearshore will dramatically increase and must be evaluated in the EIS.

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Page 3.8-22 – Watershed Quality Threshold Amendment: Nearshore Attached Algae

The Group fully supports the creation of a threshold amendment for nearshore attached algae. It is unfortunate that the threshold was not established prior to the creation of the proposed Regional Plan because how can a proposal planned evaluate the benefits of the plan to uncreated threshold? The EIS in general lacks how proposed policies will impact the nearshore. The FEIS must evaluate how the proposed policies will impact the nearshore environment.

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Page 3.8-31 – Mitigation Measures

The EIS misunderstands the use of mitigation measures. Alternatives 2, 3, and 4 contain policies to mitigate the impacts of road sand. Alternatives 1 and 5 do not have these policies and instead the EIS suggestion mitigation measures that area really just the same policies already incorporated in 2, 3, and 4. This does not create an adequate range of alternatives. A mitigation measure is not to include additional policy that should have been included in the alternative anyways. A mitigation measure should mitigate for a policy, not create a policy that should have been in the alternative to begin. This is not mitigation and in the end all 5 policies contain policies “to reduce loadings of sediment and fine sediment.” The EIS provide no analyze of which policies will be the most effective in reach attainment of the water quality thresholds.

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Page 3.8-32 – Impact 3.8-4 Stormwater Runoff and Pollutant Loads

The EIS states, “Alternatives 3 and 4 also propose exemptions of specific uses from coverage requirements, however, 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 Bailey land capability system, which area considered necessary in the Region to protect water quality and preserve environmental balance at the individual parcel scale (Bailey 1974: p 24).” This statement referenced within the EIS provides evidence to the inadequacy of the EIS soils chapter soils analysis on the impacts of the proposed coverage changes insinuating that there are impacts to the parcel scale based on aggregated changes. Note, this statement about parcel scale is also repeated at the bottom of 3.8-44.

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The EIS in this section also describes the negative impacts of impervious surfaces such as roofs and pavement on receiving waters.

Page 3.8-33 – Stormwater runoff and pollutant loads

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The Hydrology section of the EIS contains many important points that the Soils Chapter of the EIS lacked. Some of these examples include that the Tahoe Basin is extra sensitive to land use changes “due to the naturally low runoff potential of land surfaces and exceptional natural quality and clarity of surface waters.” The Hydrology chapter points out that less pollutant loading comes from roofs and decks compared with driveways, parking lots, and roads and cites the TMDL by saying that studies have identified, that “increasing concentrations of pollutants of concern across land uses within the Region as the intensity of vehicular use increases.” Oddly the proposed Regional plan will more intensively concentrate vehicular use by increasing density, coverage, and capacity in town centers, regional centers, and high density tourist districts.

The Hydrology Chapter also makes the same mistake of identifying Class 4 land as high capability land. The Soils Chapter (below) indicates that Class 4 should not be treated as high capability land:

The Bailey report lists lands in classes 1 and 2 as “Lands That Should Remain in Their Natural Conditions,” classes 3 and 4 as “Lands That Are Permissive to Certain Uses But Not Others,” and class 5, 6, and 7 as “Lands That Are Most Tolerant to Urban-Type Uses.” In this report the Class 4 lands are “well suited for forestry and low-density housing.”

016-56

The EIS then continues on to say, “....the analysis views 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) as a beneficial action for decreasing stormwater runoff and pollutant loading when transferred coverage meets all other existing water quality requirements.” First, where is scientific evidence for this statement? Second the coverage transfers are designed to move coverage out of single family land uses and move them to concentrated, dense uses such commercial, multi-family, tourist and mix uses, which the above paragraph explains that this would be moving coverage from the least impactful to the most impactful use. The EIS does not adequately evaluate moving from lesser impactful (i.e. single family homes with roofs and decks) to more impactful coverage uses such as multi-family and commercial uses. The EIS refers to Bailey 1974 again saying that “high capability lands indicate increased tolerance for higher intensity use and increased coverage.” However, Bailey states that impact occurs even at 30% on the best lands and now the Regional Plan has increased this to 70% in some cases. Moving from lower capability land to higher capability land past this threshold still has significant impacts on the land and the EIS does not show how much will be improved or impacted by reducing on low capability and over increasing on high capability.

Page 3.8-34 – Stormwater runoff allowed from development

The EIS states in regards to Alternative 1 that, “Furthermore, TRPA regulations that govern development would remain in place to protect against the creation of new road networks urban boundary.” This may be true of Alternative 1, but this statement is not true of Alternative 3. The Hydrology section does not acknowledge the impacts caused by the

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expansion of the urban boundary to water quality. The EIS fails to take into the account the impacts on water quality of proposed code addition of 13.5.3.C.3 which states, “An Area plan may allow development and subdivision of tourist, commercial, and residential uses in the Recreation District outside the Urban Area if found in conformance with the Regional Plan.” The impacts of this proposed code are not properly analyzed in the EIS as clearly the urban boundary is expanding. The idea behind the Regional Plan is to fix blighted areas where there are no BMPs, not develop new projects on raw protected land. Where today acres and acres of recreational land have no potential for this type of development, the code now allows for orders of magnitude of additional development that are were not taken into account for the TMDL that has been cited. The EIS must evaluate the impact of this change that will be an expansion of the urban boundary in Alternative 3 by allowing development to occur on land that cannot be developed upon today or at the time that the TMDL study was performed. Furthermore, the types of development that can occur on this land are not limited to Single Family Residences, but may include the most impactful types of development as outlined in the TMDL and the EIS.

016-57
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Again, the EIS is masking information in Table 3.8-6 by not including additional coverage “resulting from other public facilities, transportation projects, environmental improvement projects, proposed coverage exemptions, or other infrastructure.” Nor does it appear to acknowledge the increases in hard coverage that will occur from soft coverage transfers under Alternative 3 or the potential coverage from parcels that will be transferred under Comprehensive Coverage management plans (under alternative 3) that actually are at very little risk of being built on anyway. Regarding Table 3.8-6, did the model take into account for Alternative 3 that acres of recreation land which previously had no potentially to be subdivided and built on, now can do so according to 13.5.3.C.3? If not, the EIS fails in providing numbers based on this policy change as new land has now been open to higher intensity development.

Page 3.8-35 – Table 3.8-6 Estimated Additional Coverage

Table 3.8-6 must differentiate between hard and soft coverage as these types of coverage have varying impacts.

016-58

Page 3.8-35 – Stormwater Runoff from Allowable Coverage in Community Centers

Again, Land Capability 4 is listed as high-capability when it is in fact not as described in the above comments.

The EIS states, “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.” Therefore, if a parcel is 43,560 sq. ft. and the maximum allowable coverage at 70% is 30,492 sq. ft., the amount left over to do BMPs is 13,068 sq. ft. and area of 4,350 sq. ft. is needed. This actually means that 34,842 sq. ft. is needed for the project and the BMPs which means only 20% of the project is left in a natural state for uses such as supporting native vegetation growth. The EIS must evaluate

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the impacts of not having only 30% of a parcel left in an environment that can support native vegetation, but rather having only 20%. How does this affect the ability of a parcel to retain large trees?

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Page 3.8-37 – Coverage transfers and Excess Coverage Mitigation

The EIS states that “The existing HRA regulations may diminish water quality benefits by limiting the location from which coverage may be transferred or retired to a set of sub-watersheds within the Tahoe Region. High priority sites for coverage for 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.” The EIS has incorrectly understand the purpose of the coverage trading program which was to mitigate for additional coverage beyond the Bailey allowable limit, not to achieve coverage removal in low capability lands and transfer them to higher capability lands. The removal of coverage is a mitigation for bringing in new additional coverage and the removal itself is not the goal. The HRA regulations exist in order to ensure that the mitigation for the additional coverage stays within a certain area of the impact.

016-60

The EIS does not adequately evaluate the removal of HRA restrictions and does provide any mitigation for mitigation measures of these impacts.

Page 3.8-38 – BMP Retrofit Requirements

The EIS states “To date 14,714 of parcels in the Tahoe Region have obtained a BMP certificate by installing BMPs that meet TRPA requirements.” This means that over 64% do not have BMPS. The EIS makes no effort to explain the reason for this failure. The TRPA has not done their due diligence in effectively enforcing retrofit BMPS, but rather has treated the program in most cases as voluntary. It is important to remember that the failure of an agency to enforce a regulation is not a failure of the regulation but a failure of the agency to perform its duties.

016-61

Page 3.8-42 – Coverage Transfers and Excess Coverage Mitigation

The EIS does not analyze the impacts of transferring potential coverage or existing soft coverage rather than existing hard coverage.

Regarding soft coverage, the EIS states, “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.” However, the EIS provides no reference or scientific evidence for this claim. The EIS must show that the scientific community has demonstrated that soft coverage impacts are equal to the impacts from hard coverage. For example an analysis needs to be provided that shows comparative measures of runoff, erosion, infiltration rates, fine sediment production collected during the same or similar runoff events at relevant times of the year.

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The results of the restoration that recently occurred at Homewood Mountain indicate that the infiltration rates for soft coverage and restored coverage were not significantly different. If the soft coverage is not getting adequately restored, but then is being converted to hard coverage, then the Basin is worse off because now two places have bad infiltration rates instead of one.

016-62
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Page 3.8-44 – Coverage Exemptions

The EIS in the hydrology chapter does acknowledge there is a potential impact to a parcel when pervious pavement, pervious decks and sheds are combined saying, “the implementation measures may result in coverage impacts that cannot be adequately mitigated by remaining pervious areas on a parcel, and therefore the implementation measures would be **potentially significant** impact to stormwater runoff and associated pollutant loading.”

016-63

Page 3.8-45 – Analysis of Proposed Non-motorized Trail Exemptions

Regarding exemptions for bike paths, the EIS concludes that coverage for bike paths is less impactful than coverage used for roads. While this may true, coverage from bike trails is still impactful as it still prevents rainfall from infiltrating. Furthermore, the Bailey 1% limit was created in SEZs because coverage is very impactful to these environments. Allowing for exemptions does not reduce the impact. The idea of transferring of coverage is that an impact will be reduced somewhere else. The EIS must transfer in coverage for bike trails. By allowing for exemptions to coverage in SEZs, it does not encourage bike paths to be routed to less sensitive lands where the coverage impact is reduced.

016-64

Page 3.8-46 – Table 3.8-8

Limits are not placed on coverage exemptions for bike trails. Table 3.8-8 documents the amount of exempted coverage that would occur if the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan are built under this exemption. This is very disconcerting when compared with Table 3.7-10 from the EIS Soils Chapter. For example 1a is only allowed 724 acres of coverage and is over covered by 102 acres and the bike trails will add up to 23 more acres in 1 a land. Refer again to Table 3.7-8 which attempts to show that coverage in 1a will be reduced by 9 acres (excludes additionally coverage from bike trails as well as other coverage uses). In fact the proposed Regional Plan will increase 1a coverage by 14 acres. The same can be said about many of the other land classes as well. The EIS masks the impacts of the overall increases in coverage in the Basin by not providing a chart that includes all the additional land coverage in the Basin including the additional coverage that receives the exemptions. This makes the EIS inadequate.

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Page 3.8-46 – Higher Land Capability Districts

The EIS proposes a natural environment as a treatment system, yet this is not proposed in the Goals and Policies or in the Code of Ordinances. Would it be required 100% of the time? If NEAT is not an option, would a trail still receive exemptions? Which agency and

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through what process would it be determined that NEAT will work and the exemption granted?

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Page 3.8-47 – Land Capability District: 1b (SEZ)

The EIS states in regards to coverage being exempted in 1b, “In the Tahoe Region, any increase in impervious coverage in SEZ land capability class requires compensation in the form of new or banked coverage removal in SEZ.” This is contradictory to what the Regional Plan is proposing because bike paths in 1b will not need to compensate for coverage under these exceptions.

The EIS claims that 10-15 acres of SEZ coverage may or may not be removed under alternative 3. The EIS provides no certainty that even 1 acre will be removed, but does demonstrate with certainty that 3 to 5 acres of coverage will be built on SEZ lands under the exemptions. The EIS is masking the impacts of this exemption because the levels of high uncertainty for reducing coverage in SEZ are so high. Additionally the coverage that is proposed to be incentivized for hopeful removal will be traded away as more coverage in high capability lands. Therefore, the EIS is making a double dipping claim by saying that the incentive coverage removal will compensate for the SEZ exemption when in fact if that coverage is actually removed it will be used as transferred coverage in town centers and other places. The EIS must clarify and remove this double dipping statement.

016-67

Furthermore, the EIS claims the impact is potentially significant because there is no limitation to the trail exemption.

Page 3.8-48 – BMP Retrofit Requirements

The Regional Plan proposes area wide treatments when the “approach can be demonstrated to meet or exceed existing water quality requirements.” An alternative should have examined area wide treatments only when the approach could exceed, not just merely meet requirements.

016-68

The EIS needs to address not requiring parcel BMPS may conflict with California Water Board regulations. At a Regional Plan hearing a staff from the Lahontan Water Board said that California first requires runoff to be treated on site and if that is infeasible then an offsite solution can be used.

Page 3.8-52 – Mitigation Measures

Mitigation measures are provided, but no analysis is shown to demonstrate that these mitigation measures reduce the impact to less than significant. The EIS claimed that the aggregate effect of exemptions was potentially significant. The mitigation measure is that restricts the exemption of “no more than 10 percent of the total amount of high capability land on a parcel.” Why is 10% extra coverage not considered a significant impact?

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BIOLOGICAL RESOURCES

Biological Resources: Chapter 3.10

The EIS has failed to address important impacts to nearshore ecology, stream ecology, stream environment zones (SEZs), special status species, and tree removal resulting from proposed coverage and land use policies in the Regional Plan.

The particular policies that will cause impacts to these biological resources are:

- 1) Allowing new development uses in Recreational Land
- 2) Increasing coverage allowances and creating incentives to move development to town centers, Regional Centers, and High District Tourist Centers, the large majority of which are in close proximity to the Lake
- 3) Removal of Hydrologically Related Area restrictions
- 4) Transfer of soft coverage to hard coverage
- 5) Coverage exemptions of public trails through SEZs

Additionally, there are concerns that the EIS dismisses policy level impacts and puts the burden of impact at the project level (page 3.10-34). However, many of these policies have impacts that need to be assessed on a regional wide basis such as the massive increases in coverage that will occur in close proximity to the Lake and removal of HRA restrictions which could potentially put large amounts of additional coverage in pristine watersheds.

Nearshore Ecology

The EIS fails to evaluate important impacts to nearshore ecology. The EIS states on page 3.10-12, "By virtue of the nature and scope of the proposed goals, policies, and implementation measures, any of the Regional Plan Update alternatives is expected to primarily affect the more urbanized areas and transportation corridors of the Region, which are concentrated in the lower elevation ranges and areas of relatively moderate topography. Therefore, implementation of the Regional Plan Update would directly affect a relatively small proportion of biological resources in the basin."

These urbanized areas and transportation corridors are in close proximity to habitats located in the nearshore and impacts from urbanization to nearshore communities could accelerate algal growth, invertebrate decline, and changes in the food web that could create a bottom up detrimental impact on entire ecology of the Lake including fisheries. The EIS does not examine how increasing coverage to 70% in town centers as well as incentives to move development to these town centers, which exist in close proximity to the Lake, will affect the nearshore. As detailed in our comments on Chapter 3.7, there are numerous studies that show the placement and amount of development has significant impacts on aquatic habitat (Schueler 1994). Increasing and moving urbanization and coverage to the nearshore is an impact that must be evaluated in the EIS Biological Resources Chapter.

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Stream Ecology

Alternative 3 proposes to remove Hydrologically Related Area restriction for coverage transfers. As described in our comments for Chapter 3.7 there are potential impacts to stream ecology by increasing coverage and development in certain areas. Schueler 1994 documents that location and amount of development has impacts to stream ecology.

016-72

Stream Environment Zones

The EIS does not evaluate how the proposed changes to allow soft coverage to be transferred from SEZs will disincentive hard coverage to be transferred from SEZs. If it is cheaper and easier to remove and restore soft coverage then the likelihood of removing urbanization and hard coverage from SEZs greatly decreases. This disincentive needs to be evaluated in the EIS and the impacts that occur from urbanized hard coverage in SEZs versus soft coverage in SEZs must be analyzed.

The EIS on page 3.10-38 refers to Stream Restoration Priority Areas. The EIS fails to detail the information on these two small areas in close proximity to each other. The EIS fails to explain why additional areas were not classified as Priority Areas. How were these areas picked? What is their acreage in comparison to total acreage of developed SEZs? Why were other areas not prioritized?

The EIS states on page 3.10-38, "Redevelopment would be incentivized by allowing up to 70 percent coverage on developed parcels in Community Plan areas, Town Centers, the Regional Center, and the High Density Tourist District (the same as for undeveloped parcels). The proposed policy could increase coverage in these areas but would result in a commensurate removal of coverage from sensitive lands (including SEZ) and restoration of sending sites." However, the EIS fails to document that many of these receiving areas are already extremely over covered SEZs. For example a huge portion of the High Density Tourist District is designated SEZ. How does removing soft coverage from afar and converting to hard coverage with urbanized impactful uses in centers with SEZs a benefit?

016-73

On page 3.10-39 the EIS continues to dismiss the fact that allowing coverage exemptions on SEZs for public trails is not a potentially significant impact. The EIS only recognizes 7 acres as potentially impacted. However, there is nothing within the Regional Plan Goals and Policies or Code of Ordinances as proposed that restricts this exemption to just 7 acres in relationship to allowances for a Lake Tahoe Bike Trail plan. The EIS must determine based on the language of the Goals and Policies and the Code as proposed how many acres could be impacted which provides no restrictions to just proposed Bike plan uses or seven acres. Even if the result is only 7 acres, this is still a significant impact. Furthermore, it does not incentivize bike trails to be built in less sensitive environments. If coverage was exempt for high capability land but not for low capability land then public trails would be more likely to be built in less sensitive places.

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Special-status species

The EIS states, "Most of the special-status species now or with potential to occur in the Tahoe Basin (Tables 3.10-4 and 3.10-5) are not expected to occur in most project areas or be affected by Regional Plan Update implementation due to existing levels of disturbance, habitat modifications, marginal habitat conditions for those species, or lack of recent occurrence records in existing or likely future development areas." However, the EIS fails to evaluate the impact of Code Ordinance 13.5.3.C.3 which will allow for the subdivision and building of residential, tourist, and commercial uses on all recreational zoned lands? How many acres of land will be impacted? How will wildlife and vegetation be impacted on these lands? How will the expansion of urban uses onto recreational lands affect species on adjacent conservation and wilderness land? Why did the EIS fail to evaluate these very important impacts?

016-74

Tree Removal

Impact 3.10-2 does not examine the impacts that will occur in urban centers with proposed policy changes to increase coverage and density. Below is a picture of the trees that were taken down to build the Domus housing project:



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Domus Housing Project at Chipmunk Ave in Kings Beach, CA

The EIS designates this as a less than significant impact? What would a significant impact look like?

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Section II: Legal Analysis

(Beginning on Page 47)

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Re: Comments on behalf of Friends of the West Shore

Dear Mr. Lewandowski, Governing Board members, and TRPA staff:

Friends of the West Shore, League to Save Lake Tahoe, and Tahoe Area Sierra Club (collectively “FOWS”) appreciates the opportunity to provide the Tahoe Regional Planning Agency (“TRPA”) and its Governing Board comments regarding the proposed Regional Plan Update and Code of Ordinances amendments. The following comments supplement additional comments that FOWS is submitting on those two proposals as well as the accompanying draft environmental impact statement circulated by TRPA. The following comments evaluate the legal consistency of the proposed amendments with the Compact.

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As FOWS has previously indicated to TRPA, the group is very concerned with the pro-development direction of the proposed Regional Plan Update. Although the Compact envisions appropriate development within the Tahoe Basin, that intent is subservient to the Compact’s overarching goal of achieving the environmental thresholds in order to restore and maintain the environment of the Basin. The current Compact, adopted in 1980, rejected the original 1969 Compact’s approach of allowing local cities and counties to control local development and project approvals without the affirmative approval of the TRPA Governing Board. Although retaining some additional safeguards that were not present in the original Compact, the proposed Regional Plan Update nevertheless is a first step to turn the clock back for the Tahoe Basin by facilitating the delegation back to local agencies of approvals of very large projects – up to 200,000 square feet in size – within the proposed Area Plans. This proposal to divest the Governing Board of its duties to review

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and approve all projects within the Tahoe Basin conflicts with the Compact's directives. The proposed inclusion of an exemption from TRPA review for future development exemptions in future Area Plans is premature and cannot currently be supported with any evidence. TRPA can have no idea what activities or projects other agencies may propose for exemption from TRPA review as part of a future Area Plan and hence has no evidence to support adding a broad new exemption to the list of activities at this time.

In addition, the proposal to treat Area Plans as components of the Regional Plan but to implement those Regional Plan components with non-TRPA ordinances is inconsistent with the Compact's mandate that TRPA adopt all ordinances necessary to implement the Regional Plan.

FOWS also is concerned about the adverse affects the proposed Area Plan approval procedures will have on the public's right to participate in TRPA's decision-making process. The provision to limit the public's comments before the Governing Board only to those issues raised before the Advisory Planning Commission violates the public's right to directly address the Governing Board on the proposed Area Plans.

I. TRPA HAS NO AUTHORITY TO DELEGATE PROJECT APPROVALS TO LOCAL AGENCIES AND EXEMPT ANY PROJECT FROM TRPA REVIEW AND APPROVAL.

A core part of the Regional Plan Update and accompanying Ordinance amendments is to carve out a new planning level – an Area Plan – that provides additional discretion and a considerable degree of independence to the local cities, counties, Forest Service, and other public entities around the Lake. As part of the Area Plan process, the amendments call for a Memorandum of Understanding (“MOU”) that would, among other things, list out activities within an Area Plan that would be exempt from TRPA review and approval. Proposed Code § 13.7.1 provides that, once TRPA approves an Area Plan, the MOU that follows would “clearly specif[y] the extent to which the activities within the Area Plan are exempt from TRPA review and approval. . . .” The amendments do propose some categories of very large projects within Area Plans that could not be exempted, ranging from 50,000 square foot or greater projects outside of the proposed Regional or Town Centers, up to 200,000 square feet or greater projects in a Regional Center. Proposed Code § 13.7.1; LU-4.12. TRPA also would retain review of projects within the high density tourist area, shorezone areas, and conservation districts. However, up to the size limitations, the proposed amendments would allow a local agency or the Forest Service to propose to exempt activities from TRPA review within the Area Plan. In addition to the size limitations, the Regional Plan amendment states that the non-TRPA agencies would have to demonstrate within the proposed Area Plan that activities may be exempted from TRPA review and approval “if provisions in the area plans demonstrate that exempted activities will have no substantial effect on the land, air, space, or any other natural resources of the region.” IAP-1.3.

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The exemption procedure proposed within the Area Plan process conflicts with the Compact in a number of ways.

A. TRPA May Not Exclude Any “Project” From Its Review and Approval Within the Tahoe Region.

The proposed Regional Plan and Code amendments propose that, at the time TRPA approves an Area Plan, the agency also would approve exemptions of specified activities within the Area Plan from all TRPA review and approval. The Compact requires TRPA review and approval of all “projects” in the Lake Tahoe Basin. Compact, Article VI(b); *id.*, Findings (“WHEREAS, under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private”); *California ex rel. Van De Kamp v. Tahoe Regional Planning Agency*, 766 F.2d 1319, 1323 (9th Cir. 1985). “No project . . . may be developed in the region without obtaining the review and approval of the [TRPA] . . .” Compact, Article VI(b). See *League to Save Lake Tahoe v. City of S. Lake Tahoe*, 2012 U.S. Dist. LEXIS 6288, 5-6 (E.D. Cal. Jan. 18, 2012) (“The TRP Compact proscribes the development of any ‘project’ in the region which is not a TRPA approved project”). A “project” is “an activity undertaken by any person . . . if the activity may substantially affect the land, water, air, space or any other natural resources of the region.” Article II(h) (emphasis added); *California ex rel. Van De Kamp*, 766 F.2d at 1323. In addition, TRPA must “[p]repare and consider a detailed environmental impact statement before deciding to approve or carry out any project,” and “no project may be approved unless it is found [by TRPA] to comply with [TRPA’s] regional plan and with the ordinances, rules and regulations enacted . . . to effectuate that plan.” Compact, Article VII(a)(2) & VI(b).

It is inconceivable that a city or other local agency could demonstrate even in the context of a complete Area Plan that a development, especially one up to 200,000 square-foot in size, could not have a substantial impact on the environment. At the Area Plan stage, as the amendments propose, no specific projects would necessarily be proposed or reviewed. Hence, the details of, for example, a 199,999 square feet residential project would not be known. Yet, the proposed ordinance and Regional Plan would have TRPA approving categorical exemptions for such development projects sight unseen at the time the agency considers and approves an Area Plan. There can never be substantial evidence of no possible environmental impacts from such large projects, especially in advance of the actual project’s being proposed.

Under the existing or the proposed Code, the only way for TRPA to determine whether a specific development project could not have a significant effect on the environment would be the preparation of an initial environmental checklist and, possibly, an environmental assessment. Code, § 3.3. Those analyses include a long list of inquiries about specific potential environmental impacts that a proposed project may have on the environment. See Initial Environmental Checklist. TRPA cannot determine at the Area Plan approval stage whether a specific development project that could be proposed within that Area Plan would not have a significant environmental impact. At the Area Plan

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approval stage, any future project, especially approaching the sizes anticipated in the proposed amendments, could well have a significant environmental impact and, hence, would be a project that could not be exempted in advance from TRPA review and approval.

Accordingly, Friends believes that the exemption notion included in the current Area Plan proposal should be eliminated. If an Area Plan is adopted and if a particular activity, once proposed, can be shown not to pose a significant environmental impact, then that activity would not be a “project” as defined by the Compact and would not require TRPA review, with the exception perhaps of preparing an initial environmental checklist and, possibly, an environmental assessment to confirm no possibility of an impact. By suggesting at this early stage that even very large developments may be exempted, TRPA would send an incorrect signal to developers that projects that may have impacts could nonetheless escape TRPA’s review. The only way an activity can avoid TRPA review and approval is if it could not have any possible significant impact on the environment. Rather than create false expectations about exemptions, TRPA should retain the existing Compact and Regional Plan requirement that only activities that may substantially affect the land, water, air, space or any other natural resources of the region are projects under the Compact and consider that criterion on a project-by-project or activity-by-activity basis when concrete proposals are before TRPA and the local agencies, even in the context of an Area Plan.

The false hope that would result from the proposed amendment’s indication that large development projects could be exempted from TRPA review is illustrated by the emission levels and traffic impacts that various California air districts generally anticipate from residential and commercial development projects in the 25,000 square foot to 200,000 square foot size range. For example, Placer County and TRPA generally apply significance thresholds for reactive organic Gasses (“ROG”), Nitrous Oxides (“NOX”) and particulate matter (“PM10”) of 82 lbs/day each. The Butte County Air Quality Management District (“BCAQMD”) has published screening levels that estimate a 17,000 square foot supermarket or a 7,000 square-foot bank with a drive-through will produce about 80 lbs/day of PM10. BCAQMD CEQA Handbook, p. 1-3. A 19,000 square-foot fast food restaurant is estimated to generate greater than 137 lbs/day of ROG, NOX, and PM10. Id. It is clear that many commercial or residential developments considerably smaller than the cut-off levels TRPA’s proposed amendments identify as precluding any Area Plan exemption may have significant environmental impacts. The only rational way to evaluate a specific activity’s impacts is on a case-by-case basis once the scope and details of the activity, especially a proposed development, is known. Friends urges TRPA to drop the misleading anticipatory exemption process.

B. The Proposed Exemption Process is in Conflict with Compact, Article VII(f).

In any event, adding a categorical exemption for future Area plan activity exemptions to the Code of Ordinances list of exempt activities cannot be justified at this time. The proposed amendment to add Section 2.3.2.N to the Code’s list of activities exempt from TRPA review cannot be supported with substantial evidence. The proposal

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would exempt “All development activities over which a local government has been transferred development permit review authority according to an approved Area Plan, pursuant to Ch. 13: Area Plans.” Any exemption must be justified by TRPA with substantial evidence. Compact, Article VI(j)(5). Article VII(f) of the Compact mandates that “[TRPA] shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. *Prior to adopting the list*, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.” Compact, Article VII(f) (emphasis added). It is impossible for TRPA to have gathered together any substantial evidence that specific projects up to 200,000 square feet in size could not have an impact on the environment. Indeed, the EIS itself anticipates that Area Plans themselves are projects that will require environmental review under the Compact. See EIS, p. 3.2-47 (“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”); p. S-25 (“Area Plans (Alternative 3) ... which would, in turn, undergo environmental review prior to adoption”); p. S-26 (additional development may be allowed in a recreation area if it is compatible with recreation uses, does not induce substantial growth, and complies with regulations “as analyzed and demonstrated by the subsequent environmental analysis for the Area or Master Plan”); p. 2-34 (“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 affected public agency may assume responsibility for review and approval of certain additional activities”). Hence, the EIS makes clear that TRPA does not now have any substantial evidence of the potential impacts that any future proposed Area Plans may have on the environment. Because the Agency cannot know now what impacts a given future Area Plan might have on the Basin’s environment, it also cannot possibly know or have evidence that an entire class of potentially extremely large projects or other unidentified activities within unformulated future Area Plans could not have any effect on the environment. Because TRPA cannot possibly comply with the evidentiary standard for exemptions established by Articles VI(j)(5) and VII(f), the agency must delete the proposed addition to Code § 2.3’s list of exemptions.

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II. The Proposed Area Plan Process Conflicts With the Compact Because It Would Authorize Portions of the Regional Plan to Be Implemented via Ordinances Adopted by Other Entities and Not TRPA.

The Area Plan process proposed by staff is inconsistent with Compact, Article VI(a) because it does not include the adoption by the TRPA Governing Board of ordinances and regulations effectuating the portions of the Regional Plan comprising Area Plans. The proposed Area Plans, by definition, are allowed to weaken the standards for height, coverage, BMP requirements, and other components currently applicable to the areas to be covered by the Plans. See Proposed Code § 13.5.2 (“This section is intended to authorize

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development and design standards in Area Plans that are different than otherwise required under this Code”). TRPA’s role would be limited to approving the Area Plans, though the Governing Board’s approval would make an Area Plan a “component of the Regional Plan.” Proposed Code § 13.3.3. The amendments, however, contemplate the cities, counties, and other agencies adopting their own local ordinances and regulations to implement the terms of the Area Plan. Proposed Code § 13.6.4 provides that, in order to approve an Area Plan, “[t]he TRPA Governing Board shall make a finding that the Area Plan, *including all zoning and development codes that are part of the Area Plan*, is consistent with and furthers the goals and policies of the Regional Plan.” (emphasis added). Those zoning and development codes are not enacted by TRPA. They are enacted by the cities, counties, or other non-TRPA agencies.

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But Article VI(a) provides that “[t]he *governing body shall adopt* all necessary ordinances, rules, and regulations to effectuate the adopted regional plan.” (emphasis added). As currently proposed, the portions of the Regional Plan that would consist of Area Plans would be effectuated by ordinances, rules, and regulations adopted by the cities, counties and other non-TRPA agencies. Accordingly, the Area Plan process as proposed is inconsistent with the Compact.

III. The Proposed Area Plan Process Undercuts the Public’s Right to Comment on a Proposed Project to the Governing Board.

The proposed Code amendment states that public comment to the Governing Board on a proposed Area Plan “shall be limited to consideration of issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board.” Proposed Code § 13.6.4. This proposal is inconsistent with the Compact’s open meeting requirement as well as the Compact’s requirement that to be aggrieved, a person challenging an action register their objections at the hearing where the action is proposed.

Pursuant to Article III(d) of the Compact, all meetings of the governing body “shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held.” California’s open meeting law for agencies – the Bagley-Keene Open Meeting Act (“Bagley-Keene”), mandates that state agencies “shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body’s discussion or consideration of the item.” Cal. Gov. Code 11125.7(a). This requirement does not apply “if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item....” Id. In addition, “[t]he state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body.” Cal. Gov. Code 11125.7(c). We are unaware of any more stringent public comment requirements applicable in Nevada.

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TRPA's Advisory Planning Commission does not include any members of the Governing Board. Compact, Article III(a) & (h). Hence, under Bagley-Keene and the Compact, TRPA must allow public comment on proposed Area Plans at the relevant Governing Board hearing without any restriction as to the content of those comments. Whether or not an interested member of the public was able to attend an APC hearing on an Area Plan or otherwise failed to raise an issue before the APC, Bagley-Keene and the Compact prohibit TRPA from preventing any issue on an Area Plan or any other matter from being raised directly to the Governing Board.

In addition, the proposed APC exhaustion requirement also is inconsistent with Article VI(j)(3) of the Compact. That provision states that "[i]n the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, 'aggrieved person' means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance." The APC does not adopt or approve Regional Plan amendments or, in this case, Area Plans. Rather, the APC may only recommend a "plan or amendment to the governing body for adoption by ordinance." Article V(a). TRPA's Governing Body then must take an action by either adopting, modifying, or rejecting the proposed plan or amendment, or by initiating and adopting its own plan or amendment "without referring it to the planning commission." *Id.* See Article III(g)(1) ("For adopting, amending or repealing ... the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the [Governing Board] members of each State agreeing with the vote of at least four [Governing Board] members of the other State *shall be required to take action*") (emphasis added). Because the only TRPA action that could be challenged by an aggrieved person is an action taken by the Governing Board, the only "appropriate administrative hearing to register objection to the action" is the Governing Board's meeting. Article VI(j)(3). TRPA has no authority to expand the exhaustion requirement set forth in Article VI. Nor does TRPA have the authority to preclude persons aggrieved by an action from raising their issues to the Governing Board that is taking the actual action. The proposed requirement that persons wishing to raise issues regarding an Area Plan must do so before the APC in order to raise such issues to the Governing Board would unlawfully expand the minimum exhaustion requirement established by the Compact and indeed frustrate the public's ability to comply with that requirement.

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Thank you for the opportunity to raise the above legal concerns.

Sincerely,

/s/

Michael Lozeau

Richard Drury

Lozeau Drury LLP

cc (via e-mail): TRPA Governing Board members
 Susan Gearhart
 Judi Tornese
 Alexander Leff

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ATTACHMENT

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CEQA

AIR QUALITY HANDBOOK

GUIDELINES FOR ASSESSING
AIR QUALITY IMPACTS
FOR PROJECTS SUBJECT TO CEQA REVIEW

January 2008



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List of Acronyms

AAQS	Ambient Air Quality Standards
ACM	Asbestos Containing Material
ADT	Average Daily Trips
AQAP	Air Quality Attainment Plan
ATCM	Air Toxics Control Measure
BAMM	Best Available Mitigation Measures
CAAA	1990 Clean Air Act Amendments
CAP	Clean Air Plan for Butte County
CARB	California Air Resources Board
CBACT	Best Available Control Technology for Construction Equipment
CDPF	Catalyzed Diesel Particulate Filter
CEQA	California Environmental Quality Act
CNG	Compressed Natural Gas
CO	Carbon Monoxide
District	Butte County Air Quality Management District
DOC	Diesel Oxidation Catalyst
(D)EIR	(Draft) Environmental Impact Report
EPA	United States Environmental Protection Agency
H ₂ S	Hydrogen Sulfide
H&SC	California Health & Safety Code
IS	Initial Study
ITE	Institute of Transportation Engineers
LNG	Liquid Natural Gas
LOS	Level of Service
MND	Mitigated Negative Declaration
ND	Negative Declaration
NESHAP	National Emission Standard for Hazardous Air Pollutants
NOP	Notice of Preparation
NO _x	Oxides of Nitrogen
PM ₁₀	Particulate Matter (less than 10 microns)
ROG	Reactive Organic Gases
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
TAC	Toxic Air Contaminants
T-BACT	Toxic Best Available Control Technology
TDM	Transportation Demand Management
VMT	Vehicle Miles Traveled

Butte County Air Quality Management District Mission

Our mission is to protect the people and environment of Butte County from the effects of air pollution through developing and implementing programs and regulations to improve our air quality.

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CEQA Air Quality Handbook

GUIDELINES FOR ASSESSING AIR QUALITY IMPACTS FOR PROJECTS SUBJECT TO CEQA REVIEW

The Butte County Air Quality Management District (District) has prepared this handbook as an advisory document to assist lead agencies, planning consultants, and project developers with procedures for addressing potential air quality impacts from residential, commercial and industrial development.

It was designed to provide uniform procedures for preparing the air quality analysis section of environmental documents for projects subject to the California Environmental Quality Act (CEQA). These guidelines define the criteria used by the District to determine when an air quality analysis is necessary, the type of analysis that should be performed, the significance of the impacts predicted by the analysis, and the mitigation measures needed to reduce the overall air quality impacts. The goal of this document is to simplify the process of evaluating and mitigating the potential air quality impacts from new development in Butte County.

For further information on any of the topics covered in this handbook, review the District's website at www.bcaqmd.org or contact us directly at (530) 891-2882.

1 PROJECTS REQUIRING AIR QUALITY REVIEW AND ANALYSIS

The District has permit authority over many "direct" stationary sources of air contaminants, including but not limited to power plants, gasoline stations, dry cleaners, internal combustion engines, and surface coating operations. The District does not, however, exercise permit authority over "indirect" emission sources. Indirect sources are facilities and land uses which do not necessarily emit significant amounts of pollution themselves, but attract or generate motor vehicle trips which results in emissions of ozone precursors and fine particulate matter. Emissions from these sources are typically addressed through the land use planning process under the guidelines and statutes of CEQA.

1.1 *Role of the District*

The District normally acts as a **responsible or commenting agency** under CEQA, reviewing and commenting on projects which have the potential to cause adverse impacts to air quality. Under CEQA statutes and guidelines, lead agencies are required to seek comments from each responsible agency and any public agency that has jurisdiction by law over resources that may be affected by a proposed project (CEQA Guideline Sections 21153 and 15366). For most urban development proposals, this typically involves projects where vehicle trip generation is high enough to cause emission levels capable of hindering the District's efforts to attain and maintain

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the Federal and State ambient air quality standards. It is in this context that local jurisdictions and planning bodies can make critical decisions that affect their future environment and that of neighboring communities as well.

1.2 *Projects Subject to Air Quality Analysis*

In general, any proposed project which has the potential to emit **greater than 25 lbs/day** of reactive organic gases (ROG) or oxides of nitrogen (NO_x), or **greater than 80 lbs/day** of particulate matter less than 10 microns (PM₁₀) should be submitted to the District for review. Projects that may result in a significant public exposure to toxic air contaminants (such as diesel particulate matter, exhaust, and asbestos) require separate analysis, as discussed in Section 2.4. The project will be evaluated to determine the potential for significant air quality impacts, with further analysis or mitigation recommended if appropriate. Environmental documents associated with these types of projects are also reviewed by the District and include Initial Studies, Notices of Preparation (NOP), Negative Declarations, Mitigated Negative Declarations, and Draft Environmental Impact Reports (DEIR).

1.3 *Project Information Needed for District Review*

Early consultation with the District can ensure that the environmental document adequately addresses air quality issues. The District will generally review Initial Studies/Mitigated Negative Declarations and DEIRs for the following items:

- The accuracy of the air quality setting data;
- Appropriateness of modeling assumptions, if applicable;
- Whether air quality impacts are adequately described;
- The extent to which recommended mitigation measures are incorporated into the project to reduce impacts; and
- Whether the District agrees with the overall conclusions regarding impacts on air quality.

In order to provide meaningful review of the proposed project, the following information should be provided:

- Complete and accurate project description, including all estimates and assumptions;
- Environmental documents, including DEIRs, Initial Studies, Mitigated Negative Declaration, Negative Declarations, etc.;
- Any technical documents or appendices that relate to air quality, including traffic analyses, growth impact projections, land use elements, site plans, maps, etc.; and,
- Mitigation Monitoring Program, if applicable.

1.4 *Screening Criteria for Project Impacts*

General screening criteria used by the District to determine the type and scope of projects requiring an air quality assessment, and/or mitigation, are presented in Table 1-1. These criteria are based on project size and are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial and industrial development. The list is not comprehensive and should be used for general guidance only. A more refined analysis of air quality impacts specific to a given project, such as the use of the URBEMIS model, is often necessary for projects exceeding the screening thresholds.

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Table 1-1: Screening Criteria for Project Air Quality Impacts ¹				
URBEMIS 9.2.2 Land Use Categories	Project Size Greater than 25 lbs/day ²		Project Size Greater than 137 lbs/day ³	
	Year 2010	Year 2015	Year 2010	Year 2015
Residential (dwelling units)				
Single Family	120	150	640	810
Apartment, Low Rise	150	190	840	1050
Commercial (1000 square feet)				
Office Park	130	200	715	830
Light Industrial	225	325	1200	1350
Retail (1000 square feet)				
Supermarket	17	25	95	105
Convenience Market (w/gas pumps)	2	3	11	13
Discount Super Store	35	52	190	215
Home Improvement Store	55	86	315	360
Miscellaneous (1000 square feet)				
Elementary School	110	160	600	700
Fast Food with Drive Through	3.5	5	19	20
Bank with Drive Through	7	11	39	43

1 URBEMIS 9.2.2 emissions from area and operation sources with no mitigation selected, Mountain Counties rural settings, and architectural coatings turned off and 0% open hearth fireplaces and 45% wood stoves.

2 District thresholds - Level B: ROG and NOx greater than 25 lbs/day, PM10 greater than 80 lbs/day.

3 District thresholds - Level C: ROG, NOx and PM10 greater than 137 lbs/day.

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Section III: Water Quality Regulations

TAHOE REGIONAL PLANNING AGENCY
CODE OF ORDINANCES

REGIONAL PLAN UPDATE COMMITTEE
PUBLIC REVIEW DRAFT

CHAPTER 60: WATER QUALITY

REVIEW OF EXISTING STORMWATER REGULATIONS
AND PROPOSED ENHANCEMENTS

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On behalf of:

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League to Save Lake Tahoe

June 15, 2012

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I. INTRODUCTION

This review evaluates the existing water quality standards (Standards) and Best Management Practice (BMP) regulations set forth in the Tahoe Regional Planning Agency (TRPA) Review Draft Code of Ordinances, Chapter 60: Water Quality. To better evaluate the runoff standards, this review first discusses each stressor in relation to its various forms and their respective impacts upon the eutrophic status of Lake Tahoe. It then summarizes the current understanding of the relative magnitude of the various sources of each stressor, and relates these loading concentrations to Lake trophic responses.

Given this framework, it is then possible to examine the criteria set forth in the standards in terms of how protective they would be, given the loading analysis of the TMDL. As part of this comparison, the stressor retention responses of advanced BMP technologies are presented to establish a basis for more stringent, but attainable, standards. A critical element of this analysis is the interaction between surface water and groundwater, as many BMPs such as bioretention discharge into groundwater. Under this framework, the review of groundwater standards is viewed through the lens of the linkage between surface and groundwater loadings upon the Lake.

The review then evaluates the current requirements for BMP designs and their technical documentation. Recommendations for more effective BMP designs are then presented. It is intended that, by adopting these recommendations, loads of stressors from urban runoff will be reduced enough to improve the clarity of Lake Tahoe and accelerate meeting the Clarity Challenge.

II. STRESSOR CONCENTRATIONS, IMPLICATIONS AND SOURCES

A. Nitrogen

In the late 1980s, a dramatic increase in algal primary productivity in the years since 1958 was noted by Goldman (1988, as cited in Lee and Jones-Lee 1994). Goldman concluded that the increase in the mass of algae (and diatoms, lumped with algae in this discussion) at the time was due to increases in nitrate (plus nitrite) and ammonia. This was highly correlated with the increase in population within the basin, with automobile

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emissions being held responsible. By that time nearly 90% of the source was attributed to atmospheric deposition, although runoff contributions also increased by a factor of 4 to make up most of the balance. Erosion was projected as being only a small proportion of IN inputs.

Wetzel (2001) summarized the mean total N (TN) from studies of 11 oligotrophic lakes at 0.66 mg/l. The TMDL Technical Report (TMDL 2007) observes that TN in the Lake was an order of magnitude less at 0.06 mg/l, of which most was organic N (ON). Nitrate concentrations in the Lake were in the range of only 0.02 mg/l (TERC 2011). This very low value likely indicates uptake by algae, suggesting that the Lake is often still N limited, as TERC (2011) recently concluded. As a result, notwithstanding these low concentrations, TN concentrations in Lake Tahoe are still rated as considerably worse than target according to the EIS (Ascent 2012, p. 3.8-11).

The TMDL LSPC model segregates N into dissolved N (DN) and TN. DN is the sum of inorganic N (IN-comprising nitrogen oxides and ammonium) plus dissolved ON. Based on sampling results regressed to source characteristics, concentrations of TN in residential, commercial and roadway areas were very high, projected to range from 1.75 to 3.92 mg/l. Turf runoff TN was allocated at a remarkably high 5.48 mg/l. In contrast, DN concentrations were projected to range from 0.14 to 0.72 mg/l, indicating very high proportions of particulate N (PN- the difference between TN and DN). Since stream flow was not partitioned by runoff source or groundwater contributions, the same values were used for pervious and impervious developed areas. The latest accounting of N sources show atmospheric deposition being 55%, while urban runoff is only 16% and groundwater is another 12.5% (Ascent 2012).

B. Phosphorus

Phosphorus (P) is usually considered the limiting nutrient to algal growth in freshwater systems. This means that it takes very little P to stimulate excessive growth assuming there is plenty of N available. P comes in not only dissolved and particulate forms, but also organic and inorganic forms, with many transformations between these forms. It is the relative bioavailability of P forms that determines the potential impacts on algal growth

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and eutrophication. PO₄ (orthophosphate) is by far the most common inorganic form, and most bioavailable. As such it is the only form taken up by algae.

The TMDL Report (2007) observed that the N limitation and/or co-limitation by both N and P that was prevalent in the 1980s had shifted more to limitation by P. More recent analysis (TERC 2010), suggest that both N and P are limiting nutrients, depending upon the season. This trend has persisted, with P limitation in winter, and co-limitation by N and P in the spring through late fall (TERC 2011). This has resulted in a shift of algal species. The TERC Report observes that 1/3 of all particles close to the surface are algal, with counts as high as 6,000 per ml. The counts of *Cyclotella gordonensis* were associated with declines in summer clarity, with declines in near shore clarity attributed to runoff from adjacent developed land uses.

As EIS Exhibit 3.8-2 shows, primary productivity (a measure of algal growth) has increased substantially in recent years, even more since the observations of Goldman (1988). Meanwhile, average dissolved P in the Lake has remained very low, with a trend declining from 0.003 mg/l in the 1980s to around 0.002 mg/l at present (TERC 2011). Again, this is well below the median of 0.008 mg/l for oligotrophic lakes reported by Wetzel (2001).

In addition to suspended algae, there has also been extensive periphyton growths ("green slime") observed in recent years. The heavy bloom in 2010 was attributed to early runoff. However in 2011 it was observed before the peak runoff occurred, indicating that sources of nutrients were more proximal to the lake. These data suggest that nutrients may be elevated above concentrations needed to maintain an oligotrophic status, particularly in nearshore settings where periphyton accumulates. These nearshore areas with the greatest density of periphyton are correlated with urban runoff and nutrients from streams (TERC 2010, pp.80-81).

Like N, the TMDL LSPC model segregates P into dissolved P (DP) and TP. DP is the sum of IP plus dissolved OP (which is not considered bioavailable). Based on sampling results regressed to source characteristics, concentrations of TP in residential, commercial and roadway areas were very high, projected to range from 0.47 to 1.98 mg/l. Turf runoff TP was allocated at a remarkably high 1.46 mg/l. In contrast, DP concentrations were

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projected to range from 0.078 to 0.144 mg/l, again indicating very high proportions of particulate P (PP- the difference between TP and DP). The latest accounting of P sources shows atmospheric deposition being 15%, while urban runoff is only 38% and groundwater is another 15% (Ascent 2012).

In the case of both N and P, the long retention time and repeated turnover of deep biomass causes the Lake to recycle these nutrients back into the photic zone where there is enough light to stimulate more algal growth. As a result, once in the Lake, nutrients take a very long retention time before being sequestered in the bottom sediments. These findings suggest that it is essential to remove as much N and P as reasonably practicable to reduce algal growth, particularly in the nearshore areas directly influenced by urban runoff.

C. Fine Sediments

Until 1999, excess nutrient stimulation of algal growth was considered the main reason for loss of clarity in the Lake. More detailed analysis of suspended sediment particle size distribution and its effects upon light scattering and absorption revealed that the majority of transparency loss was due to fine particles in the water column (TMDL 2007). These particles are dominated by very fine silts in the range from colloids (submicron) to 8 microns. Nearly 70% of the light scattering is due to particles less than 4 microns. The relative proportion of scattering due to fine sediments varies from a low of 45% in the winter to 75% during peak runoff, which declines over the summer as algal scattering increases into the winter months to a peak of nearly 40%. As such, fine sediments are the most responsible for loss of clarity in the Lake.

Fine sediments are most associated with roadways, in particular winter road traction management programs. Based on sampling results regressed to source characteristics, concentrations of TSS in residential, commercial areas were quite low, projected to range from 56 to 296 mg/l. In contrast, roadway concentrations were projected to range from 150 to 952 mg/l (Ascent 2012). 76% to 86% of the TSS was classified as silt (<63 microns).

The latest accounting of fine sediments (< 20 microns) sources show atmospheric deposition representing 15%, while urban runoff is 72% and stream channel erosion is only

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4% of the total load (TMDL 2007). Since this latter figure contradicts the observations of Simon (2003) demonstrating that 25% of fine sediments comes from bank erosion, it seems likely that this component may be underestimated, and conversely that urban (road) runoff is overstated. Regardless of the precise amount, the importance of urban sources must be acknowledged.

D. Other Stressors

The TMDL, EIS and TERC Reports are all silent on the stressor implications of iron, oil and grease. While iron can cause discoloration, it is generally a small component of runoff, and the local geology would seem to have little iron present except perhaps in the volcanic zones. The Threshold Evaluation suggest a mean annual iron concentration of <0.01 to 0.03 mg/l, depending upon water body (TRPA 2012). Oil and grease are common components of urban runoff, but there seems to be little reported as to any adverse effects of these stressors upon Lake Tahoe.

III. SURFACE RUNOFF STANDARDS

A. Dissolved Inorganic Nitrogen

At a neutral pH typical to environmental settings, inorganic nitrogen largely comprises nitrate (plus nitrite) and ammonium ions. Ammonium ion is often converted to nitrate, so it is much less prevalent. However, if pH is elevated to 9.0 (which is unlikely in most settings), it is converted to ammonia, which can be toxic to living cells at concentrations exceeding the standard.

Going by the extremely low concentrations present in Lake Tahoe, the standard of 0.50 mg/l for inorganic N in surface runoff would not be considered adequate to protect the environment. According to the TMDL, surface runoff is already considered to have DN concentrations in this range, so minimal improvement would be expected by this standard. During the 2010 water year, 9.5% of all N entering the Lake by the tributaries was nitrate, which would thus not be removed. Even given predominance of atmospheric deposition of N, the contribution from urban runoff is still 12.5% (Ascent 2012). Removal of this N source could have a considerable effect upon trophic status.

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Furthermore, the presence of ON noted in the Lake sampling should also be addressed. ON and ammonium both oxidize to nitrate, so the standard should include a component to address this form of N. California does not have a standard for dissolved IN, but does for TN: 0.15 mg/l for General and Ward Creeks, and 0.19 mg/l for Blackwood and Trout Creeks and the Upper Truckee River. Nevada does not have a numeric TN concentration standard. As such, the proposed Chapter 60 Standard is considerably less protective than State tributary standards.

With typical bioretention systems, the lowest (irreducible) IN discharges are in the range of 0.25 mg/l, associated with removal rates in the range of 20-50% (eg., Davis et al. 2006). Typical sand filters would have higher discharge concentrations due to the lack of vegetation and absence of anoxic zones. A subsurface gravel wetland with an extended anoxic zone consistently discharged at or below 0.05 mg/l (UNH 2010). Similar results can be obtained with outlet controls on bioretention systems (Lucas and Greenway 2011a). While very few BMP studies examine ON directly, average TN discharges (presumably all dissolved) from the better performing systems average over 1.00 mg/l, suggesting ON in the range of 0.75 mg/l. The best performing systems have an anoxic zone (UNH 2010; Zinger et al 2007), or an outlet control (Lucas and Greenway 2011a). These technologies discharge TN at or below 0.50 mg/l.

Given the importance of N to seasonal algal limitation and its direct impacts upon nearshore periphyton blooms, the Standard for N should be refined. Inorganic N should be restricted to discharge at an average criterion of 0.25 mg/l, while total N should average 0.50 mg/l. It is assumed that advanced systems would be used to attain these criteria, as discussed in Section V.

B. Dissolved Phosphorus

As noted above, DP comprises both IP and OP; however, the latter is not considered bioavailable, and generally represents a small fraction of DP. Again, going by the extremely low concentrations present in Lake Tahoe, the standard of 0.100 mg/l for dissolved P in surface runoff would not be considered adequate to protect the Lake environment, especially as surface runoff is already assumed to have DP concentrations ranging from

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0.078 to 0.144 mg/l as assumed in the TMDL model. As such, this standard implies that minimal retention would be provided by BMPs. Note the TP standards adopted by TRPA are 0.05 mg/l for all tributaries except the Upper Truckee, Trout, General and Blackwood and Ward Creeks, which are set at 0.15 mg/l (TRPA 2012). Based on loads, 10% of the TP in 2010 was PO₄. This suggests a DP standard of 0.005 mg/l and 0.015 mg/l respectively. The current standard for dissolved P of 0.100 mg/l is 50 times the 0.002 mg/l found in the Lake, and over 10 times higher than that allocated to many tributaries.

Excess P loads from urban runoff not only have substantial effects upon lake clarity, they are also largely responsible for nearshore periphyton blooms. The TMDL data and TERC trends suggest that reducing P from urban runoff will have important benefits, particularly on nearshore algae and periphyton growth. However, such low values are only attainable for advanced BMP such as advanced bioretention (Lucas and Greenway 2011b), and even then such performance would not persist. A more reasonable long term goal is a dissolved P criterion of 0.020 mg/l. There are several advanced BMPs that are capable of meeting this criterion, some of which are proprietary (Caltrans 2006; Erickson et al. 2007; Ma et al. 2011; Lucas and Greenway 2011b). However, the importance of reducing P loads, especially those in near shore settings, merits much more stringent BMP criteria to reduce P loads.

C. Dissolved Iron

No change needed.

D. Grease and Oil

Removal of oil and grease by bioretention systems can be quite effective. Davis et al (2006) observed 96% oil and grease removal at 20 mg/l applied, indicating an average outflow of 0.80 mg/l. As such, this suggests that the Standard of 2.0 mg/l could be lowered to 1.0 mg/l and still be attained easily, as most oil and grease in runoff is less than 20 mg/l.

E. Suspended Solids

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The recognition that fine sediment is the leading cause of loss of lake clarity demands that aggressive sediment control strategies be deployed. While the TMDL does not provide Lake suspended sediment concentration per se, inspection of Figure 3-15 shows that turbidity of <0.10 NTU is needed to obtain a Secchi depth reading of 45 feet. By the time turbidity increases to 0.50 NTU, the depth is reduced to 10 feet, and at >2.0 NTU, clarity is reduced to less than 2 feet. While total suspended solids (TSS) is not the same as NTU, the measurements at these low NTU are very similar.

This suggests that the TSS concentration standard should be in the range of 1.0 mg/l to come even close to acceptable loads, assuming a dilution factor of 10 in the Lake. However, the permissible criterion of 250 mg/l is over two orders of magnitude higher. In fact, it is higher than most urban source concentrations, so this standard again implies that minimal retention would be provided by BMPs. Note the TSS standards adopted by the TRPA are 60 mg/l for all tributaries. Note also that TSS also includes the very substantial proportion of PP and PN in runoff. While most may not be bioavailable, even a small percentage of such high TSS loads poses an unacceptable load of nutrients.

Since filtering BMPs such as bioretention are capable of reliable TSS discharge in the range of 5 mg/l or less (Caltrans 2006, Davis et al. 2006), the standard for TSS should be reduced to this level in order to adequately protect the Lake. Similar concentrations are likely from sand filters. Note that this value assumes surface discharge. Subsurface discharge of TSS could be higher since TSS will be filtered by the soil profile and eliminated by the time it appears in baseflow or direct groundwater inputs.

IV. GROUNDWATER STANDARDS

The TMDL model differentiates baseflow from stormflow in the hydrologic analysis, with the great majority (79%) of annual flow represented by the former. In the sandy soils of the Tahoe region, overland runoff primarily occurs when the soil is saturated (TRPA 2011). Much of pervious stormflow including that from disconnected impervious surfaces like roofs is conveyed by subsurface flows (TMDL 2007). Only runoff from roads and other directly connected impervious areas contributes overland runoff directly into the streams or the Lake. Since the TMDL model allocates the same concentrations to pervious and

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impervious, it appears that flow partitioning is only used for hydrologic analysis. It is not known how these flows are partitioned in terms of stressor loads. However, groundwater flows have very different hydrologic and stressor implications, so this allocation may oversimplify the processes at the site scale, even though calibrated at the receiving streams.

Groundwater pathways thus play a very important role in the transport of stressors. As an example, stressors such as nitrate pass through groundwater with minimal attenuation. Some groundwater nitrate can be reduced in the riparian (streamside) environment, but only if conditions provide an aquaclude to force groundwater through the riparian root zone (Lowrance et al. 1995), a rare circumstance in local granitic geology. For this reason, virtually all nitrate entering groundwater will eventually end up in Lake Tahoe.

In most settings, phosphorus would be considered attached to soil particles, so it would not travel through groundwater at concentrations over 0.010 mg/l in natural settings (Akhtar et al. 2003). However, measurements of groundwater P by the USACOE show that PO₄ concentrations under developed land uses range from 0.073 to 0.092 mg/l, or twice the ambient levels of 0.040 mg/l. DP was even higher, ranging from 0.100 to 0.120 mg/l. (TMDL 2007). Since even the ambient PO₄ concentration is much higher than found in most soils, this indicates that soils in the Tahoe region have very little ability to retain dissolved P. The elevated PO₄ under developed land uses thus represents a substantial load of P that ends up in the streams, and ultimately the Lake.

In terms of loads, the USACE study estimated that ambient groundwater loading was 46% of all N and 34% of all P entering the Lake. On the other hand, the TMDL allocates groundwater as representing only 12.5 % of the N load and 15% of the P load (TMDL 2007). It appears that this apparent discrepancy is due to the model allocating a portion of groundwater loads into other source categories. The USACE study showed that the south state line area was responsible for only 5% of groundwater inflows due to the low gradient, with the majority of direct groundwater inflows coming in from the west side.

However, the USACE study did not evaluate how much groundwater is discharged in the streams that also enter the Lake. As noted above, most hydrologic responses are conveyed by groundwater pathways. This means that much of the flow in the streams is also

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represents groundwater inputs, so flows from rivers such as the Upper Truckee River and Ward Creek also convey a considerable amount of nutrients originally present in groundwater. As result of the predominance of flow being conveyed by groundwater pathways, it is very important to examine the existing standards in light of their potential interception by soils, and the resulting impacts upon Lake Tahoe's trophic status.

In essence, the "direct connection" nexus exists for nearly all subsurface discharges. While some of the stressors will diffuse into the permanent aquifers, the overlying transmissive zones that are subjected to elevated stressor concentrations will eventually convey these stressors into the Lake. However, for some reason, the groundwater Standards are applied to different forms of N P and turbidity, so these are discussed in more detail below.

A. Total Nitrogen

By definition, TN in groundwater is DN. The TMDL notes that most N in surface runoff is particulate, which would not be transported in groundwater. Since the TMDL projects at most 0.74 mg/l DN from urban runoff, the current Standard for groundwater N of 5.0 mg/l would be ineffective in reducing runoff N loads into the Lake. This suggests that this high a value was intended to be applied to wastewater and industrial discharges which can be a much higher concentration. While these sources may represent much smaller volumes, there are many technologies that can treat DN to lower concentrations.

As noted above, dissolved N comprises IN and ON, which is readily converted to IN within the soil profile, with nitrate ending up as the most common form of IN. Since it is not absorbed or transformed, any IN present in groundwater eventually enters the Lake. Given the importance of N to seasonal algal limitation and its direct impacts upon nearshore periphyton blooms, the Total DN should be restricted to discharge at an average criterion much lower than 5.0 mg/l. As noted for surface discharges of DN, technologies exist that can discharge at an average of 0.50 mg/l. A similar discharge limit should be placed for both surface and groundwater discharges of N, as the N will eventually end up in the Lake, regardless of the pathway. The only difference is in the timing.

B. Total Phosphate (PO₄)

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As noted above, the vast majority of DP is phosphate, with the small proportion that is DOP being largely unavailable for algal uptake. Since PO₄ is not retained by soils nearly as much as in other settings, the Standard of 1.00 mg/l is not at all protective of the Lake, where the concentration is only 1/500 this Standard. Again, since technologies exist for removal of PO₄ to much lower levels, the standard for groundwater discharges should likewise be adjusted accordingly to 0.025 mg/l to correspond to surface runoff standard.

C. Iron

It is unclear how iron in runoff and groundwater affects Lake Tahoe or that it is even a problem in the first place. Since groundwater is generally oxidic, ferric iron will precipitate PO₄, which would be a desired outcome. However, it would be better to reduce PO₄ in the first place rather than injecting iron as a measure to reduce P concentrations.

D. Grease and Oil

Since grease and oil float, it is surprising that there would be a standard for groundwater discharges of these stressors. Grease and oil removal in bioretention systems is attributed to bacterial degradation (Davis et al. 2006), a process that is unlikely in aquifers. If anything, groundwater “discharges” should be reduced even more than in surface water, not increased by a factor of 20. The value 1.0 mg/l thus should be applied for groundwater discharges of oil and grease.

E. Turbidity

Depending upon particle size distribution, TSS is typically 1.5 to 3 times the equivalent turbidity expressed in NTU. The standard of 200 NTU is thus equivalent to TSS ranging from 300 to 600 mg/l. As such, the groundwater standard is even higher than the surface standard, which is already much too high. While most TSS will be filtered by the soils (unlike nutrients), concentrations of TSS/NTU this high are likely to clog the pores of the soils, even in fairly coarse grained sands typical to the Tahoe region. This standard should be revised to the 5 mg/l allocated to surface discharges.

V. BMP DESIGN

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Given the overwhelming interest in reducing N, P and TSS loads into Lake Tahoe, it is remarkable how little discussion on BMP design there is in Chapter 60. Only one type of BMP, an infiltration facility capable of infiltrating the 20-year 1-hour storm is permissible. As noted above, infiltration of nutrients does not materially reduce their loads; it merely delays their arrival via groundwater. Therefore, this BMP should be revised for more effective infiltrating technologies. Widely acknowledged as being one of the best overall BMPs for most stressors, bioretention can be very effective for TSS, oil and grease, quite effective for P, and somewhat effective for N. It also infiltrates. At the minimum, this BMP definition should be changed to require bioretention systems instead of sand filters or underground infiltration trenches.

However, while bioretention can meet many of the proposed standards, it is less effective for removal of dissolved N and P than other more advanced technologies referenced in this report. For retention of dissolved N, all of the advanced technologies require an impermeable membrane to retain runoff long enough for N transformations to occur. They can then infiltrate under or next to the N retention module. For the best retention of dissolved P, the media should to be amended with materials that with high P sorption capacity. Such BMPs should be considered for retrofit situations, where the minimal additional expense is more than offset by the quantities of P removed from existing runoff.

VI. CONCLUSIONS

This analysis has reviewed the literature on the various stressors that affect the lake, and how their impacts are related to their sources and loads. It is seen that flow pathways play a very important part in determining how these stressors are conveyed to the Lake, and in what concentrations. The available BMP technology is briefly summarized in terms of its potential to reduce runoff and groundwater loads of N, P and TSS. Tightening the standards to require better BMPs (a contradiction in terms, as how can every BMP be “best”, let alone how can you make “best” better), will substantially reduce existing loads when they are deployed, particularly in retrofit situations. Deployed extensively, advanced technologies will greatly accelerate attainment of the Clarity Challenge.

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Section IV: Thresholds & the DEIS

Re: Draft 2011 Threshold Evaluation Report, TRPA Regional Plan Update Draft Environmental Impact Statement and Regional Transportation Plan Update Environmental Impact Report/Environmental Impact Statement

I. INTRODUCTION

Please consider the following comments submitted on behalf of Friends of the West Shore, the League to Save Lake Tahoe, and the Tahoe Area Sierra Club (collectively “FOWS”) on, the Draft 2011 Threshold Evaluation Report (“2011 TER”), TRPA Regional Plan Update Draft Environmental Impact Statement (“RPU DEIS”) and Regional Transportation Plan Update Environmental Impact Report/Environmental Impact Statement (“RTP DEIR/DEIS”). We also incorporate comments submitted by Ellie Waller, North Tahoe Preservation Alliance (including comments by Ann Nichols, Joy Dahgren, Anthony Kalbfus) and Michael Lozeau, Partner at Lozeau Drury LLP.

Our review has identified numerous areas of concern with the analyses and presentation of information in the 2011 TER, the RPU DEIS, and the RTP DEIR/DEIS. The following comments focus on all three environmental documents since they are inextricably linked, although the TRPA and TMPO have selected two different comment periods (the EIS and EIS/EIR comment period ends June 28th, and the TER comment period, July 25th).

However, we reserve the right to provide further comments on the 2011 TER after the June 28th deadline, and because the RPU DEIS and RTP DEIR/DEIS analyses are directly linked to the 2011 TER in numerous ways¹ (as demonstrated in these comments), we feel any comments provided on the 2011 TER between June 29th and July 25th should be given equal consideration (and response) as these comments.

Given the limited time to review and comment on the overwhelming number of pages in the 2011 TER, RPU DEIS and RTP DEIR/DEIS, FOWS has done its best to provide as complete comments as possible. However, FOWS is very concerned that the increases considered in the action alternatives (Alternatives 2-5) are out of proportion to the rustic communities along the West Shore and the overall rural mountain lifestyle enjoyed by many residents and visitors, and that the increases will negatively impact the environmental thresholds. The environmental analyses of the thresholds in the 2011 TER, as well as the impact analyses in the RPU DEIS and RTP DEIR/DEIS are wholly inadequate, and very misleading when the facts are given detailed consideration. We have done our best to review and assimilate the information provided with all of the documents, and to identify

¹ For example, the RPU DEIS Air Quality Chapter (p. 3.4-30) relies on “positive trends” in the 2011 Threshold Report as part of the environmental impact analysis: “TRPA’s existing wood stove retrofit program, applicable county and state regulations, and other programs to improve air quality have resulted in a baseline condition with a positive trend toward attainment of PM and visibility threshold indicators and AAQS (TRPA 2012a).”

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our concerns and raise questions as comprehensively as possible in the given time frame. However, we provide many examples of problems that are repeated throughout the documents, but due to time constraints, have not included every instance in our comments.

We also note that one of the overarching thresholds, that is, the one with some of the most attention and certainly the greatest focus of restoration resources, is Lake Tahoe. The clear, pristine waters have become clouded with nutrients and particles. The clarity has continued to decline (see State of the Lake Report by TERC 2011). The nearshore clarity has substantially declined, and continues to do so in light of any changing trends that may or may not have occurred in the mid-lake. Summer clarity is worse than winter clarity. Yet Lake Tahoe is a federally-designated Outstanding National Resource Water (ONRW). This affords the lake special protection under the federal Clean Water Act and prohibits any degradation of the lake's water quality.

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I. Draft 2011 Threshold Evaluation Report:

Our comments first evaluate the draft 2011 Threshold Evaluation Report. Although TRPA has attempted to divide the comment periods, according to Resolution 82-11 6(c), the thresholds are supposed to serve as the basis for the Regional Plan.

6. That the Governing Body hereby adopts the following as a statement of intent, which will guide the development of the regional plan and actions subsequent to the adoption of that plan:...

(c) It is the intent of the Governing Body that the Environmental Threshold Carrying Capacities will provide the basis for the adoption and enforcement of a regional plan and implementing ordinances which will achieve and maintain such capacities while at the same time providing opportunities for orderly growth and development consistent with such capacities. It is further the intent of the Governing Body that the regional plan will provide for carrying out all of the policies expressed in Article I of the compact.

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That TRPA would expect the public to focus on the outcome before reviewing the basis for that outcome reflects a backwards logic that is certainly in conflict with the Compact and Resolution 82-11. This situation also underscores the problems with setting policy first, before looking at the science that the policies are supposed to reflect and the environmental standards the policies are required to meet.

Although the comment period for the 2011 Draft Threshold Report extends beyond the 60-day comment period for the RPU DEIS and RTP DEIS/DEIR, the thresholds were created to protect the Basin's unique environment and as directed by the TRPA Compact [Article V(c)], the Regional Plan must *achieve and maintain* the thresholds. As a result, it is not possible to evaluate the environmental impacts of the proposed Regional Plan alternatives on the environmental thresholds without examining the status of the thresholds. However, we note that 60 days has been provided to comment on the RPU DEIS, yet stated

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comments on the threshold report will be accepted until July 25, 2012. We again cite the relationship between the threshold report and the RPU DEIS, and request that TRPA consider any comments on the threshold report that are received between June 29 and July 25 with the same consideration that will be given to comments on the RPU DEIS.

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II. Regional Plan Update Draft Environmental Impact Statement (RPU DEIS) and, as associated, Regional Transportation Plan Update Draft Environmental Impact Report/Environmental Impact Statement (RTP DEIS/DEIR):

Next, our comments examine the environmental analysis and information included in the two environmental documents. As stated in information published by the California Air Resources Board,² for the RTP to rely on the RPU as the Sustainable Communities Strategy (SCS), the RPU must meet CEQA requirements.

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“The RTP serves as one of the key documents used by the federal government to identify and fund transportation projects, programs, and services in a region. Since the SCS is part of the RTP, the resulting document must comply with all applicable state and federal requirements, including financial constraint and the use of latest planning assumptions.”

Unfortunately, CEQA was summarily dismissed as not applicable. Still, the document clearly fails to meet CEQA requirements throughout (as well as the TRPA Compact and NEPA requirements for EIS documents).

Comments on 2011 Draft Threshold Evaluation Report

2011 Threshold Evaluation Report: Change from Attainment Status to “Trend”

TRPA has evaluated the attainment status of the environmental thresholds at five year intervals, including 1991, 1996, 2001, 2006, and now, 2011. However, in the first four reviews, TRPA has reported on the attainment status of the thresholds, in correlation with the Compact’s mandate to attain the thresholds standards. Therefore, the sudden change in how TRPA is evaluating thresholds in the 2011 Threshold Evaluation Report (2011 TER) - essentially moving away from the use of attainment and non-attainment - is unfounded - and in direct conflict with the Compact’s original mandates.

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Additionally, the ‘new’ language involving trends, assessments related to ‘targets,’ and so on, is even more confusing. We also note the switch to this type of ‘narrative/descriptive’ approach is rather quite deceptive and misleading. Where the first four 5-year Threshold reports discussed whether standards were in attainment or not, the new ‘method’ confuses

²

http://www.trpa.org/RPUEISReferences/3.5%20GHG%20Climate%20Changes/3.5_RTAC%202009_Final%20Report%20to%20ARB.pdf (p. 2).

the reader and buries the actual information in layers of evasive rhetoric. Specific examples are provided below.

These changes, which allow TRPA to portray the overall conditions of the thresholds as 'better' or 'improving,' appear to set the stage for the RPU's disregard for the status of the thresholds and move full speed ahead with the Regional Plan Update alternatives, where all action alternatives propose more development, more people, more coverage, more cars, and more environmental impacts.

2011 Threshold Evaluation Report Diminishes the Importance of Threshold Attainment

Change in how TRPA views Environmental Thresholds:

The 1991 Threshold Evaluation Report begins with excerpts from Roughing It by Mark Twain (1871), discussing the beauty of the Lake Tahoe Basin,³ followed by the introduction, which begins with:

The Tahoe Region is a special place. To those who have visited Lake Tahoe and its surroundings, from earliest pre-history to the present, the Region is an exceptional, inspiring place of spiritual proportion.

The Tahoe Region was once a place of inestimable beauty. The American author Samuel Clemens ("Mark Twain") wrote of its beauty over a century ago. Photographer Ansel Adams captured it in his photographs.

Yet, like other natural places in California and the Great Basin, its beauty has been severely compromised. As at Yosemite, Pyramid Lake, the lakes and marshes of the Pacific flyway, San Francisco Bay and the California Delta, the progress of modern life has diminished the unique values that make the Tahoe Region so extraordinary.

With ever-increasing pressure upon the Region as a recreational resource and an urban center, preservation of the values of the Tahoe Region is vitally important and—at the same time—immensely difficult. The Region acts as a haven from the urbanized and urbanizing areas surrounding it, and for others who travel from afar to appreciate it. Ironically, the millions who enjoy the area simultaneously endanger it with their very presence.

Clearly, the 1991 Report has placed heavy emphasis on the beauty of Tahoe and the protection of those values. Ten years later, the 2001 Threshold Evaluation Report (TER) again includes excerpts from Mark Twain, introduction begins with the immediate discussion of the importance of attaining and maintaining thresholds to protect the unique values of the Basin. The 2006 TER begins with the same information, discussing the extraordinary mountain beauty of the National Treasure that Lake Tahoe has been

³ See Attachment A for 2001 and 2006 TER text comparisons to the 2011 TER introduction.

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classified as. Both the 2001 and 2006 TERs discuss the relationship of the Regional Plan to the thresholds, and the 2006 TER further describes TRPA's responsibilities to ensure thresholds are attained first and foremost. The 2006 TER also reiterates that the environmental threshold carrying capacities are just that – capacities that determine how much growth the Basin can handle. Although these capacities have never been scientifically determined despite over 20 years of requests from the public,⁴ TRPA has at least relied on the attainment status of the standards to examine the state of the thresholds and recommend further actions.

That is, until 2011, when the draft TER has completely changed focus. After an extensive history lesson, the report finally arrives at the introduction to the thresholds and their purpose. Unlike the previous reports, where TRPA correctly explains that their primary role is to achieve and maintain thresholds, and that any development must be consistent with threshold attainment, in the 2011 TER, TRPA instead refers to the thresholds as “objectives” (see excerpt below). This same sentence next implies the thresholds are to serve as the ‘mitigation’ for urban development, placing development *above* threshold attainment. This ‘new approach’ does not meet the Compact’s mandates to achieve and maintain the thresholds; further, the change in pattern of how TRPA evaluates its threshold requirements is extremely suspect, especially given that the proposed increases in development will negatively affect thresholds and indeed, urbanize the very Region that, as the 1991 TER states, serves as a haven from urbanization.

“The revised *Bi-State Compact* directed the agency to adopt environmental quality standards known as Environmental Threshold Carrying Capacities (or Threshold Standards) to better focus environmental quality objectives, and to mitigate the impacts resulting from urban development through regional land use planning.”

Later in this same section, the 2011 TER states that “TRPA is uniquely positioned to evaluate environmental and economic trade-offs as few agencies or governing bodies can.” The Compact does not direct TRPA to *trade* negative impacts to the environment to gain purported economic benefits. Rather, the Compact recognizes that protecting the environment will aid the Basin’s economy – because the local economy is primarily tourist-based. Although gaming was initially an important draw for visitors to the Basin, it is well established that the primary draw will continue to be Tahoe’s outdoor environment, and even more so into the future as so many other places are further developed.

“Recreation opportunities in the Region are abundant due to the diverse terrain and topography. Activities are generally associated with the Lake’s open water (e.g., swimming, boating, personal watercraft use, and fishing), the shoreline (e.g., sunbathing, camping, bicycling, and sightseeing), and the mountains surrounding the

⁴ Examples include “Conservation Community Comments on the Environmental Analysis for the TRPA Threshold Update. Submitted by Tahoe Area Sierra Club, League to Save Lake Tahoe, and Sierra Forest Legacy. May 18, 2007.”

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Lake (e.g., hiking, mountain biking, backpacking, snowboarding, and skiing).
 Recreational activities in the Region are generally seasonal and participants vary.
Tourism is a key component of the Region's economy and a high-quality recreation
 experience coupled with outstanding recreation opportunities is important to
 maintaining tourism." (RPU DEIS Chapter 3.11,
 Recreation)

TRPA needs to treat threshold attainment as the priority it is, and protect the unique values of the Basin that make Tahoe the special place it has been and will hopefully remain. At base, restoring and maintaining the environment of the Tahoe Basin is the Compact's foundational purpose and TRPA's primary charge.

Change in how TRPA evaluates status of threshold attainment

As required by the Compact, TRPA must work towards achievement and maintenance of the environmental thresholds. In the last four 5-year Threshold Evaluation Reports (TERs), TRPA has analyzed the threshold indicators to determine the status of the threshold standards. For example, TRPA analyzed carbon monoxide measurements (indicators) to determine if the air quality standards for CO (standards) were being met. As a result, the results could be summed in a table with two columns: threshold standard on one side, status of attainment on the other.

However, TRPA has taken a completely different and unprecedented approach to evaluating the thresholds in the 2011 TER, changing this simple system (attainment or non-attainment) into a complex and verbose discussion based on new terms and categories TRPA has created out of whole cloth, and essentially abusing statistics to try to make environmental conditions sound better than they are. For example, on page 2-4 of Chapter 2, Methodology, TRPA explains a new process for determining the "degree of divergence from the standard, interim target, or numerical management target..." This is instead of the "less informative pass/fail status determination used in previous Threshold Evaluations." This would lead a new reader to believe that previous reports were comprised of one page that only listed pass or fail, when instead, previous reports summarized attainment status but discussed the detailed review of the indicators and other relevant information in each chapter of the TER reports. Thus, the previous reports were no less informative than the 2011 TER. Instead, the 2011 TER fails to provide as much information as the previous TERs and its the evaluations are less informative in many cases.

For example, in the Air Quality evaluation for ozone, TRPA discusses the peak measurements in recent years, but otherwise provides no tables listing historical ozone measurements throughout the Tahoe Basin, past and present. Instead, peak measurements from one site are illustrated in a colorful graph. Yet, to examine the 'trends' of threshold attainment, one must consider all available data, including historical measurements and measurements from multiple sites throughout the Basin. As shown in the attached Table of Lake Tahoe Air Basin Data we have assembled, there is a significant amount of information available for air quality throughout the entire Basin.

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Additionally, although TRPA acknowledges the Agency must utilize the “best available research and monitoring findings” to fulfill its mandates,⁵ TRPA has failed to include the best and most recent information across a wide variety of threshold categories. For example, although NDEP has carbon monoxide data available for 2011 and through the most recent month for 2012, TRPA does not include this information in the Threshold Evaluation. We acknowledge that the draft was started in early 2011 if not sooner, but it was released for public review almost five months into 2012, and is treated as the supporting documentation leading to the proposed Regional Plan Update DEIS, also just released in late April, 2012.

Further, the threshold evaluation chapters conveniently fail to discuss post-2009 or -2010 monitoring reductions, instead implying that monitoring ‘is ongoing.’ However, TRPA began to reduce its continuous threshold monitoring in many areas over the past several years, and through TRPA’s own reductions, and/or budget reductions by other agencies, there is far less monitoring of certain threshold standards than just a few years ago. For example, the water quality chapter refers to LTIMP monitoring in the Tributary Water Quality section beginning on page 4-24.

“The Lake Tahoe Interagency Monitoring Program (LTIMP) routinely monitored ten streams through 2010 to track water quality conditions, and continuously monitored for inflow. Together, these ten streams deliver about 50 percent of the total tributary inflow to Lake Tahoe (Lahontan and NDEP 2010). Five of the routinely monitored streams are in Nevada: Third, Incline, Glenbrook, Logan House, and Edgewood creeks; and five of the streams are in California: Trout, General, Blackwood and Ward creeks, and the Upper Truckee River. Of these ten monitored streams, approximately 90 percent of the cumulative total inflow is from the five California streams, and approximately 10 percent is from the five Nevada streams.”

Unless someone is more familiar with the program and the recent cuts made to monitoring⁶, this summary paints the picture of a continuous program, making no mention of any reductions in monitoring. Not only is this important in terms of threshold attainment status, but the RPU DEIS has also failed to mention the cuts, misleadingly implying monitoring will continue at the same levels (as if assuring readers impacts from the new RP will be monitored). This approach appears to take the same approach the air quality section has taken: if a violation occurs but there is no monitoring to capture it, then the air quality must be healthy.

⁵ 2011 TER Introduction section states: “The Agency’s charge is to use its unique decision-making structure and authority in concert with best available research and monitoring findings to continually improve the *Regional Plan* in order to fulfill mandates outlined in the *Bi-State Compact* to achieve environmental and socioeconomic goals for the Region.”

⁶ See discussion in water quality comments for a review of the 2011 and 2012 LTIMP monitoring reductions provided by the USGS.

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Because TRPA has used ‘positive trends’ in threshold attainment to justify approval of more development in the Basin, it would appear that it benefits the agency to monitor *less*.⁷ In fact, we suspect another motivation for the ‘change’ from threshold attainment versus non-attainment approach to a ‘trend determination’ and ‘easy to understand’ graphics is because the Agency does not like to report the actual number of threshold standards that are, in fact, still out of attainment.

For example, in Appendix D: “2011 Threshold Evaluation – Threshold Attainment Status Crosswalk,” a comparison of the 2011 status based on the methods used in the past four evaluations to the proposed new terminology is provided. The 2011 “Indicator Reporting Category Status Summary” shows a far ‘better’ picture than evaluation based on traditional methods per the Compact:

- If one examines the ‘traditional’⁸ eight air quality thresholds standards, the report indicates that five are in attainment (although the atmospheric deposition standard should be designated unknown, since implementation of a policy does not translate to threshold attainment as TRPA contends in the report - see comments below), two are non-attainment and one is unknown. In other words, *four are in attainment, two are non-attainment and two are unknown*. But according to the new terminology, they are all essentially labeled ‘better than target’ on some level. This new way of evaluating thresholds is not only in conflict with the Compact’s mandate to attain thresholds, but is also misleading to the public.
 - We also note that Table 3.4-1 in the RPU DEIS summarized threshold attainment status, but only includes the new terminology for 2011. Since most readers will not likely delve into the thousands of pages associated with the environmental documents and threshold reports, including the appendices, most readers will likely just see this table, which creates the perception things are better than they are.
- Of the four scenic threshold standards (p. 3, Appendix D), all four are not in attainment. Yet the new approach indicates they are all ‘at or somewhat better than target’ or ‘implemented’ (which again, is not an appropriate indicator).

The RPU utilizes this new terminology to skew the presentation of results in sections most people may read. For example, the Executive Summary of the 2011 TER (page 5) shows a colorful, eye-catching pie chart that indicates a more positive situation than exists, covering the true evaluation of the 36 threshold standards and indicators by referring to the evaluation of over a hundred standards and discounting the unknown indicators in these ‘summaries’⁹, while again using this ‘implemented’ concept to indicate positive attainment status. This is wholly inappropriate and discussed in more detail below.

⁷ For example, as discussed below, TRPA has selected ozone data from just one air quality monitor (in SLT), claiming this one station represents air quality for the entire Basin. Yet a review of historical ozone data indicates significant differences in ambient air quality in different parts of the Basin.

⁸ We acknowledge that odor has not numeric threshold standard.

⁹ In TRPA GB Minutes from April 25, 2012 meeting: “Mr. Sher said he noticed in designating what percentage had been achieved; for example in Fisheries it has 100 percent attainment and ignores the

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With regards to the “*One hundred and fifty one standards ...addressed in [the TER] report...*”, it would appear that a break in pattern from previous threshold evaluation reports, which analyzed the 36 TRPA Threshold standards and indicators, has been coupled with the creative use of statistics to obscure the results that really count – the status of the 36 threshold standards. For example, in previous evaluations, TRPA has always evaluated the carbon monoxide standard as one threshold standard. That the states may have their own standards, and that the measurements are viewed by hourly and 8-hour averages (meaning there were two indicators evaluated to address attainment status), has always been discussed and assessed. However, if one of the standards was violated, the status for the AQ carbon monoxide threshold standard was non-attainment. Instead, TRPA has now claimed there to be multiple ‘standards’ evaluated for carbon monoxide, counting the 1-hour, 8-hour, and the associated Traffic Volume standard as three individual indicators. These multiple “standards” have apparently been counted among the “one hundred and fifty one” standards that were addressed, when in actuality, the carbon monoxide threshold standard has always been reported as just one. No explanation has been provided for this change in reporting style and attention has not been specifically given to the critical 36 indicators in the summaries.

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Another example includes the ozone threshold standard, where four indicators have now been used to assess the one standard. Again, TRPA has claimed the four standards in their overall number of one-hundred and fifty, obfuscating statistics to almost ‘hide’ what really matters. If TRPA wants to change the thresholds and how they are evaluated, this requires an environmental analysis of the impacts and a full public process, not a ‘fly by night’ threshold report released in concert with thousands of pages of environmental documentation for the RPU and RTP that take advantage of the thresholds being erroneously painted as better than they are.

Further, even the peer reviewers noted the attempts to overwhelm readers with extra descriptions and pretty graphics in what appears to be an attempt to distract from the truth about and importance of the thresholds. For example, Richard Axler, PhD., states:

“Definitions of what constitutes a change as in Table 2-2 are useful only to the extent that you can accurately assess the values of the indicators and their uncertainty. It may be better to simply report an Indicator Trend Category as Improving, Declining, Essentially No Change, and Insufficient Data to Evaluate. The detail in some of the indicator descriptions seems unwarranted given the uncertainties in the values of some of these indicators.”

unknowns and others it appears staff calculated the percentage of attainment....Mr. Romsos said we did not use the unknowns as part of the calculation for percent of attainment in the slide presentation....Mr. Sher asked if that was true on all of them....Mr. Romsos said yes.”

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Several articles have been published since the release of the draft 2011 TER,^{10,11} all referring to the positive trends in threshold attainment, misleading those who will not have the opportunity to read the detailed documents and passing on the false perceptions TRPA's changes are aimed at creating – *all is well, things are better, we can stop focusing on the environment so much; time to focus on more development*. Yet legally, if one examines the actual status of the 36 indicators that have been used in the previous threshold evaluations (as noted in 2011 TER, Appendix D), only nine are in attainment, 18 are not being attained, and the remaining nine are unknown.¹²

“Implemented” is not a valid ‘status’ for threshold attainment:

The 2011 TER has again broken from established processes for evaluating the threshold standards with the use of a new term – “implemented” - for the ‘status’ of several threshold standards. TRPA tries to explain this in Chapter 2 with the following:

According to TRPA Resolution 82-11, Policy Statements were identified to provide specific direction to agency staff in developing the *Regional Plan*. Policy Statements are not Numerical Standards or Management Standards but are instead, principles or rules intended to guide decisions needed to achieve a desired outcome or value. To evaluate Policy Statements, the following questions were addressed:

- *Has TRPA adopted policies or regulations, or implemented other programmatic efforts to satisfy the Policy Statement adopted in Resolution 82-11?*
- *Is there evidence to suggest these actions are effective at achieving the intent of The Policy Statement?*

A qualitative evaluation and narrative description of Policy Statement implementation was included for each Policy Statement relative to the associated Indicator Reporting Category.

We first note that the use of ‘implemented’ as a status has never been used in the previous four 5-year threshold evaluations. This change in pattern is questionable, especially when the results appear to diminish the true status of the thresholds. The Compact explicitly requires that the thresholds be achieved and maintained, not merely that measures of questionable effectiveness to do so have been “implemented.”

Second, a review of Resolution 82-11 notes only five policy statements that are not associated with numerical or management standards: odor (AQ), Lahontan Cutthroat Trout (Fisheries), Built Environment (Scenic), and the two Recreation threshold standards, although only one of these has never been evaluated for attainment status in previous reports (odor). However, TRPA has also assigned a status of “implemented” to standards which do have numerical and management standards, including atmospheric deposition

¹⁰ <http://carsonnow.org/story/04/26/2012/trpa-lake-tahoe-environmental-report-nets-promising-results>

¹¹ <http://southtaohenow.com/story/05/11/2012/may-message-south-lake-tahoe-mayor-claire-fortier>

¹² As noted in our comments, “implementation” is not equivalent to the status of threshold standards, therefore we have counted the ‘implemented’ columns in Appendix D as unknown.

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(AQ), instream flows (Fisheries), and Habitats of Special Significance (Wildlife). These are numerical standards and as such, must be evaluated for attainment status, or marked as unknown.

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Inconsistent time period

Previous threshold evaluation reports have typically analyzed the five year period ending the year prior to report release (e.g. 2001 TER evaluated 1996-2000; 2006 TER evaluated 2001-2005, etc.). However, the 2011 TER inexplicably evaluates different time periods. As noted below, it appears in some cases, 2010 data (or references to 2010 lack of monitoring) were excluded because they would not reflect positively on the environmental thresholds statuses, and in other cases, 2011 data were included (i.e. secchi depth for water clarity, watercraft shoreline test for noise), causing results to appear more positive (e.g. secchi depth). Our detailed comments below provide examples.

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What time period does the 2011 TER evaluate? If 2006-2010, why are some data excluded from within this time period, and some included from outside of this time period? If TRPA has decided to use different time periods for different threshold evaluations within this report, why? Also, why would TRPA suddenly abandon the practices it has used for previous evaluations? The timing with the RPU DEIS – and the beneficial messages associated with the selective use of years in the TER (detailed below) – would suggest a bias towards choosing data that supports more positive conclusions, of benefit to proposed alternatives in the RPU DEIS.

Threshold Report Timing of release with the RPU, threshold years evaluated in Report, and Biased Statements

First, we reiterate our disagreement with the release of the draft Threshold Evaluation Report being combined with the update of the new Regional Plan, as the thresholds should have been analyzed separately and objectively, before any proposed Regional Plan update, not with the bias of desired policy changes as has been done (one only need to look at the “Recommendations for Additional Actions” in several areas of the TER to see the obvious bias towards TRPA’s approach of increased densification¹³). In fact, this biased approach is compounded by TRPA’s failure to perform adequate scientific analysis of the causes of air pollution. TRPA has instead assumed private automobiles to be the primary cause of ozone in the Basin, and then told those reading what is required to be a scientific, objective report, that the way to fix this includes incentivizing development in the walkable town-centers promoted by the GB RPU Committee’s preferred Alternative 3.¹⁴

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¹³ i.e. p. 3-26 of the 2011 TER, Air Quality, includes the following “Continued failure to meet the ozone standard may indicate the need to further reduce the dependency on the private automobile, through land use policy that incentivizes more bicycle-friendly and walkable town centers, and encourage the use of alternative modes of transportation such as public transportation.”

¹⁴ “Alternative 3 is the alternative that most closely reflects preliminary recommendations of the TRPA Governing Board’s Regional Plan Update Committee.” RPU DEIS, Chapter 2, p. 2-33.

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Second, we note discrepancies with the timeline of the TER that would seem to favor a more positive 'outcome' and thereby support more development in the RPU DEIS. The typical Threshold Evaluation Reports (TERs) review the status of threshold standards and indicators for just five years. Thus, in 2011, one would expect a review of data from 2006-2010. In 2006, one expects data from 2001-2005, and so on. In some cases, the TER has reviewed data through 2010, basing conclusions on that time period, consistent with the time periods of past threshold evaluations. But in other cases, the threshold evaluation report includes data from 2011. TRPA must be consistent in how the thresholds are evaluated. An objective Threshold Evaluation Report would examine 2006 – 2010.

Then, separately, the RPU DEIS existing conditions must analyze the most recently available data (2011 in most cases and portions of 2012, where available¹⁵), and assess the cause and effect of pollution levels and evaluate the impacts of each alternative on the standards.

However, seemingly to support claims that the environment can handle more development in the Basin, TRPA has mixed and matched data in the two documents. For example, the annual secchi disc measurement 'graph' includes data for 2011, which is used to show a 'better trend' than the years before it (in fact, 2010, what should have been the final year reviewed in the threshold report, was noted as the second worst on record¹⁶). This seems to further skew the 'positive' trend line TRPA has placed on the recent trend in clarity¹⁷ (contrary to advice from peer reviewers and graphs presented by TERC, as noted previously). Repeatedly the peer reviewers have suggested this type of review be left to the scientists collecting the information (e.g. TERC), not TRPA staff (see TER Appendix E). Instead, the RPU DEIS relies on the more 'impressive' trend in the threshold report (which includes 2011) in the DEIS chapter for water quality, emphasizing the improvement in 2011 and using the very statistics that were criticized by the peer reviewers to support a more positive 'message.'¹⁸

But TRPA does the same thing again, for example, with air quality. In this case, the threshold report evaluates the time period ending in 2010. This benefits TRPA's analysis, since a consideration of 2011 would indicate no full-season¹⁹ ozone monitoring was occurring in the Lake Tahoe Air Basin during the year and therefore the status of the ozone

¹⁵ NDEP has provided CO data from the Stateline, NV site through April 2012. CARB publishes PM10 data on their website through the day accessed. Although some data may be preliminary, there is still value in accessing this information.

¹⁶ RPU DEIS, Chapter 3.8, p. 3.8-9.

¹⁷ 2011 TER Chapter 4, Water Quality, states: "This amount of change between years is not extraordinary for the winter average Secchi depth. Relative to the interim target, the status of winter lake transparency is "somewhat better than the target," because the 2011 value is about 8 percent better than the interim target" (p. 4-19)"

¹⁸ "Statistical analysis supports the observation that the decline in Lake Tahoe's transparency has slowed (TRPA 2012a:p. 4-15 to 4-16)." RPU DEIS, Chapter 3.8, p. 3.8-9.

¹⁹ State and federal standards often refer to the ozone season, as typical peak readings occur in the warmer months. However, many exceedances in the Basin have occurred outside of the CA window (July – Sept.), plus TRPA's ozone standard applies year-round.

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standard was “unknown.” Rather, the analysis of ozone only looks at data through 2009, referring to this time period as the “most recently reported indicator values.” Not only does this intentionally skirt the issue that TRPA failed to monitor for ozone in 2011, and that no entity was monitoring ozone in the South Lake Tahoe area during 2010 (ironically considered the site representative of the “Study Area” for the new Regional Plan; see comments later in this letter), but it also conveniently supports the conclusion TRPA has drawn from the (inappropriate) regression line that ozone is continuing to ‘improve’ in the Basin. Instead, a comparison of the historical peak measurements between SLT and the Echo Summit site²⁰ would reveal that the peak ozone levels do not appear to have changed much in the last several years, and as of June 23, 2012, peak 8-hour averages at the Echo Summit site measured between May 17 and June 23, 2012, have already been *higher* than peak values in 2009, 2010, and 2011,²¹ thus reiterating the increasing trend in peak ozone values the Region has been experiencing for the last several years. Instead, because there has not been full season monitoring in the Basin since 2010, and in the SLT area since 2009, it appears TRPA has drawn the conclusion that air quality ‘must’ be better because there have been no monitors to record exceedances. Instead, the threshold report must be changed to reflect the status as “unknown.”

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TRPA’s Role in Threshold Attainment

In several areas of the 2011 TER, TRPA explains to the reader how it does not have the authority to enforce certain regulations (e.g. single event noise for motor vehicles), and essentially tries to justify why standards are not being attained, and/or how TRPA can do nothing about it, and/or how TRPA instead recommends other agencies need to help (e.g. highway patrol enforcing on-road motor vehicle violations). Although it is true that other agencies have certain responsibilities and police authority, it appears that TRPA fails to see the conflict in the approach the TER has taken:

- As noted in the TER and more importantly the RPU DEIS, TRPA proposes to increase the sources in the Basin (i.e. more people, cars, equipment, off-road recreational equipment, etc.) which negatively impact all threshold standards in some way, without any assessment of the impacts, yet apparently, without taking any responsibility for them either.
 - Instead, we believe if TRPA cannot enforce the standards it has now, then TRPA needs to figure out what options are available to meet the standards, implement those actions, then ensure they have worked (through adequate, continuous monitoring), before TRPA adds more sources of environmental harm to the Basin through the Regional Plan that it does have authority to implement.

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Conclusions are based on inadequate and/or inappropriate statistical analyses

²⁰ Although found to be outside of the LTAB in 2006, the site has been monitoring near the edge of the Basin’s airshed since 1999 and a review of historical information between the Echo Summit Site and SLT sites can provide valuable insights.

²¹ According to the preliminary data from CARB’s website, accessed 6/24/2012, there have been five 8-hour periods that have exceeded the California 8-hour standard since 5/17/2012 when seasonal monitoring began.

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As noted by several peer reviewers, the statistical approach taken in the Threshold Report is flawed. First, we note in previous threshold reports, TRPA reported the status as attainment, non-attainment, or unknown. The discussion may have then included references to whether trends were improving or declining, but the overall summaries (typically read by most people and presented by TRPA and others) included this very basic information, essential to determining whether TRPA was meeting its core duty to achieve and maintain each of the threshold standards. The text discussions would also, where appropriate, discuss the availability of data. In fact, until 2006,²² the reports often included the most relevant data.

However, in the 2011 TER, TRPA has developed a new, complex system of terms and graphics, claiming this is an attempt to describe the status (although with different terms than the Compact-mandated attainment or non-attainment), trend (based in inappropriate analyses), and confidence level (which is often low due to insufficient data). However, the message sent by TRPA with regards to the big picture includes nothing with regards to the 50% of the standards that are out of attainment (or that some may be but because they have not been monitored for the past few years, we do not know the current status, as in the case of ozone or PM2.5). Rather, the general perception is that ‘most standards are doing better’ – one only need to look at the nice pie chart presented on page 5 of the Executive Summary to see how ‘well’ things are going. Or, one can glimpse Chapter 12 of the TER²³ and read the following:

“Overall, status and trend monitoring data indicate that not all standards are being achieved.

However, available trend data indicate that environmental conditions in the Basin are mostly stable or improving.”

“Air Quality

Available status and trend monitoring data for air quality indicate that the Region is currently meeting the majority of applicable standards. Evidence suggests that state and federal tail-pipe emission standards and newer automobile designs have likely played a significant role in moving the Region toward attainment of air pollutant-related Threshold Standards, and that TRPA-sponsored projects, controls, and programs have contributed to the attainment of traffic volume-related standards. Transport of air pollutants from outside of the Region (e.g., wildfire smoke, ozone) will likely continue to affect air quality and the Region’s ability to meet all air pollutant-related standards. Additional Regionally-scaled air pollution control measures may be needed to keep the Region in compliance with adopted standards.”

²² We note the critique regarding the lack of data in the report made by the Tahoe Area Sierra Club, League to Save Lake Tahoe, and the Sierra Forest Legacy in the comments submitted on the 2006 Threshold Evaluation Report: Conservation Community Comments on the Environmental Analysis for the TRPA Threshold Update. Submitted by Tahoe Area Sierra Club, League to Save Lake Tahoe, and Sierra Forest Legacy. May 18, 2007.

²³ Page 12-2 and 12-4.

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But the claims being stated with this new approach are not supported by the facts, and it appears that TRPA has instead used statistics inappropriately in order to be able to claim things are improving (and therefore allow more development). Most readers will not look into the thousands of pages of details, may not be statistics experts, nor be familiar with how thresholds have been evaluated in the past.

In his comments on Chapter 2, Methodology, Dr. Axler notes the problems with the statistics used, and suggests that those analyses be done by the scientists who will be objective, and essentially will know what is technically appropriate for analyzing the data sets they provide:

“This chapter does a good job of presenting TRPA’s approach to determining status and trends for their prescribed set of indicators...However, there are still some important methodology questions that need to be addressed. The major one relates to the lack of adequate statistical analysis and the potential use of incorrect techniques based on the characteristics of the data set (i.e. how much data, missing data, levels of detection, confidence limits, normality or non-normality assumptions, etc.). These analyses are not trivial to carry out and are usually the result of extensive discussions between the scientists who designed the monitoring and research programs and statisticians who have had prior experience evaluating these kinds of long-term environmental data sets. A linear regression analysis has assumptions built into it, such as normally distributed data – which is not the case for many environmental variables. There are other non-parametric models and tests for trends that are well vetted by the U.S. Geological Survey (USGS) for use in streams in particular, but also for lakes. It does not appear to me that the scientists from TRPA’s Partners had much to do with the statistical methodology used for the Report or the presentation of their own data; and I think they are the folks that should be doing the analysis, and then working with TRPA and Extension Educators to best communicate results in words and graphics.”

In fact, Dr. Axler’s comments raise another important question – who decided on the statistical methodology that was used? The scientists who provided TRPA with the data? TRPA staff? TRPA Consultants? How objective was this technical review? How involved were the “Chapter Contributors” noted for each chapter in the actual analysis and preparation of the chapter? Based on a review of the chapters, peer reviewer comments, and our own technical experience, we suspect that the contributors from the scientific institutions may, at most, have simply provided data to TRPA staff or consultants, who then took the data and ‘evaluated’ it without coordination with the technical people who should be doing the statistical evaluations. Did these contributors help write the chapters? The executive summary?

We find an ‘explanation’ in the TER Chapter 12,

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The TRPA monitoring program implements the reporting requirements outlined in the *Regional Plan* and Resolution 82-11. However, the effectiveness of the monitoring program to produce quality Threshold Evaluations (and other reporting products) sufficient to guide future policy direction has been hampered by several specific factors, including:

Interpretation of TRPA (1987) Chapter 32:

- “**Threshold Indicators**” - One of the primary purposes of Threshold Evaluations is to provide a meaningful characterization of the status of indicators relative to adopted Threshold Standards. The presentation of attainment status of Threshold Standards in past Threshold Evaluations has been inconsistent and confusing to many readers...

According to TRPA? The proposed methodology is far more confusing than a straight-forward evaluation of whether each threshold standard is in “attainment, non-attainment, or unknown.”

... Furthermore, the approach used to determine Threshold Standard status appears to be in conflict with direction provided in TRPA (1987) Chapter 32 (Chapter 16 in the updated Code) which specifies a monitoring program that will “...identify sufficient indicators for each threshold [standard] and [local, state and federal] standard so that, evaluated separately or in combination, the indicators will accurately measure, on a continuing basis, the status of attainment or maintenance of that threshold [standard] or [local, state or federal] standard, taking into account the impacts of both development in the Region and implementation of compliance measures. In monitoring and reporting on the status of indicators, as called for in this chapter, TRPA shall use the appropriate measurement standards [i.e., units of measure] for those indicators. TRPA shall use consistent measurement standards [i.e., units of measure] over time, so that reports will provide easily comparable data throughout the evaluation period.”...

TRPA’s failure to adequately monitor since 1987 is not an excuse to say the Code has been interpreted incorrectly. In fact, the Code says the indicators should accurately measure, on a continuing basis, the status of attainment or maintenance of that standard.” The ‘results’ generated by the use of ‘regression lines’ and other statistical methods TRPA has employed do not ‘measure’ the attainment status of a given standard. The monitors employed to measure ambient air quality, the equipment used to measure water quality concentrations, the secchi disc used to measure clarity, and so on, are all examples of existing indicators which measure the status of the standard. The proposed concept of an “Overall Status and Trend for an Indicator Reporting Category” moves further away from the actual measured data, and instead, confuses the actual status. For example, as noted in the comments on the status of ozone, the last measured values for the 8-hour average ozone in California showed the standard was not being attained. The last measured values for hourly data showed in the year 2009, the TRPA hourly standard was not exceeded in South Lake Tahoe or Incline Village. Finally, TRPA has thrown in the ‘estimated’ emissions for NOx (which we note are not measurements, nor are they based on Basin-wide, Tahoe-specific data), which are not a

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measured value, and stated, based on this estimate, that NOx emissions are meeting the 'target'. However, the "Overall Status and Trend of the Ozone Indicator Reporting Category" is labeled "At or Somewhat Better than Target." This not only fails to report the measured status of ozone standards, but also twists the true findings in a way which 'reports' misinformation to the public. This is compounded by the reduction of the monitoring network in general, as noted later in these comments. Thus, we ask, how is it not more confusing for the public to hear ozone is not being attained, yet the Overall Status for Ozone is 'meeting the Target'?

"Past Threshold Evaluations have represented the status of Threshold Standards with 36 "threshold indicators." In many instances these "threshold indicators" do not meet the Chapter 32 *Code of Ordinances* definition of an indicator⁸ but instead are an aggregation of the status of multiple indicators. In other cases, "threshold indicators" do adhere to the *Code of Ordinances* definition. As a consequence of aggregation, in past evaluation reports, if any indicator within a group of multiple indicators related to a "threshold indicator" at any time over the five year period failed to meet the indicator target or benchmark (i.e. Threshold Standard), the entire "threshold indicator" would be reported as "non-attainment." This approach was applied inconsistently but generally skewed the conclusions to an overly conservative determination of attainment status, and failed to reveal the actual attainment status of individual Threshold Standards. The current Threshold Evaluation corrects this past flaw by reporting an indicator's current status relative to the actual adopted standard as it appears in Resolution 82-11 as originally intended. "

This does not make any sense. Non-attainment has patently been reported for a five-year period based on one or two exceedances, however this was not hidden in the previous reports. The public was informed of the conditions over the previous five-year period. Additionally, TRPA has always had the option of reporting the annual status of thresholds. Instead, TRPA has appeared to scramble every five years to collect whatever data can be found. Although we are pleased to see what appears to be a renewed interest in more monitoring, at the same time, these changes are significant (e.g. ozone is reported as at or better than target with the facts do not support this), and must undergo a full comprehensive evaluation of the impacts of making these changes. For example, the more favorable the status of the threshold standards appear, the more likely projects will be approved that will contribute to further degradation. After all, if a standard is viewed as 'better than target,' how can the Board, or staff, find a project will further contribute to threshold non-attainment when the threshold has been reported as 'better than target?' We believe there are significant environmental and legal implications of the proposed methodology for reporting on the thresholds, and yet no analysis has been performed. The problem is further confounded by the RPU DEIS' reliance on the 'reported status' of the thresholds, where this often appears to make it easier to approve more development.²⁴

²⁴ E.g. TRPA says ozone is 'at or better than target' and that NOx emissions are better than target, and assumes the improved 'trend' is due primarily to cleaner tailpipe emissions. Thus, the RPU relies on future tailpipe regulations to claim that ozone will continue to improve, therefore an overall net increase in VMT will

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With regards to TRPA's disparagement of what it views as an "overly conservative determination of attainment status," that is exactly the approach that the agency should be taking, given the number of thresholds that are out of attainment and given TRPA's core mission to restore and maintain the Tahoe Basin's environment through achieving and maintaining the thresholds. What negative consequences have resulted to the environmental thresholds from reporting their five-year status via a "conservative" approach? Is TRPA more concerned about negative publicity every five years than about meeting the environmental thresholds? Why not report annually?

Instead, it would appear that a less conservative reporting method (and perhaps more intermingled and confusing, as the 2011 methodology is) would make it easier to add more pollution to the Basin. After all, findings must be made to approve projects and plans that the thresholds will not be harmed and that any amendments must help attain and maintain the thresholds, so if TRPA's new reporting method portrays a more positive threshold status than exists, it would make the environmental findings easier, and more pollution will result. This expectation is basically confirmed by the RPU DEIS' reliance on the more positive 'threshold status' as the means to suggest more development and more people will not harm thresholds.

Further, TRPA claims that *"In many instances these 'threshold indicators' do not meet the Chapter 32 Code of Ordinances definition of an indicator⁸ but instead are an aggregation of the status of multiple indicators..."* The footnote refers to the following definition:

⁸ TRPA (1987) 32.2.C Indicator: Any measurable physical phenomena within the Tahoe Region whose status, according to the best available scientific information, has a direct relationship to the status of attainment or maintenance of one or more threshold [standard] or [local, state or federal air and water quality] standard. (Example: traffic volume.)

We have not been presented with any scientific assessment of which indicators do not meet the Code definition, nor the information used to make this assessment. This must be provided to the public through a full environmental review process. Further, the new method aggregates indicators even more than in the past. For example, the combination of PM10, PM2.5, visibility and VMT indicators in the 2011 TER, which used to be reported as four individual indicators, are now *aggregated* into just one overall indicator reporting category for Visibility. (Chapter 3, p. 3-35). We question how this responds to TRPA's critique of past practices that TRPA complains 'aggregated' the status of multiple indicators?

not cause a problem. Our comments below note the error of these assumptions, but this example is provided to explain how the changed threshold reporting methods are expected to accommodate more development that will harm thresholds, simply due to the use of new, yet confusing terms.

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“Consequently, this approach is recommended and will be the method used in all future Threshold Evaluations to improve the consistency and effectiveness of communicating Threshold Standard attainment status determinations.”

Who recommends this approach? Why? Does the public not get to participate in the decisions regarding changes to how the environmental thresholds are assessed? What impact will this change have on the environmental threshold standards themselves (not the individual, semi-aggregated or excessively aggregated “indicators” we see in the 2011 Report)? How will this impact TRPA’s approval process for development? What would be the impacts to reporting threshold attainment status if TRPA continued to use the consistent²⁵ methods used in the previous four evaluations, and simply increased monitoring of the thresholds, as required by the Compact? Further, with an appropriate database in order, it would not be difficult to provide the public with annual reports of threshold status.

TRPA further confuses the evaluation with regards to interim targets and trend lines, explaining that past evaluations have done this incorrectly, and the 2011 TER therefore ‘repairs’ the problem.

“In this Threshold Evaluation, available trend data is relied upon as an objective basis on which to estimate both interim targets and target attainment dates. This approach, although fairly simplistic, provided a replicable method to fulfill the interim target and target attainment date reporting requirements.” (p. 12-22).

However, there is a saying regarding the ability to make statistics say what one wants. In this case, TRPA has ‘fit’ trend lines to the data, taking no account of the variations in site locations, annual conditions, annual climate, and so on.²⁶ As presented below, TRPA has developed ‘interim targets’ from trend lines based on the long term peak measurements for threshold standards such as CO, ozone, and particulate matter, yet the ambient concentrations for these pollutants are affected by numerous factors, creating sometimes significant year to year variation. Also, TRPA evaluates the long term trends, yet notes the most recent years (2005-2009/2010) have a different trend (of worsened air quality, or less improvement than in previous years), and instead of looking at the most current ‘trends’ to question what the causes are, the report discounts them altogether by claiming the last five years apparently don’t count, and instead develops conclusions from a regression on the long term trends – which as TRPA acknowledged, no longer represent current conditions. Further, according to the RPU DEIS, TRPA has generally referred to changes in tailpipe emissions as the cause of improvements we’ve seen, and by extension, future expected improvements with advanced technology would also result in improvements, even though the data show other sources and factors are at play (discussed below).

²⁵ We also question why TRPA implies the methods in the first four evaluations were ‘inconsistent’ and that this new change will therefore be more consistent, with the 2011 methods are completely inconsistent with how the past four reports were developed?

²⁶ In addition to selecting regression methods that do not appear appropriate (e.g. Thiel Regression).

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We also note that humans and the environment do not respond in linear fashions to pollution (see comments below regarding Dr. Axler's comments). It does not matter if air quality was healthy 'last year' or 'yesterday' – if it's unhealthy today, it's having an impact on people. Human health does not respond to what trend lines say *should* happen.

Peer Review Response:

Because TRPA has repeatedly emphasized this is the 'first peer reviewed threshold report'²⁷ and noted the peer reviewer comments were 'generally positive',²⁸ ²⁹ TRPA should reveal the true role of the chapters' contributors and whether the peer reviewers were involved in the final report released to the public.

Additionally, it is unclear whether TRPA addressed the comments by the peer reviewers prior to releasing the draft made available to the public. TRPA provided the detailed peer reviewer comments in Appendix E, although most people are likely to read, at most, TRPA's 'summary' of the peer reviewer comments found in the first 27 pages of the Appendix. As noted below, this 'summary' leaves some very important comments out. Regardless, a comparison of the peer reviewer's comments reveals that the peer reviewers were reading different drafts than what the public now sees.³⁰

This is confirmed in the Introduction to the TER, which states "*Peer review comments are addressed in this Report and the complete Peer Review Report is included in Appendix E...*" although how they were addressed is difficult, if not impossible, to discern. Further, at the April 24, 2012 GB meeting, staff responded to repeated questions by a Board member regarding the peer reviewers' comments, stating "...we have assembled a spread sheet to systematically go through and address each comment. We have already incorporated their comments in this draft and there are some big ticket items that will require dialing in some trend analyzes that we foresee as more of an element of our monitoring program and improving that." In other words, the April draft made available for public review has addressed the comments the peer reviewers made. Yet a

²⁷ 2011 TER Introduction: "The 2011 Threshold Evaluation is the fifth evaluation report completed by TRPA and the first to undergo an independent scientific peer review. The purpose of the peer review was to ensure the status and trend determinations presented in this document were scientifically supportable and to identify areas where TRPA can improve the quality of information presented to the TRPA Governing Board and the public. Peer review comments are addressed in this Report and the complete Peer Review Report is included in Appendix E."

²⁸ 2011 TER Executive Summary opens with: "The 2011 Report is a noteworthy milestone. It marks the first time that the entirety of the Report, from the science, data, and the analyses to the conclusions and recommendations, has been independently peer-reviewed and validated. Seven scientists of widely varied disciplines from nationwide institutions unconnected to TRPA or the Tahoe Basin agree that this year's report "was seen as a major improvement as compared to earlier planning documents" and "is technically sound and provides a credible basis to support ongoing TRPA policy-making."

²⁹ Staff report from Mr. Shane Romsos, 4/24/2012 GB meeting (as found in minutes from meeting): "Each of the Peer Reviewers without exception reported positive commendations about the Draft Threshold report. The draft report is technically sound panel did not find any "fatal flaws" and provides a credible basis to support your ongoing policy..." (p. 4);

http://www.trpa.org/documents/packets/gb_packets/2012_gb_packets/May_2012_gb_packet.pdf

³⁰ For example, page 4 of Dr. Axler's comments on the threshold report include numerous references to tables and text in Chapter 1 of the report which clearly do not correspond with the April draft provided to the public.

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review of detailed peer review comments compared to the document released to the public indicates that many comments were not addressed.

Examples include, but are not limited to, the following:

Dr. Axler, p. 10

4-16. Needs TERC review. A vertical extinction coefficient is not a “Sensor”. It’s a measure of the rate of attenuation of light (usually photosynthetically available radiation [PAR]) with depth measured using an electronic sensor that is lowered down the water column.

TRPA April Report:

A recent analysis of annual average Secchi depth readings (includes water conditions down to a depth of ~20 m in recent years) and the vertical extinction coefficient (a more sophisticated electronic sensor for measuring light down ~ 100 m), ...” (p. 4-22)

Dr. Axler, p. 6

Definitions of what constitutes a change as in Table 2-2 are useful only to the extent that you can accurately assess the values of the indicators and their uncertainty. It may be better to simply report an Indicator Trend Category as Improving, Declining, Essentially No Change, and Insufficient Data to Evaluate. Where a rate of change can be calculated, it should be reported along with the confidence intervals. The detail in some of the indicator descriptions seems unwarranted given the uncertainties in the values of some of these indicators.

TRPA April TER:

Table 2-2. Indicator trend categories and associated definitions used to classify trends relative to standards in the reporting icon. (see table).

Dr. Axler, p. 7

If some parameters were measured prior to 1985, and I know there were, they should perhaps be included in an Appendix and used in the discussion of results as needed. It’s alright to use such data even if not determined at all the other stations now in use. I always want to see the entire data set.

TRPA April TER:

Data set not provided; only graphs with trend lines.

Dr. Axler, p. 7

...the presentation and analysis of the long-term water quality data from the lake and its tributaries do not appear to mirror the data and analyses presented by TERC-UC-

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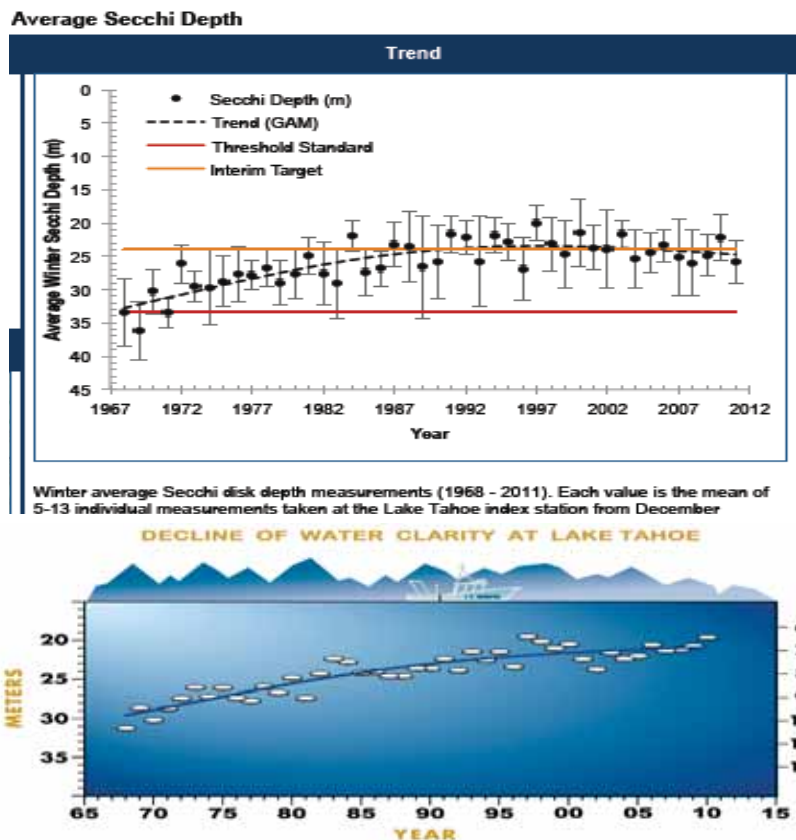
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Davis via its 2011 (WY 2010) State of the lake report³¹ or its many other publications found on its website;

TRPA April TER:

A review of the graphics presenting the long term trends in the TERC report and the TRPA Chapter 4 (2011 TER) report do not appear to match (see below). The trend lines are different – TRPA's is more curved, and indicates an improvement in later years not reflected in the TERC data.



In the above comparison of the TRPA 2011 TER and TERC State of the Lake 2011 graphs, we recognize the scale of each graph is not fully comparable, although we have sized the images in our best attempt to match the scales of the X and Y axis. However, the differences in the trend line, especially the more 'beneficial' trend noted in TRPA's graph (likely in part

³¹ http://terc.ucdavis.edu/stateofthelake/StateOfTheLake2010_Chapter11.pdf
See p. 11.1 for Long Term Clarity Trend.

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due to the inclusion of the ‘better clarity’ in 2011, although the TER should technically only evaluate data through 2010), are apparent.

Further, although apparently TRPA has generated a spreadsheet to track how staff responded to the peer reviewer comments, this has not been provided to the public. Instead, the public is assured the report has responded to the comments from peer review although a comparison of the details does not support this claim.

On that note, because TRPA has dramatically emphasized the scientific ‘validity’ of the 2011 TER, we believe the public has a right to see just how much of the report was completed by scientists versus TRPA staff and consultants, as well as a list of how TRPA ‘incorporated’ the comments by the peer reviewers (as noted above).

Also, the TER has relied on “trend analyses” to claim current trends as well as project future trends. Yet the type of trend analyses performed are not technically appropriate, as noted by peer review comments. Additionally, as in the case of several air quality standards, the methods used (e.g. Thiel Regression³²) are typically used to soften the impact of ‘outliers’ – data points that may be dramatically different than those before and after them in time (in terms of air quality measurements).³³ However, air quality standards have been based on specific time periods - 1 hour, 8 hours, 24 hours, or annually – because the *impacts* of air pollution can occur in those time frames. What a statistician might discount as an outlier in a chart simply because the rest of the week had much lower concentrations might be a day that five people rushed to the emergency room because the pollution levels were so high their health was negatively affected. Comments on the impacts of this new ‘trend line’ approach are discussed below for individual threshold standards.

Improper trending used to forecast purported improvements

TRPA’s use of the new approach involving trend lines appears to assume environmental conditions will remain linear over time. However, environmental processes are typically never linear, and are affected by numerous parameters at any given time. For example, air quality associated with motor vehicles improved during the years that fewer people were driving due to high gas prices. However, gas prices drop and more people begin to drive again, and air emissions go up. Had one simply looked at the estimated emission rates of motor vehicles by year over time (as TRPA has done in the RPU/RTP ‘analyses’), this situation would have been overlooked. Further, the Basin may experience one winter that is exceptionally cold, resulting in increased wood smoke emissions from residential fuel combustion compared to the previous, warmer year. But, what if there were also stronger inversions during the colder winter, trapping those emissions at the surface? Also, what if

³² See 2011 Threshold Report, Chapter 3, Air Quality, p. 3-15 for an example.

³³ See the 1-hour and 8-hour ozone graphics in the 2011 TER. If one separates out the most recent 5-6 years of data, peak readings follow no trend. This should be used to evaluate the causes of the inter-annual variation, as a ‘trend line’ is not only inappropriate, but not useful for evaluating the causes of ozone exceedances (and therefore taking measures to reduce emissions from the sources).

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that winter, because it was colder and ski conditions were better, the visitation rate to the Basin increased, thereby increasing the visitors and 2nd homeowners using wood fireplaces and stoves? The combination of these three factors – more residential heating due to cold temperatures, more visitors using wood heaters due to ski conditions, and stronger inversions trapping the increased wood smoke emissions - results in significantly higher PM concentrations in the colder winter than the previous winter.

This hypothetical example is intended to reiterate the need to evaluate all of the environmental factors, which contribute to air quality concentrations and other environmental thresholds. Without this basic information, TRPA has no evidence upon which to support any conclusions about the current and future status of the threshold standards.

The problem with the use of these linear regressions was also identified by the Threshold Peer reviewers:

“Also, we have no reason to expect progress to be linear over time and I would argue that this creates false expectations. Most ecological processes that I know of are distinctly non-linear. And the installation of stormwater BMPs and the repair of SEZs, for example, can require several years for construction impacts to wash away and revegetation to occur. Sediment discharge may be worse after a project than before if heavy rainstorms occur before the project area is fully remediated.” (Dr. Axler).

In response to questions on these critiques by Board members at the April 2012 GB meeting, TRPA Executive Director Joanne Marchetta told the Board:

“...the report identifies interim targets for most of our Threshold standards in all categories. Because we had used a linear regression approach to estimating the interim targets and the form and normality of our data has changed so much with time and different levels of resources; that the linear regression model effectively gave us interim attainment targets that we could not rely on. The interim targets were criticized because staff used a linear regression approach to estimating them; the suggestion from the Peer Review group was to develop a more sophisticated statistical methodology to make those estimates on interim attainment targets.”

Although whether TRPA made changes or addresses the peer reviewers' critiques is unclear (see previous comments), this explanation does not point out that it is simply not appropriate to use linear regression for certain thresholds. Further, some thresholds are not long-term thresholds. For example, air quality thresholds for human health are to be attained now, not in ten years. Whereas we understand some thresholds, e.g. water quality mid-lake clarity and old growth, will take some time to achieve and thus interim targets may be appropriate.

Discount of more recent, less favorable 'trends' is improper

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As discussed below in more detail, the TER has made several references implying the last five years of data show a different (often less favorable) trend than the prior years, and instead of heading caution and working to assess the causes, TRPA has chosen to discount these trends, using statistical webs to try to suggest the trends should not be given as much consideration because they have changed. However, changing trends in thresholds like air quality should indicate that more attention needs to be paid to prevent future violations. This point is reiterated in the Executive Summary of the Peer Review comments in the TER report:

“The records of environmental observations often constitute the key evidence regarding local compliance with established ambient standards. Moreover, the trends in the ambient data record often provide the most important evidence about the expected continued compliance status for these parameters; observed unfavorable trends can be the “canary in the mine” early warning information about the need for additional information on known (and perhaps unknown) air emission and water effluent sources impacting the lake basin area.” (p. 16).

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Failure to Consider all Available Information

Throughout our comments on the 2011 TER and the RPU/RTP environmental documents, we note numerous examples regarding information that is available for use that was not considered by TRPA. The same situation applies to available data that was not considered in the examination of the thresholds. This unexplained ‘limitation’ on what TRPA considered in the documents was also noted by peer reviewer Dr. Axler:

“Another major concern are the apparent limitations placed by the preparers of this Threshold Evaluation, on themselves, as to what data would be considered for analysis. There is a wealth of important information in the scientific literature and agency reports that could prove most useful in trying to solve the Lake Tahoe puzzle. For example, Dr. Goldman’s publications of 1965 and 1988 (and the references cited) are particularly helpful as is the UC-Davis Tahoe: State of the Lake Report 2011 (see Chapter 4, Water Quality).”

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We reiterate the need for TRPA to perform a thorough, scientific review of the thresholds separate from the RPU update, and one which uses the best available science and the appropriate terminology to assess threshold attainment.

Additionally, the 2011 TER (and the 2006 TER) fail to include historical data (other than the few, often difficult points to see in the graphics), let alone the data from all sites around the Lake Tahoe Basin. As our comments discuss, it is impossible to adequately plan for threshold attainment if one does not consider the historical trends. We note the same lack of information in the RPU DEIS.

Comments on Specific 2011 TER Threshold Standards and Indicators:

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AIR QUALITY:**Carbon Monoxide: AQ-1**

The 2011 Threshold evaluation refers to CARB's 2006 LTADS report to support the relative importance of anthropogenic sources of CO in the Basin: *"The primary anthropogenic sources of CO are on-road motor vehicles (30%), residential wood burning (28%), motorized watercraft (16%), and off-highway vehicles (8%) (CARB 2006)." (p. 3-9).* However, an analysis of more recent information (2008) suggests that motorized watercraft, off-road vehicles (i.e. snowmobiles), and aircraft may be responsible for more CO emissions than motor vehicles (Attachment A: AQ Data Summary Tahoe Basin)³⁴. However, the Threshold Evaluation makes little mention of these other sources, only focusing on improved technology in motor vehicle emissions and improved 'forest biomass prescribed burning or pile burning' to justify the implication that CO will only continue to improve. (p. 3-9). This is not only technically unsound, but it is misleading to the public.

Further, in the next paragraph, TRPA summarizes the status of the CO standards, stating they are *"considerably better than the established Threshold Standards. The Trend is moderately or rapidly improving, and confidence in the determination of status and trend is moderate to high."* However, if one evaluates the details behind these conclusions, many flaws are revealed, suggesting an inadequate technical review and/or an attempt to paint a nicer picture than exists.

CO Threshold Standard: Status

First, we refer to our comments on the overall change in pattern from 'attainment/non-attainment' to the new terms created and discussed in Chapter 2.

Next, the conclusion that CO standards are 'better than target' (aka in attainment) are based on very little data, and fail to discount recent measurements which show peak measurements exceeding the 8-hour 6ppm standard. We recognize the threshold report typically covers a five year period, in this case, 2006-2010, however because it has been used as the 'basis' for the proposed Regional Plan updates, the most recent data must be assessed in the RPU EIS, at a minimum (although as noted above, we see TRPA has selectively used different years for different thresholds among the TER and RPU/RTP documents). Therefore, we reserve further comments on the 2011 and 2012 data for our comments on the RPU analysis below.

³⁴ Note the estimated on-road motor vehicle emissions were taken from TRPA's assessment, of which the accuracy is uncertain due to the reliance on CA-only models, default model information (e.g. fleet mix), and other factors which may underestimate local vehicle-caused emissions. However, this is still valuable for identifying the importance of performing an appropriate analysis specific to the Tahoe Basin.

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That said, in consideration of CO standards up to the end of 2010, the only conclusion that can be drawn based on the data available is that the CO standards were not exceeded at the South Stateline, NV air quality site from 2006-2010. This site is not representative of conditions in other parts of the Basin. In fact, in the TRPA 2006 Threshold Evaluation, TRPA notes the importance of maintaining several monitors throughout the Basin to evaluate threshold status:

“Because carbon monoxide is considered a “Hotspot” pollutant, meaning its effects are very localized, it is important to monitor this pollutant at various locations in the Basin. For this reason, it is recommended that data from all CO monitoring stations within the Basin be used to report on the indicator. Currently, this indicator is only measured at one location and these data are not adequate to provide the necessary information to either evaluate or make recommendations for improvements.” (p. 2-19).

CO Threshold Standard: Trend

As noted above, the use of the Thiel regression method is inappropriate for analyzing the air quality standards and indicators. Further, it appears TRPA is selectively deciding which years to count for no apparent reason other than that those years do not reflect the rapid improvement claimed. For example, with regards to the 8-hour CO measurements, there were three measurements in 2002 and 2003 that violated the 6 ppm standard. These measurements were based on quality assured data (meaning there had not been any instrument malfunctions or other similar type of reason the high readings were noted – rather, the ambient CO concentrations were that high). Yet the regression line that begins in 2000 (p. 3-14) appears to selectively discount the first few years of data and smooth out the exceedances. In fact, it also appears the higher readings may help create a false ‘trend line’ that TRPA has referred to as “rapid improvement.”

Additionally, TRPA has discounted the ‘less rapid’ trend experienced between 2006-2010 simply based on statistics games.

“The trend over the most recent 5 years (2006-2010) is not consistent with the long-term trend and instead indicates no change in the highest 1-hour average CO concentrations.” (p. 3-12).

Instead, TRPA should be examining the status of the threshold standards, the actual trends (which include variations from year to year), and the conditions at various locations throughout the Basin. Further, TRPA should be asking why CO trends were not improving as ‘rapidly’ during the same years that VMT has significantly dropped – clearly, the linear relationship between vehicle emissions and CO levels that TRPA hopes for isn’t supported by the facts.

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5-Year Trend - The confidence in the trend for first high over the most recent 5 years (2006-2010) is low with a confidence level of 41%, S value of 0 and a P value of 0.59. Low confidence is likely the result of few data points (n=5) and inter-annual variation in 1-hour concentrations.

The reference to 'few data points' is confusing, to say the least. How can there only be five data points (n=5) for these years when measurements are taken hourly? Rather, there should be 365 days x 24 hours = 8,760 data points per year. Further, this is no different than the hourly measurements taken in years before 2006, which also recorded hourly CO, and therefore would result in 8,760 data points per year as well. It appears as if TRPA is comparing one annual number for CO (although this does not correspond with any standard or indicator) for the last five, less desirable years, to the conclusions based on the 8,760 data points collected at each site in the years prior, in an attempt to discount the changes since 2006.

Finally, this is a threshold evaluation report, not an emissions inventory forecast. TRPA treats the CO concentrations as if they are supposed to 'fit' into a linear trend and if they do not, statistics are used to explain it away. Instead, TRPA must report on the attainment status of the threshold standards, period. This can then provide the basis to assess sources (e.g. cars vs. boats), impacts from weather and climate (e.g. more inversions in a given year?), impacts from other factors (e.g. higher gas prices resulting in less driving), and so on. Once TRPA evaluates this information, TRPA can then assess what control measures and other strategies are needed to achieve and maintain thresholds. Otherwise, if TRPA assumes CO concentrations in the Basin will simply follow a 'trend' assumed from motor vehicle engine technology, therefore taking no actions to reduce other important sources (e.g. motorized watercraft), then efforts are placed into the wrong approaches and the air quality (and humans) will suffer.

We also add that if one includes the most recent CO data from the Stateline site (included in the attached Table of Tahoe Basin Air Quality Data), the measurements are again higher. Although there have been notable improvements in CO concentrations since the early 80's, a quick look at the peak readings between 2000 and May 2012 shows that there can be significant variation from one year to the next.

Actual Status and Trend as supported by the data:

CO was in attainment at the Stateline, NV site as of 2010. Although the Basin experienced significant improvements in CO levels at this location when compared to the 1980's, peak concentrations have not continued on this trend, but rather appear to have fluctuated over the past six years.

As of 2010, the end of the reporting period for this evaluation, the only CO monitoring was at the South Stateline, NV site.

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CO Threshold Standard: Confidence

The threshold report claims the confidence in the CO status for the Basin is “high” because the data were collected using federal reference methods. However, the only conclusion TRPA can draw, based on the data available, is that the confidence in the data collected *at the South Stateline monitoring site* is high. This is completely different from statistical confidence of CO levels “in the Lake Tahoe Air Basin.” TRPA’s conclusion appears to mislead readers by sleight of hand.

Although the report briefly acknowledges that this is based on one monitoring location only, the limitations of the data are written-off through the assumption that traffic volumes alone determine CO concentrations: “... *This site represents the greatest volume of vehicle traffic in the Region, and consequently, the measurements are thought to represent the highest CO emissions.*” (p. 3-12). This assumption – or rather, someone’s “thought” – does nothing to assess the other sources of CO in the Basin, and the impacts of local and Basin-wide weather patterns that may influence ambient air quality. Some number of tons of CO emitted at South Stateline without inversion conditions may be acceptable, while that same number of tons of CO emitted in Tahoe City during a heavy inversion period may create poor air quality conditions. In other words, there is no linear relationship between CO emissions specifically from on-road motor vehicles and ambient CO concentrations.

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CO Threshold Standard: Targets, Attainment Date(s), Future Recommendations, etc.

The section concludes with no recommendations for additional actions, stating the “Current CO status and trends suggest actions to reduce CO concentrations and decrease traffic volumes are effective at reducing 8-hour concentrations.” Again, the only conclusion TRPA can support is that *CO concentrations did not violate the standards at the Stateline, NV monitoring site between 2004 and 2010*. How much of this air quality benefit is associated with the increased VMT due to economic conditions (which as discussed below, needs to be accounted for because the economy will turn back around and resident and visitor populations – and VMT - are expected to increase again, even without further development). How much is truly from the “Programs and Actions Implemented to Improve Conditions” noted in the report? How have meteorological conditions affected CO levels? Have there been significant changes in the fleet mix in the Tahoe Basin (including visitors and residents)?

A similar situation occurs with AQ-5, Traffic Volume. TRPA concludes that the threshold is in attainment, therefore actions have been effective. However, how much of this is associated with the bad economy? High gas prices? Also, TRPA states “*the question that needs to be answered is whether this indicator continues to provide a good proxy measure of CO concentrations.*” (p. 3-18). This is confusing, because the measure was not intended to substitute (or serve as a proxy) for actual CO measurements, but rather serve as another standard to help protect air quality in what was known as one of the Region’s

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biggest CO hot spots. The question(s) should instead be whether the indicator should be modified to address other times of year and other locations in the Basin.

Finally, with regards to the “TRPA 9ppm” 8-hour CO standard, we note that in every prior TER, the TRPA standard has been documented as 6ppm. We understand, according to staff³⁵, that although Resolution 82-11 called for the reduced standard in 1983, the final ‘Board approval’ may not have been completed:

“Appendix A of Resolution 82-11 established the Carbon Monoxide 8-hour standard at 9 ppm. with the caveat that each state;

“shall review and certify to TRPA by February 28, 1983 as to what their carbon monoxide standards are as of that date, and this TRPA threshold standard shall be changed effective February 28, 1983, if necessary, to be the applicable state carbon monoxide standard applicable to the respective portions of the region in accordance with Article V(d) of the Compact.”

However, TRPA has referred to the TRPA standard of 6ppm in the last four threshold reports (1991, 1996, 2001, and 2006). We recommend TRPA explain to readers why the 2011 report includes a different TRPA standard, acknowledge the potential error made almost 30 years ago, and clarify that TRPA intends to remedy this inadvertent legal error immediately, regardless of the Regional Plan Update alternatives (since TRPA was supposed to amend thresholds, as necessary, based on the five-year reviews, thus, it would appear this amendment need not rely on the adoption of a new Regional Plan).

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Ozone: AQ-2

The 2011 Threshold evaluation refers to CARB’s 2006 LTADS report to support the relative importance of anthropogenic sources of ozone precursors in the Basin: *“The primary sources of the precursor gases in the Lake Tahoe air basin include on-road motor vehicles, residential fuel combustion, motorized watercraft, off-road equipment, solvent and fuel evaporation, and off-road recreational vehicles (CARB 2006). Ozone can also be transported into the Lake Tahoe air basin from outside sources, although these sources do not substantially contribute to overall O3 concentrations (CARB 2004).”* Although these are sources of ozone precursors, TRPA should also note the importance of additional sources that may be unique to the LTAB, including emissions from prescribed fire (pile and understory burning) and wildfires, as well as aircraft.³⁶

Although exceedances did occur (for both 1-hour and 8-hour standards) during the period reviewed (2005-2009), the document then states in the next paragraph that “Overall, the Basin can be characterized as “at or somewhat better than the standard,” with “little or no change” in trend, and moderate confidence in the status and trend

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³⁵ Pers. Comm. Keith Norberg, 5/2/2012.

³⁶ See 2006 Lake Tahoe Airport Report, League to Save Lake Tahoe, November 2006.

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determination (Figure 3-2).” First, it is inappropriate to suggest the “Basin” can be characterized by the measurements from a site three years ago, or that the last two and a half years can be ignored, and that the Basin is at or somewhat better than the target when the “target” (aka air quality standard for ozone) was not being met in the last full season measured in South Lake Tahoe. See additional comments below.

Further, this ‘summary’ has taken what has typically been two indicators for ozone: 1-hour and 8-hour measurements, and blurred the attainment status by adding a 3rd indicator (related to the federal designation requirements for 8-hour ozone), and an estimate of NOx emissions that does not represent ambient ozone concentrations. However, it appears that because, with this new ‘structure,’ three of the four ‘reporting indicators’ are not considered below target, this has been used with some level of ‘majority rules’ to suggest the ‘overall status’ is at or somewhat better than target. Based on the methods TRPA has used in the past, and as noted in the ‘crosswalk’ in the TER Appendix D, the status for the ozone standards would have been simply non-attainment (and the rest would be discussed in the text). Again, it appears that the ‘summary’ has been carefully worded to suggest a better picture than the facts support.

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O₃ Threshold Standard: Status

First, we refer to our comments on the overall change in pattern from ‘attainment/non-attainment’ to the new terms created and discussed in Chapter 2.

Next, the conclusion that ozone standards are ‘at or somewhat better than the standard’ (implying attainment) are based on measurements from roughly three years ago from the South Lake Tahoe location, where ozone has historically and most consistently been monitored (we note 2010 measurements in Incline Village did not exceed the standard, however, there are notable differences between these two locations and thus it can not be stated or assumed that Incline Village measurements represent the “overall Tahoe Basin”).

In essence, the only statement TRPA can support is that as of 2009, the California 8-hour ozone standard was not being attained, however the status as of 2011 is unknown.

Additionally, it appears that careful wording was used to avoid admitting that ozone has not been monitored in recent years. For example, on page 3-22, the Status explains that the evaluation is based on “2005-2009 (the most recently reported indicator values).” However, this is misleading. In truth, TRPA is responsible for monitoring the thresholds, first and foremost. However, this has typically involved coordination with other agencies (e.g CARB, NDEP, Washoe County AQMD), and TRPA has worked with these other agencies to obtain data when not available online (like CARB’s data). Second, if other agencies have cut monitoring, then TRPA must ensure monitoring continues. Although TRPA has installed an ozone monitor on its building (see comments on site location), this does not represent conditions in ambient South Lake Tahoe. Further, TRPA should be forthcoming in what is supposed to be a technical

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review document and simply admit there was no monitoring in South Lake Tahoe after 2009.

Similar to our comments regarding time period above, we acknowledge the reporting period for the TER should include 2006-2010, however the RPU documents must include the most recent years, and therefore can not simply refer back to findings in the TER that are years outdated.

O₃ Threshold Standard: Trend

As noted above, the use of the Thiel regression method is inappropriate for analyzing the air quality standards and indicators. Like CO, ozone levels are determined by multiple factors, including climate and weather patterns, as well as annual changes in the environment (e.g. fires), and human activities (e.g. less driving or boating). More appropriate, and certainly more informative, would be to simply plot the measurements as has been done in the past. In examination of the graphs provided for the 8-hour average concentration (p. 3-24), it can be seen that there may have been some slight decrease since the 1980's. However, what would this look like if TRPA simply plotted from 1995 to 2010? It may appear that concentrations are more stable, but not really decreasing. How about 2005-2010? This may in fact reveal concentrations are again increasing. But, then we see that TRPA has discounted the changed 'trend' over this last five year period because it does not match the long term trend:

"Five-Year Trend – The trend over the most recent 5 years (2005-2009) is not consistent with the long-term trend, and indicates a slight increase of 0.002 ppm/year in the highest 1-hour average O₃ concentration, or +2.5% per year of the standard. Note that short-term trends in air quality are typically not reliable due to the high inter-annual variability of meteorology and small sample size (n=5)."

Because ozone standards are in place to protect human and forest health now, and are not long term thresholds (e.g. lake clarity), it is wholly inappropriate to discount recent changes. *Ozone concentrations do not follow a linear line!* We also see the same statistics games being used to evaluate ozone as CO – the misleading implication that there are just five data points in the past five years when like CO, hourly measurements are taken.

These questions show how easy statistics can be manipulated to show a desired outcome. What is important is what ozone concentrations are doing now, thus only analyzing the long term trends, then discounting the most recent five years because the trends aren't as 'nice' is not appropriate.

Instead, TRPA should be examining the status of the threshold standards, the actual trends (which include variations from year to year), and the conditions at various

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locations throughout the Basin.³⁷ Further, TRPA should be asking why the 8-hour ozone trends were actually getting worse during the same years that VMT has significantly dropped – clearly, the linear relationship between vehicle emissions and ozone levels that TRPA hopes for isn't supported by the facts.

Although a stated percent reduction in NOx emissions is included in the 82-11 Thresholds to support attainment of the ozone standards (and a reduction in atmospheric deposition of nitrogen), NOx emissions have not been evaluated in previous reports and this should be noted. Further, the emission estimates are based on CARB estimates of the California side of the Basin. This neglects Basin-wide emissions, and as noted in our comments regarding the air quality modeling performed for the RPU DEIS, relies on an Emissions Inventory that does not take into account local Basin information. If one uses the more appropriate estimates from the DRI 2008 EI³⁸ (see comparison later in these comments), NOx emissions in the Basin may be almost 9 tons/day, well above the estimated 1981 levels. Not only does this suggest the threshold may not be in attainment, contrary to the 2011 TER findings, but it also reiterates the need for improved air quality planning and identification of Tahoe-specific information. Further, TRPA notes a low confidence in their determination, yet concludes *"the Region is in attainment with the adopted TRPA Threshold Standard, and therefore it is not necessary to establish an interim target for this indicator."*

TRPA treats the ozone concentrations (and other ambient standards, as discussed below), as if they are supposed to 'fit' into a linear trend and if they do not, statistics are used to explain it away. Instead, TRPA must report on the conditions of the threshold standards, period. This can then provide the basis to assess sources (e.g. cars vs. boats), impacts from weather and climate (e.g. more inversions in a given year?), impacts from other factors (e.g. higher gas prices resulting in less driving), and so on. Once TRPA evaluates this information, TRPA can then assess what control measures and other strategies are needed to attain and maintain thresholds. Otherwise, if TRPA assumes ozone concentrations in the Basin will simply follow a 'trend' assumed from motor vehicle engine technology (as ozone has been heavily tied to VMT discussions in the RPU), therefore taking no actions to reduce other important sources (e.g. motorized watercraft), then efforts are placed into the wrong approaches and the air quality (and people breathing it) will suffer.

Actual Status and Trend as supported by the data:

Ozone was not in attainment the last time it was measured in South Lake Tahoe (2009). The federal standards and TRPA 1-hour standard were met in Incline Village, NV as of 2010. Although improvements in peak concentrations were seen through the

³⁷ Placer County has installed a new monitoring site which measures ozone and PM2.5 in Tahoe City (beginning in January 2012). Although data are preliminary and not yet approved for regulatory purposes, ozone measurements through early June were included in the Attachment showing all available Tahoe Basin AQ measurements.

³⁸ Refer to attached table of existing emissions comparing CARB vs. DRI emissions inventories.

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1990's and early 2000's, the ozone in the Basin has actually been slowly increasing over the past six years.

As of 2010, the end of the reporting period for this evaluation, the only ozone monitoring in the Basin was in Incline Village, NV.

O₃ Threshold Standard: Confidence

Just as TRPA has done with CO, the threshold report claims the confidence in the 'condition status' for ozone is "high" because the data was collected using federal reference methods.³⁹ However, the only conclusion TRPA can draw, based on the data available, is that the confidence in the data collected *at the South Stateline monitoring site* through 2009 was high. This is completely different from statistical confidence of ozone levels "in the Lake Tahoe Air Basin," and the "current" ozone levels (whether assigned as 2010 for the TER, or 2012 for the RPU DEIS). Again, TRPA's conclusion appears to mislead readers by sleight of hand.

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O₃ Threshold Standard: Targets, Attainment Date(s), Future Recommendations, etc.

TRPA's acknowledges that ozone standards have been violated in recent years, and will continue to be violated into the future, but apparently remains 'content' to simply 'let things happen' - as opposed to doing something to protect the Basin's populations. This 'let it be' approach is implied by TRPA's casual reference to the apparently inevitability predicted by the trend line (see below). The Compact requires TRPA to take measures to protect human health, enforcing the strictest air quality standard, not to idly stand by and just 'wait.' Further, based on the Target Attainment Date of 2025, are residents and visitors negatively impacted by high ozone concentrations for the next twelve years simply expected to "just grin and bear it?"

"Interim Target – By 2016, the highest 8-hour average ozone concentration is estimated to be about 0.072 ppm based on a simple linear regression line of best fit, suggesting the indicator will be non-compliant with the CA standard of 0.07 ppm.

Target Attainment Date – If trends in the highest 8-hour average ozone concentration indicator continue at the same rate as represented in this summary, the Region will be in compliance with the CA standard around 2025." (p. 3-25).

Further, the trend line does nothing to inform TRPA of the causes of ozone in the LTAB. Although the assumed causes are alluded to in the "Programs and Actions Implemented to Improve Conditions" section (shown below),⁴⁰ there has been no

³⁹ We note the overall 'confidence' is deemed 'moderate' because according to TRPA, "only moderate confidence in long-term trend and 5-year trend outweighs the high confidence in the condition status." (p. 3-25). However, we again refer to comments regarding the inappropriateness of trends in assessing criteria air pollutants where maximum hourly, 8-hour and 24-hour concentrations are what matter to human health.

⁴⁰ Of note is the ban on drive-up windows was primarily intended to reduce CO hot spots, and should be referenced in the CO section of the TER. Further, this ban should be maintained, since air quality trends, even

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comprehensive analysis of air quality in the LTAB. Therefore, there is nothing to support the assumption that there is any trend in the peak concentrations, nor where ambient levels will be in the next ten to twenty years (or what they have been throughout the Basin for the last several years).

“Programs and Actions Implemented to Improve Conditions – Regional, state and/or federal emission standards for motor vehicles, motorized watercraft, gas appliances and woodstoves. Transportation infrastructure improvements such as more efficient intersections, sidewalks, and bicycle infrastructure development. Public transportation systems. Regional and state restrictions on prescribed burning days. Prohibited development of “drive-up window” commercial uses.” (8-hour Average).

The recommendations for additional actions (excerpt below) add insult to injury by not only putting off any actions to examine the causes of ozone in the Basin, but again showing a bias towards the RPU Alternative 3 concept - in what should be an objective technical review - suggesting that incentivizing “walkable town-centers” will help reduce ozone. As noted in our comments on the RPU DEIS, evidence does not support the assertion that increased densification and urbanization in Lake Tahoe’s “community centers” will reduce driving, and in fact, even the DEIS notes an overall increase in Basin-wide VMT.⁴¹ Further, until there is an adequate assessment of air quality in the Basin, combined with proper, local-based planning tools, the primary contributors to ozone in the LTAB remain uncertain, and although any reductions in precursor emissions are beneficial, they do not necessarily translate into achievement of the ozone standards.

“Recommendations for Additional Actions – Because the current status of this indicator is “slightly worse than target,” current programs and activities may need to be more effectively implemented or redesigned. Continued failure to meet this Ozone standard may indicate the need to further reduce the dependency on the private automobile, through land use policy that incentivizes more bicycle-friendly and walkable town-centers, and encourage the use of alternative modes of transportation such as public transportation...” (8-hour Average).

We contend that a more appropriate recommendation would instead suggest immediate action be taken to improve monitoring around the Basin, to develop the information and tools necessary to evaluate air quality in the LTAB, at the same time as reducing emissions of precursor gases from known sources (which TRPA has included reference to the latter in the next part of this section):

for CO, indicate significant variation, and reductions have not directly followed the reductions in assumed sources (e.g. VMT).

⁴¹ The RPU has frequently relied on per capita VMT and emissions, which if measures were effective, would still result in an overall net increase in the Basin compared to the 1987 Plan. See our RPU DEIS comments below.

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“...It is recommended that the agency continue to encourage policies and management actions that result in reduction in regional sources of precursor gas emissions (e.g., reduce private automobile use, support state and federal efforts to apply tail pipe emission standards for motorized watercraft, lawn equipment, off-road vehicles, on-road motorcycles).”

Although supporting federal and state agency actions is important, where is the assessment of the actions TRPA can take to reduce emissions from motorized watercraft, lawn equipment, and off-road vehicles? For example, TRPA can impose restrictions on watercraft use on peak days, and/or days when ozone formation is expected to be high. Through Land Use policies and proper enforcement programs, TRPA could enforce limits on lawn equipment or off-road vehicles. What would be the air quality benefits of limiting snowmobile use in the Basin? We defer further comments regarding alternative actions to the RPU DEIS comments noted later.

“It is also recommended to investigate and refine our understanding of the sources and relative contributions of mobile and stationary precursor gases at the regional scale (include both Nevada and California), and develop a cost feasible and implementable strategy that leads to the reduction of major sources of precursor gases.” (8-hour Average).

Of note is the suggestion that more investigation into sources is needed. However, this recommendation has been made in previous threshold reports (see below).

1991 TER:

“Ozone concentrations at Lake Tahoe Boulevard have exceeded the threshold standard every year since 1982. No trend is apparent. TRPA suspects long range transport of ozone is occurring...TRPA should support additional study and research regarding the causes and effects of elevated ozone levels.”

1996 TER:

“TRPA should support additional research into both the mechanisms that contribute to ozone concentrations in the Tahoe Region, and the environmental effects of ozone within the region, particularly on vegetation. Further analysis should also be conducted to determine how much of the local ozone concentrations is generated in the Tahoe Region, and how much is generated elsewhere and transported into the Tahoe Region.”

2001 TER:⁴²

⁴² <http://www.trpa.org/default.aspx?tabindex=1&tabid=174> (However, a hard copy was used to access Appendix B recommendations as these were not found online).

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Status of 1996 Recommendation (p. 2-65): “In July 2000 the Lake Tahoe Air Quality Research Scoping Document discussed airborne transport and proposed research into several constituents, including ozone. This will be addressed in the research and monitoring network being coordinated with local, state and federal agencies (see 2001 Recommendation A).”*

* 2001 Recommendation A was rephrased and move to Appendix B in the final 2001 TER:

AQ-Title: Develop and implement an integrated air quality research and monitoring network for 2004 Threshold Update. Responsible Entity: CARB, TRPA, LRWQCB, USFS, USEPA. Completion Date: December 2004. Recommendation: Develop and implement the monitoring and research program coordinated with the TMDL research.

Products: Products include a quality-assured database of observed concentrations of P, PM, and N, and the other gaseous PM and gaseous species of interest, estimates of the mass and forms of nitrogen and phosphorous deposition to the lake surface, estimates of the local vs. regional contributions of N, a completed quality-assured data set which can provide improved estimates of total N deposition to the Lake and the ability to model the effects on concentrations and deposition that would result from hypothetical changes in emissions either in-Basin or upwind.

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2006 TER:⁴³

“There was one recommendation listed in the 2001 Threshold Evaluation for the ozone threshold (see Table 2-9). As of 2006, TRPA had installed 1 additional ozone monitoring station. However, due to resource constraints, this station is currently inoperative. For this reason, the overall effectiveness of the ozone measures is being categorized as ineffective.”⁴⁴

...the primary need for this indicator is to establish and maintain permanent monitoring sites within the Basin. To this end, TRPA plans to work with the Basin partners over the next few years to develop permanent and stable monitoring stations along with a centralized reporting system for the data. This will enable TRPA to provide efficient and accurate assessments of the conditions and develop appropriate mitigation measures for any challenges that arise.”

2011 TER: (repeated for emphasis):

⁴³ <http://www.trpa.org/default.aspx?tabindex=1&tabid=174>

⁴⁴ The 2006 TER assumed on-road motor vehicles were the largest source of ozone precursor emissions, and that reductions in vehicle use were key to achieving the ozone standard. However, as in all years, there had been no assessment of concentrations and sources to determine relative contributions, and although VMT has dropped by over 7% since 2006, ozone concentrations in the Basin have not followed suite, yet again reiterating the need for a comprehensive air quality analysis.

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“It is also recommended to investigate and refine our understanding of the sources and relative contributions of mobile and stationary precursor gases at the regional scale (include both Nevada and California)...” (8-hour Average).

“It is recommended to continue monitoring ozone concentration trends due to the short-term duration of attainment status. Use monitoring data to inform remedial actions beyond those currently being implemented.” *(included in section on 1-hour Average, although need for monitoring data applicable to all ozone standards).*

We also note the number of ozone monitors in the Basin: 2009: 2; 2010: 1; 2011: 0.

Further, although the proposed update to threshold standards is discussed in the RPU DEIS, typically threshold evaluation reports have assessed the need for updates. This report includes no mention of updates to the ozone standards, or rather, TRPA’s failure to update standards to protect the entire Basin (instead relying on state standards, which we also note have not been analyzed for appropriateness in the Lake Tahoe Basin). However, the most protective ozone standards should be adopted by TRPA and applied to the entire Basin,⁴⁵ since there are no magical fans that blow emissions back into their respective states along the state line.

Additionally, TRPA must retain the year-round consideration in the ozone attainment status. Although the designation window for ozone associated with the California state standards runs from July to September,⁴⁶ an examination of the dates of the peak measurements in the Lake Tahoe Basin indicates many exceedances in other months. Because ozone impacts to humans will not be any less in May than August, for example, it is necessary to monitor year-round. It is unclear what TRPA proposes for determining designation status. However it appears that if TRPA simply relies on the state standards, this will also mean the designation rules of the state would apply.

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Particulate Matter (PM10 and 2.5): AQ-3

Although the AQ-3 indicator for PM used in the previous TERs has apparently disappeared from the 2011 TER (having been aggregated into the “overall indicator” for visibility), we will, for the sake of consistency with past threshold evaluations, comment on PM standards separate from visibility (AQ-4). First, the PM standards evaluated in the report include a mix of California and federal PM mass requirements that were developed to protect human health. It is inappropriate to aggregate these under Visibility.

Second, although the original thresholds were created with protection of visibility in mind, and the wood stove and suspended particulate reduction standards created to

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⁴⁵ Which is not included in the RPU Committee’s preferred alternative 3 in the RPU DEIS.

⁴⁶ Therefore, when CA reviews ozone attainment status, a year with ‘full coverage’ of monitoring, for designation purposes, need only cover these months.

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assist in visibility and clarity improvements, the original environmental documents noted that the individual states monitored for particulates at that time, and the PM2.5 was a specific pollutant degrading air quality in the Basin (1983 EIS for the Adoption of the Regional Plan). Further, in the decades since 1983, research has determined that particulate pollution has a greater impact on human health than realized decades ago. This is easily shown by the federal and California adoptions of additional, and more stringent, health-based standards for PM10 and PM2.5. Therefore, although TRPA may place responsibility for PM10 and PM2.5 health-standards on the states, making it clear that TRPA has not adopted ETCCs for these pollutants directly, residents and visitors in the Tahoe Basin should not be subject to harmful particulate pollution because TRPA has failed to provide for the attainment and maintenance of the strictest air quality standards, as mandated by the Compact.⁴⁷

“Article V(d)

The regional plan shall provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable State implementation plan or the applicable Federal, State, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact.”

As TRPA is mandated by the Compact to protect human health, instead of displacing the PM indicators in visibility, perhaps TRPA should be adopting them to protect human health in the Basin?

Similar statistical liberties have been taken with regards to reporting the status of PM standards as those discussed for CO and ozone, including:

- Aggregation of multiple indicators into one overall category (Visibility) which does not adequately report on status of individual indicators⁴⁸;
- Continued dismissal of more recent trends that suggest declines in air quality;⁴⁹
- Continued assumption of ‘sources,’ without analysis, and failure to include most recent information and research;
- Selective wording that misleads the reader; and
- Dismissal of any responsibility to ensure human health is protected in the Basin.

⁴⁷ In other words, TRPA has not itself adopted human-health based standards for the Basin, however the Compact requires TRPA to attain such standards, whether they are TRPA standards or not.

⁴⁸ Visibility is noted as “At or Somewhat Better than Target” although the 24 hour standard for PM10 in California was not in attainment.

⁴⁹ Examples include pages 3-37, 3-42, and 3-45.

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Due to time constraints, we will not repeat the same comments as included in CO and Ozone, but note the same patterns and statistical manipulations noted in our previous comments are used in the PM10 and PM2.5 analyses as well. Some are discussed further below.

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Additional PM comments:

The TER states that for PM10, annual average, “PM10 data were not collected between 2007 and 2010, and thus the current status and trend of the indicator are unknown.”

This statement is not true, and is misleading, if not confusing to the reader. PM10 data *were* collected, however, the data did not meet the requirements of California for officially determining the annual average.⁵⁰ Therefore, it could be said that the current status, as calculated by California, is unknown.

If one simply removes TRPA’s “Trend line,” the results would indicate a slight reduction in the annual average PM10 concentration in South Lake Tahoe until around 2005, at which point the 2006 value had increased. A review of the 24-hour average, also without the trend line, would reveal that although peak concentrations had decreased in South Lake Tahoe from the mid- to late-90’s, measurements have instead been slowly increasing, although are scattered from year to year, as expected. The same evaluation of the Stateline, NV data would indicate increasing PM10 24-hour values until around 1994, then a reduction over the next few years until the monitor was removed. Instead, the ‘trend lines’ TRPA has created ignore all of this valuable information, and ignore the negative trends the Basin has experienced since 2005 by essentially smoothing it over through use of the improvements that occurred over ten years ago, rather than what is happening now. TRPA should be most concerned that air quality has been getting worse over the past six years, not better, as TRPA’s assumed primary sources: on-road motor vehicles and wood heaters, would suggest improved air quality.

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First, we examine on-road motor vehicles. As discussed elsewhere in our comments, VMT has decreased in the past six years (according to TRPA), and vehicles have become ‘cleaner’ due to various state and federal regulations. Thus, it seems reasonable to conclude that emissions from on-road motor vehicles have decreased in the past six years.

Second, we examine residential wood heating. It is unlikely that a significant number of residents or visitors have removed cleaner-burning wood stoves; although some may have done so to open up an (illegal) fireplace, we might assume this to be so rare as to not have much impact on overall PM trends. New construction prohibits open fireplaces and wood heaters that do not meet EPA requirements, and natural gas heating remains

⁵⁰ CARB’s database notes an * for the annual averages during the 2007-2010 time frame. This is explained in the footnotes: “* means there was insufficient data available to determine the value.” CARB also notes: “A high Year Coverage does not mean that there was sufficient data for annual statistics to be considered valid.”

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a popular option.⁵¹ Although TRPA's wood heater retrofit program has not been enforced since its adoption in 1993, we can assume at worst, no retrofits have been made, but more likely, some retrofits have been made. As a result, it seems a reasonable hypothesis to suggest that residential wood heater emissions have likely decreased in the past six years as well.

Therefore, if the two sources blamed for a good portion of the PM in the Basin's air suggest it should be getting better, yet it's getting worse, then why would TRPA continue to implement the same actions and assume they will work? TRPA should instead be examining the causes of local PM. TRPA does not paved and unpaved road dust in the source list for PM10 (p. 3-38). How important are resuspended particles from the roadways? Should more focus be given to street sweeping technology than tailpipe technology? How important are unpaved roads in the Basin? Fugitive dust? Also, how many tons of PM are emitted into the air from "short term" construction? Is it likely more needs to be done to address construction dust?

Instead, TRPA has recommended additional actions, which focus on residential wood stoves, transportation improvements, and a reference to more frequent street sweeping (as a possible 'need' in the future).

Actual Status and Trend as supported by the data:

PM10 was not in attainment in South Lake Tahoe as of 2010. Although improvements in peak concentrations were seen through the 1990's and early 2000's, the peak 24-hour average PM10 in the Basin has actually been slowly increasing over the past six years.

PM2.5 has not been monitored for human health standards since 2004, thus the current status is unknown. However, based on a review of aerosol extinction data⁵² from the Bliss S.P. and South Lake Tahoe⁵³ Visibility monitoring sites, estimated PM2.5 mass has generally been increasing since 2006.

As of 2010, the end of the reporting period for this evaluation, the only PM10 mass monitoring (for human health standards) was performed by CARB in South Lake Tahoe. There are no PM2.5 measurements for comparison to human health standards, however, the Bliss S. P. visibility site remains in operation (by EPA).

Finally, the proposal to adopt separate state standards for PM10 and PM2.5 does not conform to TRPA's mandate to protect human health in the Basin. Further, until recently, TRPA intended to adopt and apply the most strict (therefore, most protective), air quality standards, thus providing an equal level of protection for all of the Basin's

⁵¹ "Visibility improvements are attributed to successful emission-reduction efforts including: Phase-out of open-burning wood fireplaces and less-efficient wood heaters; Popularity of natural gas stoves;..." (p. 65). http://www.enviroincentives.com/Pathway2007_Eval_Report.pdf

⁵² There are different reference methods to monitor PM2.5 for human health standards versus visibility.

⁵³ Discontinued by TRPA in 2004.

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residents and visitors, regardless of state lines.⁵⁴ However, a political decision was made to neglect this (discussed in comments on the RPU DEIS below) and as we now see, the TRPA Governing Board RPU committee supports this less protective option. TRPA has, during past RPU meetings, suggested it ‘does not matter’ because their programs will apply Basin-wide, providing equal protection regardless of the standards. However, we note TRPA is proposing to give more planning authority to the local and state jurisdictions, therefore it is reasonable to expect that eventually, states will again be overseeing air quality planning and per their own requirements, evaluate and approve projects and plans based on their respective state standards. Under RPU DEIS Alternative 3, if the proposed PM standards are adopted, this means that NV could be allowed to emit more pollution into the Lake Tahoe Air Basin than California. Second, TRPA has failed to analyze the impacts of applying the strictest standards Basin-wide versus by state, again apparently speculating that planning processes will be the same, although this is not supported by any evidence that has been provided. Third, since TRPA is the Tahoe *Regional Planning Agency*, TRPA should be assessing the local impacts of pollution, and whether state standards (even California’s more strict standards) and/or federal standards are appropriate in the Basin. For example, there are separate standards for CO for the Lake Tahoe Basin because research indicated that the higher elevation caused CO to have greater impacts than at sea level. Do local conditions (e.g. elevation, inversions, etc.), cause pollutants to result in more harm to humans and the environment in the Basin than if those pollutants are emitted somewhere else?

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Visibility: AQ-4 and Wood Smoke (AQ-6):

See comments above regarding the aggregation of multiple indicators into the overall visibility category. We also reiterate comments provided by Gary Hunt (Appendix E):

2] The visibility threshold standard or indicator reporting category is comprised of nine (9) individual indicators (See Figure 3-3). The report characterizes the current status as “considerably better than target” with an associated trend that shows “moderate improvement”. Confidence in both visibility status and trend is reported as “moderate”. This reviewer does not agree with this assessment. Data are not available for three (3) indicators and confidence as a result could not be reported. Confidence in two (2) other indicator categories is characterized as low. Yet a moderate confidence determination has been reported. This assessment represents an example of what was described by this reviewer as a fundamental problem with the methodology employed by TRPA for indicator status and trend determinations. More specifically if insufficient data are available for any indicator category then that category is not considered in the final determination (See Methodology Chapter 2).

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⁵⁴ See “Table 6-3. Recommended Air Quality Standards for Human Health” in Pathway 2007 Draft Report: http://www.enviroincentives.com/Pathway2007_Eval_Report.pdf

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Although it appears TRPA made changes to the status, trend, and confidence level (now shown as “At or Somewhat Better than Target,” “Little or No Change”...and “Low” Confidence), this is not reflected in the RPU DEIS evaluation, which simply states:

“TRPA’s existing wood stove retrofit program, applicable county and state regulations, and other programs to improve air quality have resulted in a baseline condition with a positive trend toward attainment of PM and visibility threshold indicators and AAQS (TRPA 2012a).” (p. 3.4-30).

TRPA reiterates this “positive trend” repeatedly in the RPU DEIS assessment (examples provided in our comments on the RPU DEIS analysis).

First, we note the current status of the sub-regional visibility is unknown, since TRPA removed the monitoring in 2004, and failed to operate the site that was installed to replace it in 2005. Second, the status of the Regional Visibility is listed as “At or Somewhat Better than Target” with trends of “Little or No Change.” Although the graph provided on page 3-47 shows negative trends in the visibility standards in the last few years evaluated on the graph, the Report does not discuss these trends, instead almost dismissing the change, stating *“the uptick in the regional ‘worst visibility day’ trend was attributed to smoke generated as a result of greater than 2.3 million acres of wildfire recorded in 2007 and 2008 throughout California...”*

Next, what is the statistical definition of an “uptick”? Second, the referenced report for Chen et al. (2011) explains:

“Between 1991 and 2009, all 50th and 90th percentile *bext* at BLIS1 are in compliance with the TRPA regional standard, except the 90th percentile *bext* in 2008 (35.9 Mm-1). Extremely high *bext* are often caused by special events such as large wildfires, which were certainly recorded for summer 2007 and 2008 (see Table 2). The impact of fires near the monitoring site is obvious but the impact of those farther away would be difficult to evaluate. There were also episode days occurring in spring and winter without any evidences of wildfires. These episodes might reflect the influence of prescribed burning and/or residential wood combustion (RWC).”

Did TRPA examine the spring and winter episodes for non-natural causes? Also, how much smoke is generated by prescribed fire (especially pile burning, since unlike understory ecological burning, there may be other methods of removal which will not create smoke emissions) versus wildfires?

Measurements for wood smoke and suspended sediment:

According to Appendix CR-2 (and also reflected in the RPU DEIS Appendix B), TRPA is proposing to delete the wood stove emissions and suspended particulate standards. The original thresholds were created with protection of visibility in mind, and the associated wood stove and suspended particulate reduction standards created to assist in visibility and clarity improvements. These reductions still aid in reducing air pollution.

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Further, we have learned through science that particulates in the air (and the phosphorus that is attached to them) also have a significant effect on mid-lake clarity (see comments below regarding atmospheric deposition). However, TRPA proposes to delete these threshold standards without any analysis of the impacts. How much do these sources contribute to visibility degradation? Lake clarity loss? Ambient particulate concentrations? What will be the impacts of deleting them, including the changes that may be observed at the project review level (where the lack of specific thresholds may relax the analysis required in project review documents)?

These questions may sound familiar to TRPA. We asked them in 2007,⁵⁵ when TRPA proposed to delete these standards as part of the 2006 Threshold Update and Environmental Assessment - also without adequate analysis. Therefore, instead of retyping those detailed comments, we instead refer TRPA to those comments (attached).

Also, TRPA has contended there is no way to measure these sources, however we note the Chen et al. 2011 report TRPA has referenced includes reference to what other sources have said for years: "*Potassium (K) is a useful marker for biomass burning and is routinely measured by the IMPROVE network.*" The 1983 EIS for the Adoption of the TRPA Regional Plan includes an estimate for wood smoke emissions; "There are approximately 8,988 pounds of wood smoke produced in the Basin each summer day and approximately 18,363 pounds on an average winter day. The threshold is therefore 7,640 and 15,609 pounds on an average summer and winter day, respectively. The sources in the summer include wood stoves (1,719 lbs.), fireplaces (5,075 lbs), campground barbeque pits (654 lbs.), and forest management (1,540 lbs.) while the sources in the winter include wood stoves (4,643 lbs.), fireplaces (13,670 lbs.), and forest management (49 lbs.)." (p. 195).

Using current technology, estimates of wood smoke could be generated. Has TRPA tried? This appears to be yet another situation where TRPA has failed to consider the most recently available science, instead opting for the 'easy' out by simply writing it off.

If wood smoke emissions have been reduced by over 15%, yet we now exceed the PM10 standards in the Basin (and may be experiencing degraded visibility, but this remains unknown at the subregional level because monitoring has not occurred since 2004), then does this not suggest other sources are having an impact? How much might ozone, which is also increasing in the Basin, be affecting visibility? It is time TRPA stop putting off analyzing what the environment is really doing in the Basin, rather than continuing to make recommendations to eventually do so (but never following through, as shown in the examples in previous comments on ozone). What are the impacts of removing this standard on PM levels? Human Health? Visibility?

⁵⁵ Conservation Community Comments on the Environmental Analysis for the TRPA Threshold Update. Submitted by Tahoe Area Sierra Club, League to Save Lake Tahoe, and Sierra Forest Legacy. May 18, 2007.

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If the wood smoke emissions have not been met, then clearly TRPA needs to address this as well.

Similar questions apply to the suspended sediment standard, also proposed for deletion. For example, what information is currently available regarding suspended particulate emissions in the Basin?⁵⁶ We suspect that using current research and technology, combined with historical traffic information, TRPA can at least estimate the numerical values associated with the 30% reduction in suspended sediment. Once this is done, again, the relationship to other air standards, and to water standards, should be examined. Is the standard appropriate and if not, then what is? What are the impacts of deleting this standard?

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Visibility baseline:

The threshold updates fail to include one of the most basic proposals recommended by the AQ Technical Working group during the earlier Pathway 2007 process – to adopt the new baseline for the Regional and Subregional visibility standards so that it reflects the cleaner visibility observed during the 2001-2003 period. In other words, the original standards were based on the 1991-1993 period as baseline, but visibility had improved substantially by the 2001-2003 period, therefore the AQ TWG (as well as TRPA⁵⁷) proposed the adoption of the new baseline to prevent backsliding. The TRPA 2006 Threshold Evaluation Report states:

The following proposed Vision Statement and Threshold Goal Statements reflect the recommended basis for changing the existing threshold standards.

Air Quality Vision: Air quality in the Lake Tahoe Basin is healthful for residents, visitors, ecosystems, and supports excellent visibility. In addition to the vision statement, two separate desired conditions were developed. They include:

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Threshold Goal Statement 1. Visibility: Visibility in the Lake Tahoe Basin is at 2001 – 2003 levels or better.

Visibility has definitely improved over the past 20 years in the Tahoe Air Basin. Some of the regional and sub-regional targets, established 20 years ago, have been met and exceeded. Because of this success, it is necessary to establish new standards that will protect the visibility improvements achieved to date and prevent backsliding to less desirable conditions. This improvement reflects the achievements obtained by our past efforts and ensures this progress is maintained.

The Governing Board voted to approve the “Resolution Issuing the 2006 Threshold Evaluation Report and Adopting the Amended Compliance Forms (Targets, Indicators,

⁵⁶ e.g. Measurement and Modeling of Fugitive Dust Emissions from Paved Road Travel in the Lake Tahoe Basin. Kuhns et al. 2007.

⁵⁷ http://www.enviroincentives.com/Pathway2007_Eval_Report.pdf

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Compliance Measures, Attainment Schedules and Related Items) Pursuant to Chapter 32 of the Code of Ordinances” (September 2007).⁵⁸

What happened to this new baseline? In the 2011 TER, the standards do not reflect this change. If through some confusing loophole this was not adopted (much like the CO standard of 6 ppm), then why would TRPA not correct it in the 2011 Report? This would allow air quality to decline in the Basin compared to more recent levels. How does that provide equal or superior protection of the Thresholds?

The threshold report includes a recommendation for future action regarding the replacement of TRPA’s Regional Visibility standard with the new federal Clean Air Visibility Rule in the future.⁵⁹ Although not proposed at this time, or in the RPU Alternatives, we note the federal rules require improvements in Class I Areas (e.g. Desolation Wilderness), which are not the same as “natural areas,” as implied by the recommendation, to show progress towards attainment of ‘background levels’ by 2065. The Basin’s visibility has already substantially improved, therefore it appears this could allow backsliding.

The TER also refers to a recent publication by “Chen et al. 2011.” We examined this publication and note it includes several other recommendations as well, including modifications to address impacts from wildfires and a suggestion that “*Potassium (K) is a useful marker for biomass burning and is routinely measured by the IMPROVE network.*” However, these recommendations are not found anywhere in the threshold report. Instead, what appears to be a reference to potentially deleting the thresholds (although unclear), is found in the Recommendations chapter of the 2011 TER.

The environmental assessment that should accompany the threshold evaluation report (separate from the RPU DEIS) should analyze alternative visibility standards, which maintain the 2001-2003 levels desired by the public and approved by the Board in 2007, consider seasonal visibility alternatives (as also recommended by TRPA in previous TERs, and by Chen et al. 2011), and examine ways to protect visibility while recognizing the impacts of wildfires (also recommended by Chen et al. 2011).

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http://www.trpa.org/documents/agendas/gb_agendas/2007_agendas/Updated%20minutes/GB_minutesup date_9_26_07.pdf

⁵⁹ “**Visibility** – The current regional visibility standards (50 percent and 90 percent values) were established in the 1980s when visibility was poorer than today. The federal Clean Air Visibility Rule (1999 and finalized in 2005) requires that natural areas (such as the Lake Tahoe Basin) demonstrate reasonable progress toward natural visibility conditions by 2065. This means that using baseline conditions established for the Lake Tahoe Basin between 2000 and 2004, the Region will need to continually demonstrate improvement in visibility over time rather than demonstrate compliance with a static standard value as is reflected in the current Threshold Standard. It is recommended that the agency amend the regional visibility Threshold Standard to improve consistency with the federal Clean Air Visibility Rule.” (Chapter 13, p. 13-11).

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Finally, we note the recommendation in Chapter 13 of the 2011 TER that suggests changing the visibility standards at some point after the RPU update, yet some point before the next threshold evaluation.

The following threshold amendments should be addressed after the adoption of the 2012 *Regional Plan* Update, but prior to the next Threshold Evaluation.

Visibility – The current regional visibility standards (50 percent and 90 percent values) were established in the 1980s when visibility was poorer than today. The federal Clean Air Visibility Rule (1999 and finalized in 2005) requires that natural areas (such as the Lake Tahoe Basin) demonstrate reasonable progress toward natural visibility conditions by 2065. This means that using baseline conditions established for the Lake Tahoe Basin between 2000 and 2004, the Region will need to continually demonstrate improvement in visibility over time rather than demonstrate compliance with a static standard value as is reflected in the current Threshold Standard. It is recommended that the agency amend the regional visibility Threshold Standard to improve consistency with the federal Clean Air Visibility Rule.

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What review process will be used? How will amendments to the RP be addressed? Or does TRPA plan to avoid a public review process? Also, how would this compare to existing standards? To the recommended baseline change to 2001-2003 that should have been adopted as part of the 2006 Threshold Evaluation report? Will this rule, which has a target date of 2065, provide equal or superior protection to TRPA's current rules, which require visibility meet targets now? The foregoing proves the TRPA has failed to evaluate the impacts of the RPU alternatives on the TRPA's visibility standards (see comments on RPU DEIS).

Traffic Volume and VMT (AQ-5 and AQ-7):

For traffic volume, we refer to our comments on the CO "Category" and, where related (e.g. trends in traffic overall), to comments on the VMT threshold below.

The 2011 TER finds that the VMT standard has been in attainment since 2007, and is currently estimated to be 1,987,794 VMT per day.⁶⁰ The TER report includes a technical explanation of how the VMT estimates were derived. However, as noted in our comments on the RPU DEIS and RTP DEIR/DEIS, different values are used for the 2010 VMT (apparently due to different models). How can TRPA assess compliance with the VMT standard using different methodology? Let alone when two different values are used for the 'baseline' conditions?

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⁶⁰ **Status** – The most recent vehicle miles traveled estimate (2010) was 1,987,794 VMT per day or about 2.6% better than the standard, resulting in an "at or somewhat better than target" status determination. The Tahoe Region has been in compliance with this standard since 2007. (p. 3-54).

The report then suggests VMT is tied to other factors (e.g. gas prices, unemployment rates, secondary home ownership) but frequently emphasizes how transit and pedestrian improvements “can” help. The report also states “The status and trend in estimated VMT suggest that sagging economic conditions and existing transportation programs and projects may have resulted in effectively reducing VMT.”

Conversely, Chapter 12 in the TER appears to assign the ‘credit’ for VMT reduction to TRPA:

Modify policies to reduce dependency on the private automobile by creating accessible, frequent, and safe alternative modes of transit, such as policies to promote bicycle- and pedestrian-friendly town centers. Well-connected bicycle trail infrastructure and the provision of pedestrian facilities (i.e., sidewalks) have been demonstrated to reduce vehicle miles traveled with concomitant reduction in air pollutant emissions (Alta Planning and Design and LSC Transportation Consultants 2009). Although actions through the *Regional Plan* have been implemented and correlate well in time with reductions in traffic volume and vehicle miles traveled, more can be done to aid the maintenance or attainment of air quality standards and other related traffic volume Threshold Standards.

This appears to be another ‘spin’ on PR. First, TRPA quotes a report suggesting pedestrian-facilities and bike paths have been shown to reduce VMT (although to what level, and how applicable this is in Tahoe, is unknown). This, as written, can be true. Second, TRPA then suggests that actions taken through the [existing] Regional Plan are “timed well” with reductions in VMT. This, as written, is true - TRPA was implementing the Regional Plan during the time when VMT happen to decrease. However, that is not the same thing as showing TRPA’s actions *are responsible for* that decline in VMT. However, the wording would suggest just that.

As noted in our comments on the RPU DEIS below, there are numerous factors that have contributed to the reduction in VMT since around 2006, and most of them are not related to actions by TRPA (or are related to TRPA actions that have resulted in a temporary reduction in units and visitors, e.g. the removal of TAUs for the Convention Center, which to this day remains the infamous “Hole in the Ground,” generating no VMT). Therefore, it is expected that VMT will again increase and this should be acknowledged in the report, and additional actions taken to ensure VMT levels do not again exceed the standard.

The TER report also acknowledges that:

“The original supposition that there is a relationship between VMT and air and water pollutant loads needs to be further evaluated. For example, the question of what level of VMT needs to be maintained in order to avoid excessive loading of nitrate to Lake Tahoe, should be addressed by research. Alternatively, consider revising the VMT Threshold Standard to better measure the use alternative modes of transportation.”

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First, we agree the impacts of VMT need to be better examined. This is yet another recommendation that has been carried forward through multiple threshold evaluations, yet has still not been addressed:

1996 TER:

TRPA should evaluate the VMT standard and its effectiveness as a threshold for air quality. Other measurements should be evaluated to determine if there is a better standard than the reduction of VMT. Included in these evaluations should be VMT's significance in visibility and NOx problems, and what portion of pollutants in these areas is attributable to VMT.

2001 TER (Status of 1996 Recommendations):

The VMT threshold has not been fully evaluated as an air quality threshold. Discussions regarding its appropriateness have been ongoing, but no official evaluation has taken place to develop a more suitable threshold. It is recommended that the threshold be fully evaluated and a recommendation be made regarding any proposed amendments by 2004.

In the 2006 TER, although the relationship to air quality and water quality was less emphasized by TRPA, the report still recommended further evaluation of the VMT threshold and possible improvements – not deletion.

“TRPA recognizes the importance of this indicator for use in transportation planning and the potential for usefulness in the air quality program if properly collected and analyzed. For this reason, TRPA will be developing a new program that incorporates VMT with emissions from each class of vehicle or mode of travel and evaluating a program to measure emissions per person per mile. By combining VMT with mode-specific emission factors, TRPA will gain the necessary information to recommend improvements based on emission reduction potentials.

Recommendations for the Vehicle Miles Traveled program for the next 5 years include:

1. Rewrite this indicator to include language in which VMT is measured and reported by the class of vehicle and mode of travel and recorded by actual traffic and vehicle class counts.
2. Establish emission factors and parameters for each class of vehicle or mode of travel.
3. Evaluate the possibility of adding an emissions per person per mile of travel indicator.”

We see the same recommendation again included in the 2011 TER, although now the implication appears to be the VMT standard is no longer useful (even though its relationship to other environmental parameters remains unexamined):

“Recommendations for Additional Actions - Standard listed for multiple AQ Indicator Reporting Categories. Confirm whether VMT is still a meaningful

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indicator to measure as it is unclear that meeting VMT standard will result in achieving Lake clarity objectives or visibility objectives.” (p. 3-54).

Yet the RPU DEIS (see detailed comments below) proposes to delete the reference to the VMT reduction in the sub-regional visibility category, leaving the only threshold VMT is tied to as the Atmospheric Deposition (AQ-8) threshold standard.

VMT was originally developed to address impacts from nitrogen in tailpipe emissions and roadway dust re-entrainment.⁶¹ For that reason, it is included in both the sub-regional visibility standard (due to re-entrained roadway dust) and the atmospheric deposition standard (for nitrogen). Water quality information that is no longer ‘new’ (see discussion below) has indicated the impacts of phosphorus and particulate deposition on the land and lake as well, suggesting VMT may play a greater role in water quality. Therefore, when VMT should be examined for its actual impacts to other environmental thresholds, TRPA is instead proposed to delete it from the sub-regional visibility standard. However there has been no examination of the impacts of this change. Do the PM health-based standards accurately reflect impacts of VMT? Is this equal or better protection?

This question is made even more complex by the recommendation to adopt different PM standards for the different states – even though the Basin is one airshed. Although our comments on the RPU DEIS below address this further, another question with regards to the tie to visibility and water quality is what different impacts could result on one side of the Basin versus the other, and what impacts to water quality could result? If more pollutants are deposited on the NV-side of the Basin because the PM standards are less protective, how might this affect water clarity? Regional and sub-regional visibility?

In 2000, TRPA worked with researchers from UC Davis to develop a scoping research plan that outlined what was needed in the Basin to adequately evaluate air quality and the relationship between air and water quality and transportation (see title and executive summary below). However, TRPA essentially failed to ‘follow-up’ on this document. Although some additional sites were temporarily installed, other sites were removed (e.g. the SOLA site in 2004), and the CARB LTADS study that was supposed to examine⁶² what is outlined in this document, instead focuses solely on atmospheric deposition, and included only temporary monitoring in the Basin. Either way, this relationship remains unexamined, and thus there is no evidence to support any proposed changes to the air or water quality standards associated with VMT until an adequate

⁶¹ “The two thresholds most closely related to transportation were established as surrogates for transportation’s causal effect on some other aspect of the environment...For VMT, it was for a reduction in nitrogenous tailpipe emissions and roadway dust re-entrainment.” UC Davis and TRPA, 2000. The Lake Tahoe Air Quality Research Scoping Document: Determining the Link between Water Quality, Air Quality, and Transportation.”

⁶² Previous communication with researchers involved in drafting the request for funds that eventually funded the CARB LTADS study.

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study is done. Further, we again question exactly how many more five-year periods will pass before TRPA finally follows through on its own recommendations?

**THE LAKE TAHOE AIR QUALITY RESEARCH SCOPING DOCUMENT:
*DETERMINING THE LINK BETWEEN WATER QUALITY, AIR QUALITY AND
TRANSPORTATION*
A COOPERATIVE RESEARCH PROPOSAL BY THE TAHOE REGIONAL
PLANNING AGENCY AND THE
UNIVERSITY OF CALIFORNIA, DAVIS
JULY, 2000**

Executive Summary:

The federally chartered Bi-state Compact mandates that Tahoe Regional Planning Agency (TRPA) protect Lake Tahoe's environment, especially the lake's famed water clarity, by adopting planning standards and setting environmental carrying capacity thresholds. The current standards and thresholds as adopted in the 1987 Regional Plan, have reduced environmental degradation in the Lake Tahoe Basin, but have not fully halted the progressive loss of lake clarity. If current lake water quality trends are not reversed in the near future permanent degradation of water quality will result. TRPA is required to adopt a new 20-year Regional Plan in 2007. This report outlines research needed to provide a sound scientific basis for developing new policies for inclusion in the 2007 plan to reverse the unacceptable loss of lake clarity.

Data collected in recent years suggest that deposition of bio-available airborne nitrogen, phosphorous, and insoluble fine particles contribute much of the clarity degradation, with the remainder being due to pollutants transported to the lake via surface and ground water. The proposed research is needed to progress from the present qualitative understanding of the effects of air pollutants on Lake Tahoe to a quantitative assessment of the contributions of individual sources and calculations of the potential benefits of various regulatory alternatives. Air pollutant sources that need to be studied include fires, road dust, vehicle exhaust, and residential heating emissions originating in the Basin, and the whole spectrum of emissions from upwind population centers. Effective and cost efficient control programs cannot be developed until this quantitative assessment is completed.

This Scoping Document, prepared in consultation with experts in water quality, air quality, and transportation analysis, proposes a plan to quantify the linkages between traffic, air pollutants and lake water clarity. The plan builds on the foundation of past research with a focused program of water and air quality measurement leading to development of predictive tools suitable to evaluate potential strategies to reverse the air deposition effects on lake clarity.

Loss of lake clarity is driven by complex interactions of human activity with natural processes in air, water, and soil. This problem cannot be addressed piecemeal;

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research on this problem needs to address the effects of both local and distant pollution sources, and to integrate atmospheric and aquatic processes. Completion of all elements in the recommended study is necessary to provide a sound scientific basis to select cost-effective measures to protect lake clarity. Without this integrated research, there exists a significant risk of both ineffective controls and unnecessary negative social and fiscal impacts through misdirected policies. With the 2007 planning cycle in mind, a scientific structure for new Basin threshold recommendations will be in place by 2003 as a preliminary result of the proposed work. The recommended program of research is designed to be fully completed in five years.

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It's time TRPA puts the thresholds first, as the Compact mandates. 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 (so that desired Policies do not influence the changes to thresholds, must be based on science, not politics).

Atmospheric Deposition – AQ-8

The introduction to the Nitrate deposition threshold on page 3-55 barely informs the reader of any of the significance surrounding atmospheric deposition. A brief reference to phosphorus is made, but otherwise the report provides the reader with essentially no background information. We refer to the Pathway 2007 Report,⁶³ which discusses the impacts of these other pollutants and assures the reader that once the TMDL models are completed, new atmospheric deposition standards will be evaluated. The models have been completed for years, and yet TRPA has again disregarded an update to the thresholds.

Regarding Air Quality and Lake Tahoe Clarity Particulate Matter and Nutrients

Basin air quality affects Lake Tahoe water clarity. Nitrogen, phosphorous and particulate matter carried in the air deposit on the lake surface and contributes to decreases in water clarity.

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Nitrogen

There are several forms of nitrogen (N) that can impact lake clarity, including nitrogen dioxide, ammonia, nitric acid and particulate nitrate. Some tend to be more water-soluble than others, but all have the potential to affect water clarity. While there are methods to measure each of the nitrogen compounds, some are difficult and costly. Without yet knowing which compounds are most important in reducing lake clarity, NOx (nitrogen oxides), a relatively simple and cost effective measurement method, is a sufficient indicator to represent all nitrogen compounds.

Phosphorus

⁶³ (p. 72-73); http://www.enviroincentives.com/Pathway2007_Eval_Report.pdf

Phosphorus is an element commonly found in soils. From an atmospheric deposition perspective, the most likely origin of airborne phosphorous (P) is suspended dust from roads, disturbed land and construction sites. Some evidence exists that transport of dust from vast Asian dust storms may contribute to phosphorous deposition at the lake, however P from non-local sources is generally confined to the finer size classes (i.e. less than 2.5 microns), which is less likely to deposit to the Lake. Airborne P can be measured via particulate sampling techniques and subsequent laboratory analyses. Because PM10 measurements include PM2.5, and because PM10- size particles tend to deposit more readily than its smaller counterparts, it is recommended that the PM10-containing phosphorous be used as the representative component.

Particulates

Recent data have shown that particles in the lake have a significant, and possibly primary, impact on lake clarity loss. The main issue is determining the appropriate size range to measure. From a water quality perspective, particles up to about 20 microns in diameter are important. Measuring particles in the 20 micron size range for water deposition purposes is challenging, not so much from the ability to measure, but whether the measurements represent actual deposition to the lake. Because the 20 micron-size particles are heavier, they settle to the ground rapidly. Thus monitors at existing sites may not capture representative conditions for the lake because most large particles could not reach the lake before depositing to the ground. Therefore, it is recommended that the routinely measured PM10 fraction be the representative component for particulate matter. Additional short-term studies are suggested to evaluate the relevance of PM10 and whether there is a need to evaluate other PM size classes in terms of water clarity. Because of the long-term nature of atmospheric deposition, annual average conditions of these pollutants are likely the most appropriate indicator. However, data suggests that deposition may have a greater impact during certain periods of time supporting possible use of indicators based on seasonal conditions. No air quality standards for lake clarity are proposed at this time. Water clarity models are currently in development. Information from these models is expected in 2006 – 2007. These models are anticipated to define the amount of water pollution reduction necessary to realize water clarity goals. Completion of the models will help determine to what extent reductions of pollutants from the air can assist water clarity improvement efforts. While no air quality standards for lake clarity are proposed at this time, a reduction in nitrogen, phosphorous and particulate matter from current levels would be conducive to lake clarity.

The current atmospheric deposition standard only focuses on DIN (dissolved inorganic nitrogen), believed to be the main cause of the loss of lake clarity around 1980 when the existing threshold was developed. As with several other air quality standards and indicators, there was no direct measurement available at the time but planners recognized the benefits of having such standards/indicators all the same. Further, as shown below, the 1983 RP EIS stated that TRPA would continue to research deposition

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to the Lake "TRPA is also conducting a study to better understand the source of nitrate and how much is depositing directly into Lake Tahoe. (TRPA 1982a)" and amend the thresholds as new information became available.⁶⁴ The document also lists other pollutants that affect clarity. Thus, this was never intended to be the static threshold standard and indicator it is.

The nitrate deposited in Lake Tahoe from the atmosphere originates from local sources, upwind sources, and natural sources. The TRPA estimates that the local sources contribute 20 to 30 tonnes/year. Lawson (1982) evaluated wet deposition of nitrate in the Basin and California. This analysis concluded that nitrate deposition in California is locally produced because there are no major sources upwind and that the Tahoe Basin is impacted by man-made sources of nitrate during periods of wet deposition. The most effective way to reduce nitrate deposition is to reduce dependency on the use of the automobile, reduce transport from upwind sources, and to reduce NO emissions from automobiles, hot water heating units, and space heating units.^x The TRPA is also conducting a study to better understand the source of nitrate in the Basin and how much is deposited directly in Lake Tahoe (TRPA 1982a).

A wide variety of other chemicals in the atmosphere are deposited to Lake Tahoe that affect water quality. The estimated deposition rates are listed below:

Chemical	Tonnes/Year
Phosphorus	0.9
Silicon	92.0
Sulfur	160.0
Chlorine	27.0
Potassium	27.0
Calcium	48.0
Titanium	0.5
Manganese	0.3
Iron	44.0
Copper	0.1
Zinc	0.2
Lead	0.3
Particulate Matter	2,200.0

These estimates are preliminary and should only be considered approximate.

The sources of these chemicals include wind blown dust, dust suspended into the atmosphere from automobile tires, and emissions from stationary sources and automobiles. These chemicals enter the atmosphere from local sources, upwind sources and natural sources. Deposition varies geographically with the majority of the local material being deposited near the urbanized areas.

The deposition of these chemicals can be reduced by reducing the use of

The document further reiterates that focus on the one form of nitrogen does not mean the importance of other forms of nitrogen or other nutrients should be ignored:

⁶⁴ Due to the limited period of time provided to review over 3,000 pages, we have elected to include an image of the 1983 EIS, rather than retype the information. The scanned images of the hard copy that was available include notes from a past reviewer.

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By focusing on the single form of nitrogen, DIN, the Study Report and EIS do not ignore the importance of other forms of nitrogen or other nutrients, like phosphorus and iron. The analysis simply assumes that these other nutrients affect Tahoe's water quality in much the same way as DIN and could be abated in much the same way. However, it is important to point out that DIN is highly mobile in the environment and, therefore, particularly difficult to control. The Study Report identified a strong correlation between the accumulation, or storage, of DIN in Lake Tahoe and the increases in algal productivity (see Threshold Study Report, p. 4-52).

To attain the water quality thresholds, a 20% reduction in atmospheric loading is required (see the Water Quality Subelement). The actual deposition rate to Lake Tahoe is probably 40 tonnes/year with local sources contributing approximately 63% of the load. The 63% contribution from local sources corresponds to a 25 tonne load to the Lake. The remaining 15 tonnes is from upwind and natural sources. The lower deposition rate from the range presented in the Threshold Study Report is being used because there is less precipitation over the Lake surface and because it appears that ammonia is deposited to a water surface at a lower rate than to the monitoring instruments used to measure deposition. The 25 tonne estimate for local sources is based on analyses completed since the adoption of environmental thresholds. It should be noted, however, that it is difficult, if not impossible, to fully analyze deposition to the Lake and the contribution of inorganic nitrogen from local, upwind, and natural sources. These estimates will also be refined at a later date as additional information becomes available to TRPA.

Using the above assumptions, a 32% decrease in NO_x emissions from sources in the Basin will be required to attain the 20% reduction from atmospheric sources. Currently, there are approximately 13,478 pounds of NO_x produced during an average summer day in the Basin. The major sources include automobiles (11,216 lbs.), off-road motor vehicles (720 lbs.), aircraft (226 lbs.), construction equipment (511 lbs.), residential heating (749 lbs.), and commercial fuel use (64 lbs.). The total emissions are expected to decrease to 9,821 pounds per summer day as newer automobiles replace older ones. This alone accounts for about a 27% reduction in the Basin emissions of NO_x. The baseline strategies are expected to reduce the NO_x emissions to approximately 8,453 pounds per summer day, or by 37%. This decrease is expected to occur due to a 10% reduction in vehicle miles of travel Basin-wide, an I/M program (15% reduction in emissions from local automobiles and 3% from nonresident automobiles from urban areas), and a 50% reduction from hot water heaters, space heaters and boilers that use natural gas and fuel oil.

Yet, the 2011 TER simply focuses on the one standard and indicator for DIN, adopted over 25 years ago, and repeatedly documented to require updates (as noted in the Pathway 2007 Report).

Atmospheric Deposition – N, P and PM:

Because apparently nothing has changed in TRPA's planning since 2006, we simply reiterate comments included in the Conservation Community Comments on the 2006 Threshold Evaluation Report and Environmental Assessment (2007)⁶⁵ regarding this threshold, but emphasize that another six years have now passed and no changes are proposed. Also, our previous comments were focused on the EA for the threshold report at that time. Now, there is no Environmental Assessment of the threshold update, and instead

⁶⁵ Conservation Community Comments on the Environmental Analysis for the TRPA Threshold Update. Submitted by Tahoe Area Sierra Club, League to Save Lake Tahoe, and Sierra Forest Legacy. May 18, 2007.

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changes are proposed in the RPU DEIS, which fails to analyze the environmental impacts of the changes (as noted in detail throughout these comments). Thus, comments referring to the EA in the 2007 comment letter below are applicable to the 2011 Threshold Evaluation Report, the RPU DEIS and the RTP DEIR/DEIS, as appropriate.

“We are also surprised to see the many advances in the Air Quality program in terms of science and monitoring apparently being ignored. For example, scientists recognized over 13 years ago that phosphorous (P) deposited from the air to the lake and reduced clarity. About 8 years ago, the same was known about particulates (PM). In the 2001 threshold evaluation process, TRPA delayed amending the atmospheric threshold until the P7 process. Beginning in 2002, scientists and eventually the newly-formed AQ TWG began to examine various indicators that are already available to measure airborne P and PM. Yet roughly 5 years after the TWG began reviewing information and 13 years after researchers published their information, TRPA has barely mentioned this information let alone fails to analyze any indicators when there are feasible indicators available. For example, in the absence of standards, indicators themselves will still provide an added level of protection until the TMDL results allow researchers to develop appropriate standards. Better yet, the TWG also discussed another alternative that would include “placeholder” standards which required some identified level of reduction but recognized the standards would eventually be modified. The TWG did not have to decide whether to consider one or the other because it was expected that both would be analyzed as alternatives in the future environmental review process (at that time, a full EIS was expected). But here we are, reviewing the environmental assessment and NO alternatives have been analyzed; any consideration has been delayed once again. In the meantime, these pollutants continue to enter the Lake and impact clarity...”

“Data collected in recent years suggest that deposition of bio-available airborne nitrogen (N), phosphorous (P), and insoluble fine particles (PM) contributes too much of the water clarity degradation of Lake Tahoe, with the remainder due to pollutants transported to the lake via surface and groundwater. The most recent nutrient load budget was presented to TRPA’s Governing Board on August 23, 2006 by the Lahontan RWQCB and states that atmospheric loading contributes roughly 9% of all fine particulates (particulates less than 30 microns in diameter; note that the definition of “fine particles” is different for air quality versus water quality), 51% of all nitrogen and 16% of all phosphorous to Lake Tahoe (2006 Lake Tahoe Sediment and Nutrient TMDL Pollutant Source and Lake Clarity Evaluation).

Naturally, in order to protect Tahoe’s famed clarity, TRPA needs to reduce the inputs of those pollutants which are causing the loss of clarity. This includes airborne inputs of N, P and PM. The AQ TWG discussed this new information and suggested that indicators (and “placeholders” for standards) be developed for analysis and potential inclusion in the update process even though more accurate standards could not be developed until once the TMDL model was completed and information available. The intent was to: 1) set standards so that measures to reduce these inputs can be taken immediately and are not delayed several more years, 2) to make it easier to adapt once the TMDL process

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was complete and 3) to provide TRPA with the means to address these pollutants at the project review level/regulatory level in the meantime so new projects do not further contribute these pollutants to the Lake. Without an atmospheric deposition standard for P, TRPA will not take immediate and aggressive measures to reduce P deposition and TRPA has no solid basis to require project applicants to analyze their projects' contributions to airborne P and to include mitigation measures to reduce the impacts. TRPA also has no basis to develop new regulations and compliance measures to reduce P in the air. Therefore, years may pass by while these pollutants enter the atmosphere and eventually the Lake unchecked. In addition, removal of the existing (or any) nitrogen-based standard will also remove any protections from N inputs in the time period between approval of this EA and development of a new standard after the TMDL process provides the necessary reduction levels; a time period which will likely be years. Researchers have indicated that Tahoe's clarity can be restored, but only if we act immediately and aggressively. If we continue to delay measures to reduce inputs, we may lose the chance to reverse the loss of clarity and restore it to desired levels. Further, because TRPA is apparently relying on the TMDL process to provide information that it will not (e.g. develop an air quality emissions inventory for the Basin, measurement protocols for measuring deposition, and information regarding individual sources), once the process is complete and TRPA faces the realization that these linkages to air quality require additional investigation, this will likely add more years to the development of atmospheric deposition standards and indicators. Clearly it would be better to adopt something for N, P and PM in the interim period so that TRPA and others can begin to reduce inputs of these pollutants, even if the necessary reductions are not quite known yet. Further, researchers were aware over 10 years ago that phosphorous inputs came from the atmosphere (see Jassby et. al. 1994) and over 8 years ago, that PM inputs came from the atmosphere (see Jassby et. al. 1999). The 2001 threshold evaluation discusses these findings however the development of additional deposition standards during that review process was delayed once again until the P7 update (the 1996 evaluation could have addressed the new information regarding P deposition, but this was delayed as well). This has already resulted in the loss of over 5-10 years worth of opportunities to reduce N, P and PM inputs to the Lake. Now, TRPA is suggesting that these protections be delayed even longer. In the meantime, inputs continue to enter the Lake and impact clarity.

Yet:

- The EA fails to analyze the impacts (on air and water quality) of removing a standard for nitrogen deposition.
- The EA also fails to analyze possible alternatives to the existing nitrogen standard/indicator (e.g. using the data provided by the IMPROVE filters, CARB/other monitors, other N species, other available instrumentation to measure various N species, etc.).
- The EA fails to show that removing the nitrogen deposition indicator is "equal or better than" the existing nitrogen standard.
- The EA fails to analyze the impacts and benefits of including a new indicator for phosphorous and PM deposition;

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- The EA fails to analyze the impacts and benefits of potential “placeholder” or interim standards to be added now then modified once the results of the TMDL process are available and examined in terms of air quality planning;
- The EA fails to analyze how delaying the development of any atmospheric deposition standards/indicators will impact Lake clarity given the timeline researchers have laid out for implementing immediate and aggressive measures to reduce the Lake’s loss of clarity before it is too late.

Information suggests that the loss of clarity can only be reversed with immediate and aggressive actions. Delaying actions in addition to removing the few existing protections is in conflict with researchers’ warnings and TRPA’s goal to protect Lake Tahoe. Therefore, deleting the existing atmospheric deposition indicator and failing to develop additional indicators for P and PM deposition may result in a potentially significant impact to Lake clarity, and therefore an EIS must be completed.”

TRPA also presents a ‘new’ type of analysis in the 2011 Report, inappropriate defining a new ‘indicator’ as follows (p. 3-57):

Indicator – Attainment of the management standards was evaluated using the following two criteria:

- Has the TRPA (and/or other agencies) adopted sufficient policies, ordinances, and programs in support of the management standards?
- Is there empirical evidence that demonstrates a reduction in nitrogen deposition into Lake Tahoe?

We refer to previous comments regarding “implemented” as a threshold ‘status.’

The outdated nature of TRPA’s view is further reflected by the “Status” section, which discusses previous TRPA policies adopted to reduce atmospheric sources of air pollutants, including waterborne transit. However, an assessment of waterborne transit emissions on an emissions per person per mile [EPPM] (compared to those in a passenger vehicle) have never been performed, and available information⁶⁶ suggests waterborne transit may increase EPPM emissions, as well as emit them directly into and over the Lake.

Adding final insult to injury, the last section in the 2011 Report Table for nitrogen deposition (p. 3-58) indicates that actions implemented thus far have not significantly reduced DIN load deposition to the Lake, that additional research is needed, yet TRPA disregards this information, instead making vague references to future policy decisions. Where is the environmental analysis that has been called for since 1983?

“Available monitoring information suggests that actions that have been implemented thus far have not statistically reduced the amount of DIN load deposited into Lake Tahoe from atmospheric sources. According to Alan Gertler (2011 personal

⁶⁶ The RPU DEIS has, in fact, estimated increased waterborne emissions associated with each alternative, although the validity of the assumptions and number of passengers using waterborne instead of driving remains unknown.

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communication, Desert Research Institute), there are several outstanding questions regarding nitrate deposition and its dynamics in the Lake Tahoe Region. Gertler emphasizes that no one has estimated the total amount falling on the Lake Tahoe Basin landscape; the estimates of nitrate deposition only consider what falls directly onto the Lake at one monitoring location. The total nitrate load to the Lake is the sum of the amount falling directly onto the Lake plus some fraction of the amount falling onto the watershed. Research is needed to better estimate the total nitrate load to the entire Basin, and what fraction contributes to Lake degradation. Notwithstanding these information gaps, recommended policy and management action include additional consideration for implementing measures to reduce atmospheric sources of nitrates."

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We also reiterate the comments from Dr. Gertler included in the report. There are significant information gaps that were not addressed by the TMDL, and therefore further research is needed.

Nearshore Clarity:

Nutrient deposition also likely affects nearshore clarity, for which TRPA considers a priority for threshold updates (2011 TER Chapter 13, p. 13-10):

"It is recommended that TRPA adopt an interim non-degradation management standard to set in motion the necessary directives to implement policy and management actions to control factors known to contribute to the distribution and abundance of periphyton algae (e.g., nutrient enrichment). It is, however, recommended that this standard be translated into a Numerical Standard at a later date such that the status of nearshore periphyton algae can be objectively evaluated."

Atmospheric deposition of nutrients also contributes to near-shore clarity degradation, as noted in the 2011 TER Chapter 13, but this has not been addressed in the atmospheric deposition standard, nor are updates to the air quality standards suggested, even though it is well documented that N, P, and PM deposit from the air:

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"Research in support of the Tahoe TMDL and water transparency concluded that while fine sediments constitute the primary cause of clarity decline, nutrient loading to Lake Tahoe should not be overlooked because of its effect on both the nearshore and deep-water environments of Lake Tahoe. While research and additional analysis is ongoing to identify the exact sources of nutrients and their respective runoff concentrations, it is well established that phosphorus loading to surface water is primarily coming from upland sources, as opposed to nitrogen load which is primarily deposited in the Lake from atmospheric sources (Lahontan and NDEP 2011)..."

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We also reiterate comments regarding the inappropriate application of trend lines to a pollutant that is so clearly affected by environmental parameters that vary year to year (as is obvious with regards to precipitation in the table on page 3-56).

*Actual Status and Trend as supported by the data:
Unknown.*

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WATER QUALITY:

In addition to comments on water quality in the letters incorporated from other groups and members of the public (see Introduction), we provide the following comments on water quality.

First, we note the comments provided by Dr. Richard Axler in the peer review. It is unclear what 'changes' TRPA made in response to these comments, however it appears TRPA has failed to take most of them into account.

Problems remain in numerous areas, including the following listed below. Also, examples of all of the following critiques have been demonstrated in detail in the previous comments regarding the air quality indicators):

Statistical Rigor (as we have also identified above in the comments on the air quality section).

My major concern with the Draft Thresholds Report was in regard to its lack of statistical rigor in the status and trends analyses, and not doing a better job of linking the large effects of annual weather differences to lake and stream water quality and the natural variability of the data in the context of available measurement methods.

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Inadequate consideration of current information and environmental conditions:

I was also disappointed that the Report did not do a good job of presenting information in a landscape perspective highlighting how certain key indicators cut across major areas (i.e. Chapters) – such as how the Air Quality NO_x data is linked to lake N-loading; how N and P source loading is from fundamentally different processes (N from the atmosphere and P from watersheds), and how the land-water interface meets in the littoral zone with consequences to periphyton and phytoplankton, food webs, fisheries, recreation, and both scenic and property value.

I think that it is important for the Report's audiences to understand that the cost of a particular management action in one policy area may have important positive effects in other areas; and conversely that there may be difficult trade-offs between well intended policies.

Lack of objective, scientific review and focus on the environmental thresholds:

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My strongest recommendation is to maintain the core program of Lake Tahoe pelagic and nearshore data collection and tributary monitoring that has been led by the Tahoe Research Group, now TERC, at the University of California- Davis (UCD) since the 1960's. I also believe it is crucial for TERC at UC-Davis, in collaboration with the other Tahoe Science Consortium member institutions, to be the organization that directs and conducts these programs, and takes the lead role in interpreting the aquatic data, presenting it to target audiences, recommending program improvements, prioritizing Tahoe Basin focused applied research, and reviewing the science of the assessment process for TRPA's evaluations of management actions (e.g. structural BMPs, SEZ restoration, planning and zoning ordinances, etc). This academically and research focused group has the scientific (ecological, physical/chemical/geological, social, and behavioral), engineering, and socioeconomic expertise, stature, and reputation for objectivity that I believe is needed to overcome the economic and political realities of today and maintain the Lake Tahoe restoration mission. My understanding is that TERC now has strong ties to UNR and DRI and it could be that scientists from these institutions are more appropriate to lead some analyses. P3

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Winter Clarity: WQ-2

TRPA notes the winter Secchi clarity still appears to be heading in a positive direction, but that summer clarity is declining (p. 4-22).

"This reduction in the rate of decline in annual Lake Transparency over the last decade is a direct result of the improvement in the winter average Secchi depth (see evaluation above) and is the basis for assigning a trend of moderate decline. The summer average Secchi depth (not a threshold Standard) shows a consistent, linear decline since 1967, albeit with considerable inter-annual variability (TERC 2011a)."

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As noted previously, TRPA is supposed to review and amend thresholds, as needed, based on new information. Given the resource value in this case is the clarity of Lake Tahoe (which the public has never said mattered more in one season than another, so far as we know), and the ONRW designation does not just apply during the winter months, this should suggest the need to consider addressing the decline in summer mid-lake clarity. However, Recommended Actions (p. 4-23) include no such recommendation. Much like TRPA's approach with air quality, it appears TRPA has assumed the perpetuation of past actions will somehow magically 'fix' what is getting worse.

Reductions in water quality monitoring contrary to TRPA's implications of ongoing monitoring

As noted in comments above, the 2011 Threshold Evaluation Report (2011 TER) routinely fails to mention the reductions or outright elimination of monitoring sites for both air and water quality threshold standards. Instead, the document implies to the reader that the monitoring used to assess the status of certain standards (e.g. Suspended

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Sediment Concentration) is ongoing. For example, the water quality chapter includes the following statements:

The Lake Tahoe Interagency Monitoring Program (LTIMP) routinely monitored ten streams through 2010 to track water quality conditions, and continuously monitored for inflow. Together, these ten streams deliver about 50 percent of the total tributary inflow to Lake Tahoe (Lahontan and NDEP 2010). (Page 4-24).

Currently a total of 20-35 individual suspended sediment samples are collected each water year from each of the ten regularly monitored streams. (Pages 4-28 and 4-30).

The ten primary stations allow for the evaluation of the cumulative conditions within the watershed and represent approximately 50 percent of the yearly tributary inflow into Lake Tahoe (Lahontan and NDEP 2010). U.S. Geological Survey gauging stations are located at each of the monitoring stations, where inflow (discharge) measurements are collected and continuous inflow is calculated. Other water quality-related constituents monitored include water and air temperature, pH, specific conductance, and dissolved oxygen. (Page 4-30).

TRPA's near-term implementation role should focus on program areas that it has the existing authority to lead: 1) accelerating implementation of its water quality BMP retrofit regulations including implementation of area-wide stormwater treatment strategies, 2) pursuing innovative redevelopment strategies that aim to accelerate water quality improvements, 3) reducing atmospheric sources of pollutants known to impact aquatic habitats, (4) SEZ restoration and enhancement through the EIP (prioritized to tributary sources with the greatest pollutant load contribution), and 5) continued support for long-term stream monitoring. (Page 4-31).

However, according to information provided by the U.S.G.S., several cuts to the LTIMP monitoring program have been made in recent years.⁶⁷ In the 2010 Water Year (which runs from October 1, 2009 – September 30, 2010), there were ten “primary” (high priority) sites near the Lake that were monitored monthly and during runoff events for both flow and water quality chemistry. There were seven “secondary” sites (also monitored monthly, but second priority for sampling during runoff events) located on streams above the primary sites (in other words, secondary sites are more apt to represent stream conditions *before* affected by disturbance in the watershed, providing important tools, including the ability to compare upstream and downstream conditions, to help assess the impacts of human disturbance and collective⁶⁸ control measures and projects). As of May 2012, there are just seven “primary” sites and zero “secondary”

⁶⁷ Water year 2010, 2011, and 2012 LTIMP site lists were obtained from U.S.G.S. Hydrologist, Nancy Alvarez, on June 11, 2012.

⁶⁸ LTIMP data are not appropriate for assessing project-specific impacts, as they are intended to provide continuous, watershed-scale information. Therefore, we refer to the collective impacts of what may be happening in a watershed. Project-specific information should be gathered specific to the project.

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sites collecting flow and chemistry data.⁶⁹ The general reduction in monitoring, including the complete loss of any ‘background’ stream chemistry that was previously collected at the secondary sites is certainly a significant reduction in the program, creating huge gaps in our understanding of current water quality conditions, and the impacts created by human disturbance.

Although TRPA might try to justify the misleading information in the TER by stating the threshold report only covers 2006-2010 (although either way, the perception that full monitoring remains ongoing is very misleading to the public), we note the inclusion of 2011 Secchi disc data in the Threshold Report (which as noted previously, creates a more favorable “trend analysis” by TRPA in the TER). This raises yet another question: why did TRPA fail to include the more recent data for the Suspended Sediment Concentration evaluation? It appears that TRPA does not want to shed light on the significant reductions in the LTIMP program beginning in 2010.

The RPU DEIS makes the same implication, in fact quoting the TRPA threshold report (which notably is dated 2012), again creating the perception that the LTIMP monitoring has continued as described in previous years. Any reader unfamiliar with the cuts, reading through this section, would be expected to assume the monitoring remains underway:

“...Of these 10 monitored streams, approximately 90 percent of the cumulative total inflow is from the five California streams and approximately 10 percent is from the five Nevada streams (TRPA 2012a:p. 4-18).” (RPU DEIS, page 3.8-12).

Further, we again see TRPA and other agencies responsible for water quality reducing on-the-ground monitoring data in favor of modeling (or simply reducing monitoring and then creatively downplaying it as we are seeing in the 2011 TER). However, of note is that one of the biggest justifications stated in response to concerns⁷⁰ over relying so heavily on the TMDL model⁷¹ to evaluate water quality loading and make associated planning decisions (often using forecast ‘estimates’ than confirmed load reductions) was that monitoring data would be used to regularly ‘calibrate’ the model. In fact, LRWQCB repeatedly emphasizes calibration with LTIMP data when responding to peer reviewer comments:⁷²

There are no known watershed models that can directly predict the number of fine particles (0.5-16 µm diameter) in runoff from an area as large as the Lake Tahoe basin with the level of confidence needed for the Lake Clarity Model. Because appropriate values for mechanistic parameters are not available - especially from

⁶⁹ There are two remaining secondary sites noted as ‘gage only.’

⁷⁰ Concerns were expressed repeatedly by Conservation Groups (verbal and written), peer reviewer comments, etc.

⁷¹ Total Maximum Daily Load (TMDL) “package” adopted by Lahontan Regional Water Quality Control Board (LRWQCB) and NDEP.

⁷² http://www.swrcb.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/docs/appndx_b.pdf

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mountainous regions with complex terrain - it was decided to calibrate with empirical monitoring data. A significant monitoring effort was undertaken as part of this TMDL to collect fine particle data for both streamflow and urban runoff. This monitoring effort for fine particles was vital for the modeling approach taken. The LTIMP stream data is very extensive and comprehensive. Given the complexity of mountainous landscape and the fact that the Lake Tahoe basin consists of 63 independent watersheds it was decided that calibration to the high-quality LTIMP dataset was the best approach.

WL-25: The goal of the model was to obtain a good match at the mouth for the nutrient species. Because of the shape of the watershed and nature of its tributaries, most of the stream times of concentration were faster than the rates at which these transformations would likely occur. If the Lake Tahoe Interagency Monitoring Program data were not available from the stream mouth regions (i.e. near point of discharge to the lake), the uptake/immobilization of nitrogen and phosphorus would have required further consideration. (Page B-65).

In response to the following question raised during peer review, LRWQCB again responded with the importance of calibrating the model with LTIMP data:

Comment: "...A lingering question is whether reliable predictions for changes in land use or control measures can be drawn from modeling, or whether they would be better drawn from direct use of data from monitored watersheds..."

Response: **WL-28:** The Lake Tahoe Watershed Model was selected for source analysis phase of the TMDL because the model had to apply to the entire drainage area of the Lake Tahoe basin, with its mountainous terrain, strong east to west rain shadow, geological differences, etc. For this large-scale approach, certain averaging assumptions were required. It was important to calibrate to the high-quality Lake Tahoe Interagency Monitoring Program data set that best reflects actual conditions. (Page B-67).

However, in addition to reducing the LTIMP program, the RPU offers no analysis of an alternative that would provide for additional monitoring.

Phytoplankton Primary Productivity (PPr): WQ-3:

Status – The phytoplankton PPr indicator is used to determine compliance with TRPA's Pelagic Lake Tahoe phytoplankton productivity standard of 52 gC/m²/yr. The Threshold Standard is based on measurements collected over four years (1968-1971) (Lahontan and NDEP 2010). Phytoplankton primary productivity has remained well above the standard since it was established in 1982. In 2010, phytoplankton PPr was 194 gC/m²/yr. The status of Lake Tahoe's phytoplankton

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primary productivity is considerably worse than the standard because the 2010 value is 3.7 times (373 percent) the TRPA's Threshold Standard.

Interim Target – Based on the available trend information since 2000, this indicator is predicted to continue to increase (worsen). In 2016, the indicator is projected to be approximately 221 gC/m²/yr.

TRPA is basing its Interim Target on what will likely happen if TRPA “does nothing.” Shouldn't TRPA be looking at what can be done to reduce the loading of nutrients to the Lake and then developing an Interim Target that TRPA wants to attain based on implementing those actions? In fact, is that not the idea behind creating Interim Targets – to set a goal that the agency wants to achieve based on actions it will take?

Chapter 2 in the 2011 TER defines Interim Target:

Interim Target – is an intermediate numeric objective related to a standard that is expected to take several years to achieve (e.g., old growth forest standards). Interim targets express Regional progress toward an adopted standard. TRPA defines an interim target as a goal that it anticipates achieving at a major evaluation interval specified for the standard.

Human and Environmental Drivers – Increasing nutrients (nitrogen and phosphorus) inputs are considered a main cause of increasing PPr in temperate lakes (Conley et al. 2009). It is suspected that activities associated with urbanization and watershed disturbance influence Lake Tahoe's PPr through the generation and subsequent runoff or atmospheric deposition of nutrients. The nutrient source analysis conducted for the Lake Tahoe TMDL indicates that both urban and non-urban sources of nitrogen and phosphorus are important contributors of nutrients to Lake Tahoe (Lahontan and NDEP 2010). Meteorological conditions (e.g., wet vs. dry years) also affect PPr, presumably due to changes in tributary loads of nutrients and differences in the magnitude of physical processes within the Lake. However, the trend analysis suggests these effects have not substantially influenced the overall trend.

Does this last sentence mean that *meteorological conditions* have not substantially influenced the overall trend? Has TRPA compared the actual trend to inputs, and examined sources of those inputs, in order to assess where beneficial actions can be taken?

Recommendations for Additional Actions – TRPA, in collaboration with federal, state, and local agencies, should pursue the strategies and actions identified in the Lake Tahoe TMDL with a goal of reducing tributary loading of sediment and nutrients, and achieving the interim target for Lake Tahoe transparency by 2026. TRPA's near-term implementation role should focus on program areas that it has the existing authority to lead: (1) accelerating implementation of its water quality BMP

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retrofit regulations including implementation of area-wide stormwater treatment strategies, (2) pursuing innovative redevelopment strategies that aim to accelerate water quality improvements, (3) reducing atmospheric sources of pollutants known to impact aquatic habitats, and (4) considering the phasing out of phosphorus-containing fertilizers in the Region. Additionally and indirectly related to phytoplankton productivity is the need to consider adopting a Threshold Standard for nearshore periphyton (attached) algae. TERC (2011a) reported that periphyton algae have increased in abundance and distribution in recent years.

1991 TER:

“review and improve controls on fertilizer use in the Basin...and amend the Regional Plan to extend limits on additional residential growth through the upcoming five year period.”

To attain and maintain the threshold standards for Lake Tahoe, TRPA should: strengthen its program of application of Best Management Practices (BMPs); update, expand, and implement the Capital Improvements Program for erosion and runoff control and the Stream Environment Zone Restoration Program; review and improve controls on fertilizer use in the Region; and amend the Regional Plan to extend limits on additional residential growth through the upcoming five-year period.

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2001 TER:

“Fertilizer use and management programs moved from project driven reporting to region-wide regulatory program requiring reductions in fertilizer use, and elimination on low capability land (SEZs) (2002).”

It appears TRPA had taken at least some steps to reduce fertilizer use in some locations, but clearly it has not been enough.

2006 TER:

“Urbanization of the watershed of Lake Tahoe has led to five new direct sources of nutrients and sediment: (1) fertilizers being used largely to support non-native vegetation and not taken up by vegetation;...”

“All recommended TRPA Regional Plan amendments were completed by December 2002. However, the Fertilizer Management Program has not been fully implemented for large users (maintenance of one acre or more cumulative turf area, plant nurseries in particular). The delay in implementing this recommendation is due to lack of TRPA resources and poor response of large users in submitting their management plans and reporting on fertilizer use and monitoring. Further near shore turbidity

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studies (Phase III) were completed in March of 2004 (under the TMDL research), but no collection of continuous turbidity data from Lake intakes for trend analysis has occurred due to questions regarding the utility of these data for monitoring littoral water quality in general.”

2011 TER: repeated for emphasis:

“(4) considering the phasing out of phosphorus-containing fertilizers in the Region.”

Clearly fertilizer use has remained an ongoing and important problem to meeting water quality standards for decades. Although some minor improvements were made over ten years ago, the TER reports continue to document problems associated with fertilizer use. Yet the same approach is taken that has not worked in the past: “let’s consider phasing out p-containing fertilizers.” Again, we see TRPA recommending an action, using lax language such as “consider,” and have to wonder how many more years we’ll remain in this same dilemma.

In a glimpse at the RPU DEIS (to see what Recommended Actions TRPA may be suggesting), we see that TRPA has concluded all alternatives will result in either beneficial or less than significant effects from the impacts of fertilizer use. Only Alternative 2 might prohibit the use of fertilizers, however we are unclear to what extent, because it includes a reference to “with limited exceptions.” Looking into this, we find this later explained as “*Alternative 2 proposes to prohibit all chemical fertilizers that introduce additional nitrogen and phosphorus to the Tahoe Region, with limited exceptions, such as when soil analyses support fertilizer use.*” However, what remains unclear is what defines when a soil analysis supports fertilizer use? How will this analysis be done? Who will perform it? How will the public be involved? Will it consider location of the area with regards to near shore clarity issues? Will it consider alternatives that do not use any fertilizer that introduces additional N and P to the Basin? We attempted to examine the potential Code changes for these answers, but the RPU DEIS only provides the Code changes associated with Alternative 3, thus it was not possible to adequately compare the impacts of each alternative on this threshold.

“Alternative 2 would prohibit the use of fertilizers that introduce nitrogen and phosphorus into the Region, with limited exceptions. Alternatives 3 and 4 would take a more gradual approach, encouraging the phasing out of the sale and use of phosphorus-containing chemical fertilizers in the Region by 2017, with limited exceptions, through public education and outreach. Use of fertilizers in the Region creates the potential for increased transport of nutrients (primarily phosphorus and nitrogen) to Lake Tahoe that stimulate algal growth (TERC 2011: p. 10.7). Because fertilizer use in the Region creates the potential for increased nutrient loading of pollutants of concern for Lake clarity, and Alternatives 2, 3, and 4 would reduce the use of fertilizer in the Region (with more immediate cessation of use and thus more immediate reduction of nutrients in the environment under Alternative 2), these alternatives would result in a beneficial impact with respect to nutrient loading.

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Alternative 1 and 5 would result in continuation of existing policies. Because existing policies restrict and control the use of fertilizers in the Tahoe Region, maintaining existing policies would not result in an increase in nutrient loading; Alternative 1 and 5 would result in a less-than-significant impact.” (RPU DEIS, Chapter 3.8).

We see that Alternatives 3 and 4 would simply ‘encourage’ reductions in the sale and use of P-containing fertilizers, while Alternatives 1 and 5 would continue existing policies (which essentially do the same – encourage the phase out at some future time). Instead, we wonder what the current conditions might be if TRPA had followed up on its own recommendations years ago, and further restricted the use of fertilizer? We also see no approaches that ban or regulate residential lawns. What other alternative options could reduce or eliminate fertilizer use in the Basin that TRPA has failed to analyze?

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Section V: RPU DEIS & RTP DEIR / DEIS

Overall Comments related to the 2011 Threshold Evaluation Report, the RPU DEIS, and the RTP DEIR/DEIS, and repeated themes throughout documents

2011 Proposed Threshold Updates (RPU DEIS, Appendix B):

Although we comment on the updates throughout our letter, here we provide general comments and questions with regards to the proposed threshold updates in the RPU DEIS:

Pelagic Water Clarity:

The RPU DEIS should consider threshold updates which address the cause of clarity loss based on the most recent findings (e.g. 5 microns or less).

The RPU DEIS should consider updates that would address the seasonal differences in mid-lake clarity. Note the following research updates from the 2011 State of the Lake Report by TERC:

Of the last three years, 2008 had the greatest winter Secchi depths, with two measurements in February exceeding 97 feet, the California water quality standard. These high clarity events are the result of circulation patterns called “upwellings”, when westerly winds cause clear bottom water to rise up to the surface. In early spring of 2008 there were two additional upwelling events. By contrast, 2010 had no upwelling events that affected the annual average measurement. A second factor in the lower (less clear) winter clarity in 2010 was the absence of deep mixing (see Page 8.9). In 2010, the lake only mixed to a depth of 550 feet, slightly less than the 700 feet that occurred in 2009 and considerably less than the complete 1,645 foot mixing that occurred in 2008. The deeper the mixing, the greater is the dilution of the upper waters, leading to improved winter clarity. The two low Secchi depth measurements in February-March 2010 are likely a consequence of the lack of deep mixing.

Summer clarity in Lake Tahoe in 2008 and 2010 were the lowest values ever recorded (50.4 feet and 51.9 feet respectively). Unlike the winter clarity pattern, where there is a longterm trend of declining and then improving clarity, the summer trend is dominated by a consistent longterm decline (dashed line) but with a noticeable 10-15 year cyclic pattern. This is clearly visible in 1968-1983, 1984-1997 and 2000-2010. For about the last decade there has been a nearcontinuous decline in summer clarity. The reasons behind this periodicity are being investigated, however, there is some evidence pointing towards a possible cause of the most recent decline.

As our research has shown, increasing concentrations of fine particles is one of the principal factors affecting Lake Tahoe’s clarity. While light scattering by fine inorganic particles introduced by urban stormwater is a major concern, the production of algal cells, and especially diatoms that both scatter and absorb light, is

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also important. The presence of excess nutrients is a factor that will influence their abundance.

It is reasonable to ask why there is this recent increase in small diatoms. In a recent paper, (Winder, M., Reuter, J. E. and Schladow, S. G. 2009. "*Lake warming favors small-sized planktonic diatom species*". Proc. Royal Society B. 276, 427-435.), it was argued that climate change was warming and stabilizing the upper waters in Lake Tahoe (see Page 8.8). The greater the density difference between shallow and deep water, the greater is the resistance to mixing. This physical phenomenon in turn imparts a competitive advantage to the smallest algal species, such as the diatom *Cyclotella*, that sink slowly and therefore can stay suspended in the light for a long period of time. The increase in the annual average numbers of *Cyclotella* from 1982 to 2010 in the upper 100 m of Lake Tahoe are plotted below. While high values occur in several years through the record, there is a clear upward trend from about 2000, coinciding with the start of the most recent period of decline in summer clarity.

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The most startling revelation in the data is the spatial variation in nearshore clarity as we move around the shoreline. The eastern side of the lake, particularly from Stateline Point in the north to the eastern end of South Lake Tahoe, consistently shows the lowest Secchi depth values (lowest transparency). Looking, for example, at the plots for May and June, the region from just south of Glenbrook to Stateline has nearshore Secchi depths in the range of 45 feet to 53 feet (14 to 16 m) compared to values of 60 feet to 63 feet (18 to 19 m) around Rubicon in California.

The causes of these spatial differences are currently being studied, but it appears to be closely linked to the patterns of water movements around the lake. **What happens in the waters of Lake Tahoe is a direct reflection of activities in both states. If a concrete example of why Lake Tahoe needs to be managed jointly by the two states is needed, then this is one.**

Nearshore Littoral Lake Clarity::

Where are specific references to nutrients?

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Air Quality: Carbon Monoxide:

We agree. However, the RPU DEIS and 2011 should to explain to public why it has been evaluated as 6ppm for over 20 years and is suddenly said to be 9ppm in these documents.

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Air Quality: Ozone:

The RPU DEIS should evaluate a threshold update which adopts the most protective standards so that the entire Basin is protected equally. The update also needs to evaluate the impacts of ozone in pine trees and the Basin's overall forests.

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Air Quality: Visibility:

Evidence does not support the proposed deletions:

The impacts of removing wood smoke and suspended sediment standards have not been evaluated. We have discussed this in more detail in other sections of our comments.

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Air Quality: PM2.5 and PM10

These standards are aimed at protecting human health, therefore it is inappropriate to lump them under ‘visibility.’ Further, there has been no analysis of the relationship among PM levels, visibility, wood smoke, suspended sediment, VMT, and ozone in order to make changes which lump these together or delete portions of them.

With regards to PM and ozone standards aimed to protect human health, the Governing Board made a decision to exclude the consideration of the most protective standards in TRPA’s “preferred Alternative” at that time (July 2010). Two years later, the proposal (noted in Alternative 4 in the image of the July 2010 document below) is not found in *any* of the RPU DEIS alternatives. Thus, without any environmental assessment, the Board’s decision has now resulted in the exclusion from review the adoption of the most protective standards for the entire Basin, including the Nevada portion. This also results in no evaluation of what air quality planning strategies are appropriate for the Basin (e.g. are per day emission limits on construction appropriate in the Basin, and if so, what should they be to protect human health).

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The RPU DEIS must analyze an alternative, which adopts the most protective human health standards for the entire Lake Tahoe Basin. Air masses do not recognize state lines.

TRPA Regional Plan Update **7/21/2010**
FactSheet FollowUp #3 *Amended 8/18/2010 per GB direction at 7/28/2010 meeting*

Alternative 1	Alt. 2	Alt. 3	Alt. 4
No change.	AQ.IMP-27: "Emissions Standards & Practices – adopt and implement air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable. Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region wide."	No change. AQ.IMP-30: "Emissions Standards & Practices – adopt and implement different air quality standards and implementation practices between the two states."	AQ.IMP-2730: "Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide."

Governing Board Direction: The board suggested that the current language in Implementation Measures AQ.IMP-27 does not reflect staff's intent. The Board unanimously directed staff to amend the language to change "adopt or implement" to "recognize." The proposed language is amended as follows:

Alternative 1	Alt. 2	Alt. 3	Alt. 4
No change.	AQ.IMP-27: "Emissions Standards & Practices – adopt and implement Recognize air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable. Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region wide."	No change. AQ.IMP-30: "Emissions Standards & Practices – adopt and implement different air quality standards and implementation practices between the two states."	AQ.IMP-2730: "Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide."

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Air Quality: Atmospheric Deposition

No changes are proposed, although there are years of data available to support standards for other pollutants which affect lake clarity, including phosphorus and particulate matter. This is the third threshold evaluation that has delayed the adoption of improved standards for deposition, even as information and measurement techniques have been available for monitoring. Detailed comments are provided below.

Wildlife: Special Interest Species - Goshawk

The original proposed update included the 500 acre disturbance zone plus a 0.5 mile buffer around the nest sites, much like the USFS has a similar radius for "Limited Operating Periods." Why has TRPA reduced the size of the radius?

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General Comment on Proposed Future Changes:

Chapter 13 of the TER includes several ‘catch all’ recommendations for the future. Although these are for future consideration, they do affect how the RPU DEIS has treated certain standards.

Eliminate Threshold Standards where TRPA lacks authority to enforce. Through the review of Threshold Standards it was found that several have been adopted for which TRPA has no enforcement or data collection authority. For example, TRPA has no regulatory authority to enforce mitigating measures for an adopted air quality standard that relates to the transport of pollutants from outside of the Region. In another example, in order to evaluate compliance with some noise Threshold Standards related to watercraft, TRPA would need additional police powers or criminal authority to “temporarily arrest” an individual in order to administer the appropriate noise test. It is recommended that TRPA eliminate such standards and only retain standards and associated indicators which it has the authority and capacity to affect and measure.

With regards to the out-of-Basin sources of air pollution, it appears this may reference wildfire smoke, since research has found that ozone sources are primarily local. Regardless, the TER and RPU DEIS approaches appear to be to simply eliminate thresholds, rather than focus on what revisions could be considered that would still provide for the protection of human health but also recognize the impacts of external sources. For example, the federal government has a process for “Exceptional Event” findings, where a local district can apply for an ‘exception’ related to document Exceptional Events (e.g. extensive wildfire activity). Further, what local changes could TRPA make to reduce overall exposure to pollutant when the Basin is being affected by these external events? Perhaps there are approaches where during such events (which would be defined in advance), additional controls on local sources may be needed (e.g. no residential burning, limit campfires, etc.). What matters most is protecting human health and the environment, not whether the TRPA can say ‘attained or non-attained’ at the end of the day.

TRPA also proposes to eliminate certain noise thresholds based on its level of authority. However, there are two problems with this approach. First, as we have seen with the aquatic invasive species programs, there are ways to address the different authorities among the agencies, if TRPA desires to do so. Second, TRPA approves land use changes which affect the number of watercraft using Lake Tahoe and therefore, the noise coming from watercraft on Lake Tahoe. Thus, TRPA can not disclaim responsibility for the impacts of the decisions it is making.

Approach to 1987 Regional Plan:

Although the RPU DEIS places blame for many environmental problems on the failure of the 1987 Regional Plan itself to protect the thresholds, therefore supporting the claim that

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the new ‘more development’ approach in the Alternatives 2-5 is warranted, this is not true. Although there are many components of the 1987 Plan that reflect outdated science, many of the ‘failures’ have instead been the result of TRPA ‘failing’ to update the 1987 Regional Plan when new information dictated it, as required by the Compact. There are numerous examples of TRPA recommending changes to the 1987 Plan, the thresholds, etc., and, at times, the need to perform a study to determine if changes are needed. However, TRPA has consistently failed to follow through on its own recommendations. This is not a flaw of the 1987 Regional Plan, which was supposed to be updated to reflect new information and conditions⁷³, but a flaw of TRPA’s historical implementation of the 1987 Plan.

In the Introduction to the RPU DEIS, TRPA states:

“In response to the revised 1980 Compact, the 1987 TRPA Regional Plan implemented a broad suite of policies, ordinances, and land use zoning requirements and controls designed to guide the Region toward achievement and maintenance of adopted threshold standards while at the same time sustaining community and economic values. Included in the 1987 Regional Plan was a mandate to evaluate progress in achieving adopted threshold standards and to put forward appropriate Regional Plan course corrections in response to best available science and monitoring. Between 1987 and 2010, TRPA adopted amendments to the Regional Plan to incorporate best available science and to accommodate environmentally beneficial projects and programs.”

Although there have been some threshold amendments over the stated time period (e.g. Old Growth threshold standard, additional watercraft noise standards, scenic rating system, etc.), TRPA has frequently failed to amend the Regional Plan to “*incorporate best available science and to accommodate environmentally beneficial projects and programs.*”

For example, as noted in our comments on the 2011 air quality threshold update report, the 2011 report is now the third report TRPA has created (2001, 2006 and 2011 Threshold Evaluation Reports) since the research community learned that phosphorus and particulate deposition play a significant role in the Lake’s clarity. Even more widely recognized has been the scientific understanding that fine particulates less than 16 microns in size (in fact, less than 5 microns in size⁷⁴) are the primary cause of the loss of mid-lake clarity. Yet, the air and water quality thresholds have not been updated to incorporate these findings, and still refer to nitrogen as the primary cause of clarity.

⁷³ Compact Article V(c): “...The planning commission and governing body shall continuously review and maintain the regional plan...”

⁷⁴ Noted in peer review comments provided by Patrick L. Brezonik, Professor, Department of Civil Engineering, University of Minnesota, on the Lake Tahoe TMDL Technical Report (2009): “The reports provide sufficient evidence based on field studies and analysis of historical data that fine particles (< 16 µm in diameter) are the primary cause of clarity impairment in Lake Tahoe. Actually, the reports provide evidence that clarity is affected primarily by particles < 5 µm in diameter.”

http://www.swrcb.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/peer_review.shtml

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“This year we are featuring a review of the clarity of Lake Tahoe. Recent trends in clarity and other key variables are suggesting that the transparency of the lake’s water is increasingly being influenced by a new set of factors. While the clarity data alone tells us that things are changing, it is only through the analysis of other data that we can understand what is driving the change in clarity. While there are never enough data to remove all uncertainty, this year more than ever, the value of long term monitoring data should be clear to all.”

(Geoffrey Schladow, director, UC Davis Tahoe Environmental Research Center)⁷⁵

This is notable in itself, as TRPA is required to periodically review the thresholds and propose amendments where science and information warrants them. However, the failure to do so has other legal implications as well. For example, we compare some of the 2001 TER recommendations to the legal Plan-related implications:

AQ Mitigation Funds and Transit:

2001 Threshold Report, Appendix B:

AQ- Title: Update Code of Ordinances to require certain projects have on-going transit support conditions, and review other Code changes that reflect TRPA’s policy of promoting public transit as an alternative to the private automobile.”

Responsible Agency: TRPA. Completion Date: June 2003. Recommendation: Incorporate into the TRPA Code certain project criteria that may trigger physical transportation improvements, especially on-going (not one time only) mitigation funds for transit operating assistance.”

p. B-3

What benefits could have been realized if TRPA had considered this alternative mitigation fee strategy? We note this is one of the Conservation Community’s recommended actions to be considered in the RPU update as well. Yet it is not evaluated in the RPU DEIS. What if this strategy would help to support needed programs to reduce air pollution in the Basin? Instead, the RPU DEIS takes one approach - more development - based on the assumption this is the only way to ‘pay’ for mitigation programs. How can such a conclusion be drawn when other methods have not been considered? Further, we reiterate questions regarding what improvements may have been realized had TRPA adequately implemented the 1987 Regional Plan, including enforcement and regular amendments as supported by science.

AQ/Transportation: Parking Management:

AQ-Title: Parking Management Plan. Responsible Entity: TRPA. Completion Date: June 2004. Recommendation: “Preparation of a parking management plan for the Lake Tahoe Basin. The plan shall address parking in general, parking necessary to

⁷⁵ <http://terc.ucdavis.edu/stateofthelake/>

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support and enhance transit services, and parking for access to recreational facilities, both private and publicly operated. The plan will identify areas for preferred parking, and areas where parking should be prohibited. The plan shall identify locations and structure for parking fees. The plan shall address shared parking provisions, as well as recommendations for updating TRPA parking provisions in the Code to address parking maximum considerations, or to reducing parking requirements in lieu of on-going transit mitigation funding.

It would appear this has been delayed for over a decade, and, according to the RPU DEIS, it will be up to the local Area Plans to figure this out.

Further, paid parking and parking management have long been discussed as another option to help reduce use of the private automobile and generate funds to support mitigation (for water, air, noise, soils, etc. – all areas affected by driving, pavement, and so on). Yet again, TRPA has asserted that the only way to pay for ‘mitigations’ is to increase development, although this is yet another example of an alternative option TRPA fails to evaluate in the RPU DEIS and the RTP DEIS/DEIR.

Air Quality, Water Quality, and /Transportation; Other examples of threshold updates:

AQ-Title: Evaluation of VMT as an air quality threshold. Responsible Entity: TRPA. Completion Date: December 2004. Recommendation: It is recommended that TRPA evaluate the threshold itself, and determine its effectiveness in improving visibility or nutrient loading to the lake. This will include analysis of the effects of VMT on air and water quality, which will be addressed in Recommendation A and an updated traffic model.

AQ-Title: Seasonal Visibility Standards. Responsible Entity: TRPA/CARB. Completion Date: December 2004. Recommendation: Evaluate the need for seasonal visibility standards. The increased monitoring efforts included in Recommendation A will provide the data necessary for the Visibility Technical Advisory Group (TAC) to evaluate seasonal visibility standards.

AQ-Title: Update Enforcement of wood heater retrofit program (this is also noted in the Appendix as a high priority). Responsible Entity: TRPA. Completion Date: December 2004. Recommendation: TRPA’s wood heater retrofit program requires all wood heaters used in the basin meet emissions requirements for particulate matter (with the exclusion of open-burning fireplaces which are not the primary heat source) upon the sale of a home. This program currently lacks enforcement. TRPA needs to update the current regulations to include verification and enforcement language. This will require coordination with various stakeholders in the Basin. Product: An amendment to TRPA’s wood stove ordinance and work plan that provides verification and enforcement protocol for this program.

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See our comments regarding the 2011 Threshold Evaluation Report, which detail the failure to follow through on these recommendations through several reporting periods. Had these recommendations been performed, what benefits could have been realized? What benefits could be realized if the RPU DEIS examined these options now? We note the RPU DEIS Alternative 2 evaluates the inclusion of improved enforcement protocols for the wood heater program, however the GB's RPU Committee's preferred Alternative (3) does not. Rather, there was much debate about whether to include this during 2010 and 2011 discussions, and even as TRPA has referred to the success of the Washoe County Wood Heater Retrofit Program, and has used information from Washoe County's program in the RPU DEIS (see comments below), the RPU DEIS alternatives do not include this option (which would essentially adopt an already established, successful program implemented in one part of the Basin) in any alternatives.

All Thresholds: Carrying Capacity:

ALL Thresholds: (noted as a high priority): Define Basin Carrying Capacity by updating thresholds.

Responsible Entity: TRPA.

Completion date: July 2005.

Recommendation: TRPA, in partnership with other stakeholders, will update the TRPA Environmental Thresholds. This process will include the inclusion of adaptive management strategies, sustainable economy indicators (including quality of life indicator), TIIMS, and environmental documentation."

Even though the 1980 Compact required TRPA to develop environmental threshold carrying capacities, this has yet to be done. Although the TMDL is advertised as a 'carrying capacity' of sorts for mid-lake water clarity, the connection of this to the development approved by TRPA, the number of additional people brought to the Basin, the impact of their activities, and the capacities of other thresholds tied to water clarity (e.g. air quality) has never been determined. How many watercraft can be on the lake at one time while maintaining air quality standards? How many people can live in the Basin before they simply overwhelm any water quality improvements? Also, the quality of life indicator has never been addressed. Note our comments regarding community character, mountain lifestyle, and why people chose to live here (later in our comments). The RPU action alternatives instead propose more development, more density, and other changes that have basically ruined the mountain character in other areas people used to want to visit and live in for the natural mountain lifestyle .

Failure of 1987 Regional Plan, or failure of TRPA to implement it?

TRPA has also failed to enforce numerous provisions in the 1987 Plan. Again, this represents a failure by TRPA to implement its Plan, not a failure of the policies and requirements in the Plan itself.

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This raises two issues:

1. Does the 1987 Plan really need to be dramatically changed, or would the most environmentally-protective option be to simply make the recommended changes to the 1987 Plan, update the thresholds where warranted by new science (e.g. water clarity and impacts from phosphorus and fine particulates), and finish the remaining approved allocations?
2. If TRPA were to adopt a new Plan that regulates development with a completely different approach than the 1987 Plan, would TRPA fail to implement the Plan in the future, just as it has failed with the 1987 Plan?

The 2011 Threshold Evaluation Report seems to advertise the proposed Regional Plan throughout, implying again that the current Regional Plan has not been good enough to attain the thresholds, then suggesting the need for more ‘redevelopment or development transfers and commodities’ to help move the Region towards threshold attainment.⁷⁶ First, this reflects the bias of the 2011 TER, which is supposed to perform an objective scientific review of the thresholds first – not tie them to the RPU Committee’s preferred alternative. Second, this fails to first ask whether the implementation of the current Plan has been flawed, and whether improving implementation will obtain the results that were expected. The TER Chapter 13 includes:

“While the agency can point to these and other success stories, more can be done to facilitate the needed shifts in the land use pattern, which were expected to occur more quickly and effectively from the land use policies and zoning system established in 1987. The following policy and ordinance recommendations are forwarded to make more feasible or expedite Threshold Standard attainment.

Revise policies, ordinances, and zoning to further incentivize the reclamation and restoration of sensitive open space and the implementation of beneficial environmental projects as part of planned redevelopment of the existing built environment. This evaluation found that some indicators related to water quality, scenic quality, air quality, noise, and sensitive lands have not yet reached full attainment with adopted Threshold Standards...These findings suggest existing policies, ordinances, and/or zoning governing development, redevelopment or development transfers, and commodities can be made more effective at moving the Region toward achieving these Threshold Standards.”

The RPU DEIS also claims the new approaches in the alternatives are intended to help the economy, and that the 1987 strategies, if continued, will not do that. First, we note it is TRPA’s obligation, first and foremost, to protect the **environmental thresholds**. The Compact recognizes that protecting the environment will benefit the economy.⁷⁷ Thus,

⁷⁶ For example, there are several references in the Air Quality section – see comments on those sections.

⁷⁷ As stated in the RPU DEIS Recreation Chapter: “Tourism is a key component of the Region’s economy and a high-quality recreation experience coupled with outstanding recreation opportunities is important to

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TRPA cannot adopt a new Regional Plan that ignores thresholds in favor of purported economic improvements. Second, the Tahoe Basin has experienced numerous economic ups and downs over the past several decades, and the current economic downturn is certainly not limited to the Tahoe Basin. Instead, factors affecting the nation (e.g. high gas prices, budget cuts, job loss, etc.) are affecting Basin residents just as they are the rest of the nation. TRPA has no control over gas prices, federal and state budget cuts, local jurisdiction budget cuts, and especially over human behavior (discussed later in our comments).

For example, the economic analysis in the 1991 Threshold Evaluation looks very similar to current conditions, however the economy did improve after the 1991 Threshold Evaluation Report, without a significant change by TRPA, and certainly not a direct result of TRPA. That mostly external factors are affecting so much of the Basin's environment suggests that action or inaction by TRPA has relatively little impact on economic trends.

Current Economic Conditions

The Tahoe Region is in its fifth consecutive year of drought, and about a year into a national economic recession. The drought has reduced annual winter snowfall, affecting skier visitation and local employment. Summer visitation is lower this year due to the recession.

A number of South Shore businesses have ceased operation during 1991, including a major retailer and a car dealership. In the Tahoe portion of Placer County, eight tax liens or bankruptcies were filed from June 1990 to May 1991. In the Tahoe portion of El Dorado County, 26 tax liens or bankruptcies were reported for the same period. Tahoe Region failures accounted for 26 percent of El Dorado County's total failures, and 6 percent of Placer County failures.

Insufficient information currently exists to fully assess the impact of the drought and the recession on the Tahoe economy during 1991.

The 1991 downturn in the Basin was not specific to the Basin. The graph below evaluates nation-wide VMT (discussed below in our comments on VMT), however of note here are the shaded areas, showing US recessions. We see that after 1991, the economy improved, nationwide. TRPA was not responsible for the upturn.

maintaining tourism." (p. 3.11-6). However, golf courses and developed ski facilities are not the only types of recreation people visit Tahoe to enjoy. Consider the estimated 5,786,000 visits to the LTBMU (USFS 2010) reported in this chapter. They were not all skiers and golfers.

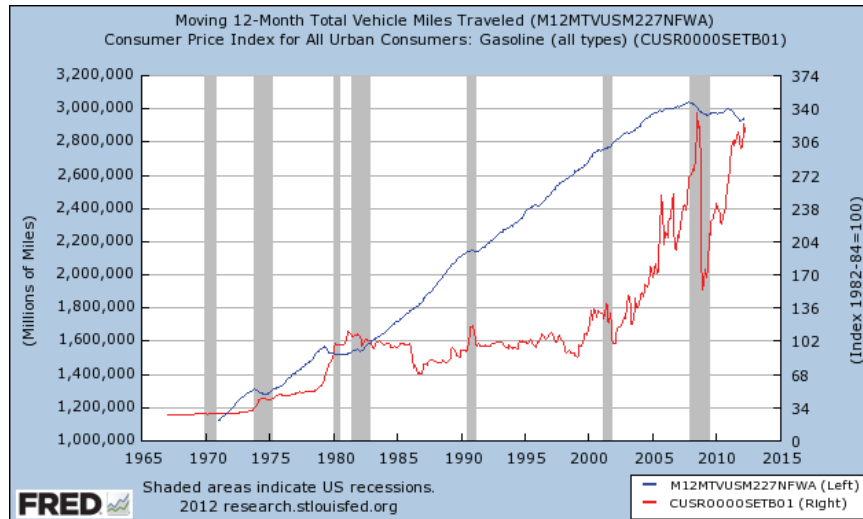
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Deferred Mitigation:

The RPU DEIS and RTP DEIR/DEIS frequently defer mitigation of numerous impacts. Examples include, but are not limited to, the following:

Example 1: Transportation, Chapter 3.3:

Mitigation Measure 3.3-3: Implement Additional VMT Reduction.

Additional mitigation will be required for all alternatives to further reduce VMT to achieve the VMT Threshold Standard. The following percent reductions would be necessary for each alternative:

- › Alternative 1: 3.4 percent reduction
- › Alternative 2: 1.3 percent reduction
- › Alternative 3: 3.0 percent reduction
- › Alternative 4: 7.9 percent reduction
- › Alternative 5: 10.9 percent reduction

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. Significance After Mitigation After implementation of mitigation, the VMT Threshold Standard would

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be met and the impact would be **less than significant** for Alternatives 1, 2, 3, 4, and 5.

TRPA was repeatedly unable to attain the region's VMT standard since its adoption in 1983. The only reason it appears to be in attainment since 2007 is the impact of the combination of reduced gaming, increased gas prices, an economic recession, and other factors discussed below, which have resulted in fewer residents in the Basin and fewer visitors driving to the Basin. Even the peer reviewers noted this impact (see reference to comments by Mr. Hunt in air quality section). TRPA even includes quiet references to it in the 2011 Threshold Report (noted previously). Therefore, we ask, how will TRPA reduce VMT in the future, if it hasn't been able to in the past? Where is the analysis which shows that TRPA has a means to do this and that the results will be as expected?

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Example 2: Air Quality, Chapter 3.4:

MITIGATION MEASURES

The following mitigation is required for Alternatives 1, 2, 3, 4, and 5.

Mitigation Measure 3.4-2: Develop and Implement a Best Construction Practices Policy for Construction Emissions

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of Best Construction Practices for Construction Emissions through TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments that require, as a condition of project approval, implementation of feasible measures and Best Management Practices to reduce construction-generated emissions to the extent feasible.

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What will these BMPs be? Where is the analysis of how they will reduce construction emissions? What will be the net emissions generated by construction (see further comments related to how the document handles "short-term" construction)? What information will be used? Why has TRPA not formulated this before?

Examples 3 & 4: GHG & Climate Change, Chapter 3.5:

Mitigation Measure 3.5-1: Implement Sustainability Measures with Performance Standard *Within twelve months of adoption of an updated Regional Plan, TRPA will coordinate implementation of a GHG Emission Reduction Policy through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments addressing Best Construction Practices and ongoing operational efficiency.*

Mitigation Measure 3.5-2: Prepare Alternative Planning Strategy For Alternatives 1, 4, and 5, TMPO shall prepare an Alternative Planning Strategy (APS) that demonstrates how the regional SB 375 GHG-reduction targets for the California portion of the Region would be achieved, in accordance with California SB 375. 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

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energy efficiency measures that would result in achievement of SB 375 targets. Significance After Mitigation Because Alternatives 2 and 3 demonstrate that achieving both the AB 32 and SB 375 reduction goals is feasible, adoption of a qualifying APS for Alternatives 1, 4, and 5 would feasibly reduce this impact to a less-than-significant level.

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What is this GHG Emission Reduction Policy? How will it work? Where are the analyses? We apply the same questions to the Alternative Planning Strategy. If TRPA has already figured out how to meet the SB 375 reduction targets without harming TRPA's environmental thresholds, why has this not been provided to the public for review?

Examples 5, 6, & 7: Noise, Chapter 3.6:

Mitigation Measure 3.6-1: Establish and Implement a Region-Wide Traffic Noise Mitigation Program.

Within 12 months of adoption of an updated Regional Plan, TRPA will 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 CNEL standards.

Mitigation Measure 3.6-2: Develop and Implement a Best Construction Practices Policy for the Minimization of Exposure to Construction-Generated Noise and Ground Vibration.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation of a Best Construction Practices Policy for Minimization of Construction-Generated Noise and Ground Vibration through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments.

Mitigation Measure 3.6-4: Develop and Implement an Exterior Noise Policy for Mixed-Use Development.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments of an exterior noise standard, and related policies, for outdoor activity areas of mixed-use development.

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However, this is contrary to the Compact's requirement that TRPA prepare a detailed EIS that includes "[m]itigation measures which must be implemented to assure meeting standards of the region. . . ." Compact, Article VII(a)(2)(D). This is also contrary to CEQA, which disallows deferring the formulation of mitigation measures to post-approval studies. CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309. An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation

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of compliance.” *Sundstrom* at 308; *see also Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028–29 (mitigation measures may be deferred only “for kinds of impacts for which mitigation is known to be feasible”). A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available). This approach helps “insure the integrity of the process of decision-making by precluding stubborn problems or serious criticism from being swept under the rug.” *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.

Moreover, by deferring the development of specific mitigation measures, TRPA has effectively precluded public input into the development of those measures. CEQA prohibits this approach. As explained by the *Sundstrom* court: An EIR “[is] subject to review by the public and interested agencies. This requirement of ‘public and agency review’ has been called ‘the strongest assurance of the adequacy of the EIR.’” The final EIR must respond with specificity to the “significant environmental points raised in the review and consultation process.” . . . Here, the hydrological studies envisioned by the use permit would be exempt from this process of public and governmental scrutiny. *Sundstrom*, 202 Cal.App.3d at 308.

Putting off the identification of mitigation measures also is inadequate under the Compact. TRPA must include “at a minimum, a ‘reasonably complete’ discussion of mitigation measures including ‘analytical data’ regarding whether the available measures would achieve the required result.” *League v. TRPA*, 739 F.Supp.2d at 1281. “A necessary aspect of a ‘reasonably complete’ discussion is an assessment of the efficacy of the mitigation measures considered.” *Id.*, 739 F.Supp.2d at 1282. “A perfunctory description or mere listing of mitigation measures, without supporting analytical data, is inadequate.” *Id.* Deferral of how TRPA proposes to address the many identified impacts (let alone impacts TRPA has failed to even assess, but which are likely – see our detailed comments below), is improper under the Compact and CEQA. The mitigation measure must be described in the DEIS.

Regional Plan “Mix ‘n Match”:

TRPA has stated to its Board members, as well as in written into the RPU DEIS, the apparent “option” to pick and chose among parts of the Alternatives.

“For the purposes of the Regional Plan Update alternatives, the land use planning frameworks are essentially land use parameters that determine development potential, environmental enhancements, and other proposed changes within the planning area. The land use planning frameworks 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

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evaluation, with other development and environmental policies and regulations; however, the five alternatives do not reflect the only potential combinations. 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 any land use planning framework alternatives with a combination of development potential and environmental regulations from other alternatives". (RPU DEIS p. 2-18).

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However, even though the alternatives are not an adequate range of alternatives (see the discussions throughout these comments about important alternatives ignored in the RPU DEIS and RTP DEIR/S), the RPU DEIS has not adequately analyzed the individual concepts in the alternatives in any way that would be sufficient to mix and match them together. Further, it appears to suggest that the TRPA Board could essentially 'go for the max' and pick from the alternatives in a way that results in the most development, least restriction regulations, and least restoration. This is simply not supported by the DEIS. . Moreover, the only draft ordinances provided are those intended to carry out Alternative 3, which further impedes the GB's ability to create a "mix and match" alternative.

Community Character, Quality of Life, and Unique Mountain Lifestyle:

In addition to the environmental impacts to the thresholds that will result, there are two other flaws with TRPA's pro-development approach. The Land Use Chapter in the RPU DEIS (p. 3.2-57) states:

"The changes in the distribution of development would be driven primarily by the increased development transfer ratios for relocations from the most sensitive lands to the community centers. The ratios are expected to provide a meaningful economic incentive to relocate single-family homes and development rights to the community centers, and therefore accelerate development transfers and environmental improvement. The proposed transfer ratios were evaluated through an economic pro forma, which found that the incentives would provide feasible options for future development if market conditions show modest recovery in the next few years. This finding was tested using the low-to-high range of the incentive program ratios, and a low-to-high range of potential costs for each development right purchase based on past experience (BAE 2012). Without these economic incentives, fewer landowners would relocate existing development because outlying single family homes are generally more valuable than a multi-family residential unit in the town center. The more concentrated land use pattern is expected to reduce automobile reliance, reduce emissions, increase feasibility of transit and neighborhood-scale BMPs for urban runoff, decrease environmental impacts and increase the availability of affordable and moderate income housing compared to existing patterns of development."

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This Plan has been advertised as the means to improve Tahoe's economy. Public comment and statements by Board members (4/25/2012 GB meeting) implied the economy in Tahoe "needs this" to turn back around and complained another 30 days for the public to review

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the threshold report and environmental documents would just “delay” needed economic improvements in the Basin.

First, we refer back to the 1991 Threshold Report excerpt, documenting similar economic conditions that we now experience, and note that the economy did eventually turn around after that. Although Tahoe may be more affected in unique ways, the overall economic ups and downs are not limited to just the Basin. Therefore, ‘fixing’ the economic downs can not be done by the TRPA.

Second, we note TRPA’s own reference that the proposed incentives would “prove feasible options for future development if market conditions show modest recovery in the next few years.” (Land Use p. 3.2-57). On one hand, the RPU DEIS suggests we need these new incentives and increased development to improve the economy in the Basin, yet on the other hand, the RPU DEIS says these incentives will only work after the economy starts to improve. This circular “logic” is not logic at all. Instead, it appears the “New Regional Plan” has been advertised to the public as the means to help “save Tahoe’s economy,” while failing to mention the economy first needs to save itself...and *then* TRPA will reward developers with extra incentives.

Third, the RPU DEIS acknowledges that single-family homes are generally more valuable than multi-family residential units in the town centers. Yes, if one is looking only at money and property value in numbers, this is likely true. But what has been completely ignored in the RPU DEIS Alternatives is the behavior of people. Most Lake Tahoe residents living or renting homes in the less urban areas do so because they want to enjoy the rural, beautiful outdoor lifestyle offered in most of the Basin. They want to leave their front door and walk on the forest service land behind their house, or in the winter, cross-country ski across the meadow just a block down. As documented in the publication Downhill Slide (2003), this is the lifestyle that draws most people to the Basin (it’s well-documented that the ‘draw’ from decades ago – gaming – will never again be the primary draw for visitors; now, it’s recreation⁷⁸). Residents will often abandon higher paying jobs in large cities to live the more casual, active life offered in Tahoe. They do what they can to raise their families here. Alternatively, those who must live in the larger cities full time come to the Basin to *get away from the urbanization*. We refer to the Introduction in the 1991 Threshold Evaluation:

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⁷⁸ We discuss both further in these comments.

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INTRODUCTION

The Tahoe Region is a special place. To those who have visited Lake Tahoe and its surroundings, from earliest pre-history to the present, the Region is an exceptional, inspiring place of spiritual proportion.

The Tahoe Region was once a place of inestimable beauty. The American author Samuel Clemens ("Mark Twain") wrote of its beauty over a century ago. Photographer Ansel Adams captured it in his photographs.

Yet, like other natural places in California and the Great Basin, its beauty has been severely compromised. As at Yosemite, Pyramid Lake, the lakes and marshes of the Pacific flyway, San Francisco Bay and the California Delta, the progress of modern life has diminished the unique values that make the Tahoe Region so extraordinary.

With ever-increasing pressure upon the Region as a recreational resource and an urban center, preservation of the values of the Tahoe Region is vitally important and--at the same time--immensely difficult. The Region acts as a haven from the urbanized and urbanizing areas surrounding it, and for others who travel from afar to appreciate it. Ironically, the millions who enjoy the area simultaneously endanger it with their very presence.

We do not discount the struggling economy in the Basin, or nationwide, or the sad loss of some of our local population who had to relocate due to economic reasons. Our groups include members of all income levels. However, we first note that Lake Tahoe belongs to everyone, not just those lucky enough to live here, and TRPA and the Basin's residents and visitors have a responsibility to protect it. Second, the problem with the RPU DEIS approaches is that they assume residents will *want* to move to urban centers from outlying areas, that visitors from the Bay Area will *want* to leave their dense apartment buildings in downtown and come to Tahoe to stay in another dense apartment building downtown. How many visitors come to Tahoe to enjoy the unique rustic feel? To rent a 'cabin in the woods'? Versus, how many come to Tahoe to go from one downtown apartment to another for the weekend or vacation? Further, adding more population and density will only further serve to destroy the very reason people come to Tahoe – its unique beauty and that mountain lifestyle that draws us all.

The proposed changes to land use in the alternatives, including the proposed changes to allow large developments (e.g. ski villages, condos, etc.) in lands designated recreation, would suggest that the result of some of the alternatives will be to simply put more money in the hands of already wealthy corporations and developers. Although close-up land use maps for the South Stateline area were not provided for Alternatives 1 and 5,⁷⁹ one can glean from the descriptions in Alternative 3⁸⁰ and the broad maps of the now undeveloped parcels at the

⁷⁹ See 6/8/2012 letter to TRPA from FOWS regarding the missing maps.

⁸⁰ "Alternative 3 also proposes to amend the Code to allow the development and subdivision of tourist, commercial, and multi-residential uses in Recreation Districts outside the urban area as a component of an Area Plan or other Master Plan that has been found in conformance with the Regional Plan. This amendment

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end of Ski Run Boulevard that although the boundaries of the recreation designation would not be changed in Alternative 3 (as they would in Alt. 5), the change in the allowed uses in recreation lands could allow Heavenly (owned by Vail Corp.) to construct condos on this undeveloped land at the end of Ski Run Blvd., in essence allowing public lands to be used to benefit large corporations. This concept is not unique to Lake Tahoe, and in fact has proven quite lucrative for large corporations capitalizing on the ski village frenzy in other areas such as the Colorado Rockies.

“Developments on public lands are ‘subsidizing the rich to get richer’ says Joan May, executive director of the Sheep Mountain Alliance, a bare-bones environmental group of a few hundred members based in Telluride, Colorado...’Why are we doing that? It’s public land for everybody. Why are we using it to make wealthy people wealthier?’”⁸¹

More disconcerting is the RPU DEIS’ failure to reveal the number of acres and locations of the lands that would be affected by this change in allowed uses in Recreation lands,⁸² and to assess the environmental impacts of this change. Further, although we do not support the notion that TRPA is responsible for Tahoe’s economy, of interest is the typical outcome of these large developments, which cater to the wealthier visitors while providing minimum wage jobs to those providing the services. Although the proposed policies would aim to encourage the development of affordable and moderate-income housing, how many people can afford to live in a small apartment or condo on minimum wage?⁸³ Will wages be increased to match the cost of living in Lake Tahoe? Even affordable housing can be too expensive for one making minimum wage. Further, how many people will *want* to live in a dense urban area in the Lake Tahoe Basin? How healthy will it be for full time residents to live in apartments or condos above major highways in the Basin, as they will be subject to more air pollution (see comments below), more exposure to toxic diesel fumes, more noise, etc.) Is this, therefore, creating environmental justice issues? How many of these new apartments or condos will either house low-income individuals working for the large corporations, or eventually become 2nd homes for weekend and summer stays, or vacation rentals?

Further, investments in Tahoe’s “recreational opportunities” does not just mean investing in ski resorts. In fact, skier numbers are no longer increasing (Downhill Slide, 2003). Add to that the anticipated effects of climate change (higher snow levels, warmer temperatures, etc.), it appears that, unfortunately, skiing opportunities will be pushed higher and higher up in elevation, soon requiring skiers to head to Colorado’s 14,000 foot peaks, or other places in the world. Investing in the long-term health of ski resorts, especially at Tahoe’s elevation,

could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region designated as Recreation.” (RPU DEIS, p. 3.2-69)

⁸¹ Downhill Slide. 2002. *What is Land For*. Page 78.

⁸² Some information has recently been provided per request by the public regarding Alt. 5 changes at the end of Ski Run Blvd., although this provides very little time to review it (e.g. week of June 11, 2012).

⁸³ <http://www.upworthy.com/how-many-minimum-wage-work-hours-does-it-take-to-afford-a-2-bdrm-apartment-in-yo?c=bl3>

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is not looking like a good investment. But, for those investing in the retail side, the initial investment pays off quite substantially and can keep paying off through rent and portions of profits collected from retail shops renting the space. But at what cost to the local community and environment?.

Not all recreation is the same. However, we often see references to improved recreation in the Tahoe Basin, but must question what this means. In the RPU DEIS, what are the impacts of the Plan Alternatives on downhill skiing recreational opportunities versus lower impact recreation such as hiking, mountain biking, and equestrian use? How many resources are aimed at improving and protecting more remote opportunities (from over-use) and providing less impactful ways to get there (e.g. clean transit to trailheads)? Versus how many resources and Plan changes are aimed at benefitting downhill skiers?

We note the Sierra Nevada Ecosystem Project (SNEP) report to Congress in 1996⁸⁴ already recognized the need to protect nature, with the suggestion that investments in gaming (which are now reduced) and “ski runs” may be insufficient to sustain a tourist economy (like Tahoe’s):

Today, residents and visitors seem to be at least somewhat aware of the delicate balance of their immediate environment, and recognize both the social and economic benefits of maintaining those balances for future generations. As stated by Raymond (1992, p. 21): “For modern residents, the dilemma is a serious one. If Tahoe no longer offers visitors the chance to experience untrammelled nature, or some reasonable facsimile thereof, then all the recreational variety offered by casinos and ski runs may be insufficient to sustain its tourist economy.”

It appears that in the new RPU alternatives the primary emphasis on recreation in the Tahoe Basin is on ski resorts, and ski resort ‘villages’. Where are the shuttles to the USFS trailheads that have been discussed for years? Where are the advertisements and slogans related to Tahoe’s unique natural environment, as opposed to the ridiculous ‘party-themed’ “Tahoe South” concept that encourages visitors to come, drink up, and spend their money at Stateline?

The end result of all of these proposed changes are more buildings, more height, more density, more people, more cars, and more pollution. The EIS must evaluate the local and cumulative (Basin-wide) impacts of these changes. This can not be substituted by multiple environmental reviews associated with individual Area Plans, or any Community Plan or PAS updates that would occur under the alternatives.

Maintaining Rural Community Character

Friends of the West Shore (FOWS) is a Lake Tahoe, grassroots community conservation organization established to help preserve and enhance the character, scale, environment and

⁸⁴ http://ceres.ca.gov/snep/pubs/web/PDF/~A_C07.PDF

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historical significance of the West Shore. It is a resource to the community and uses the collaborative efforts of the residents to make a positive impact on the West Shore's environment and neighborhoods. FOWS promotes sustainable communities and policies that enhance our natural resources and the beauty of the West Shore. FOWS has over 500 West Shore residents who respond to our petitions, write letters, provide contributions and support our goals. FOWS is the only grassroots organization on the West Shore giving a collective voice to its residents to preserve the local rural quality of life and environment.

However, recent examples show that TRPA's "redevelopment approach" has been anything but supportive of small rural communities making decisions for themselves. As reflected in the TRPA's approval of the Homewood Mountain Resort ski area expansion in December 2011, after a ski-resort developer-led Master Plan was 'created' to suite HMR's expansion,⁸⁵ it would appear that the developers are again leading the show with the backing of TRPA, and communities are not getting a chance to decide for themselves what they want. Much like an unbiased evaluation of the thresholds is impossible when they are so obviously linked to proposals in the new Regional Plan Alternatives (especially Alternative 3), communities are not provided the unbiased opportunity to decide, without pressure from agencies or developers, what they want to look like in the future. Instead, just as Homewood residents were presented with a "take it or leave it" project for Homewood ski resort,⁸⁶ the public has been presented with what is framed as a "business as usual" versus "redevelopment and densification" approach. Further clouding this supposed 'choice' is the portrayal of the current Regional Plan's approach as a 'failure' (see our comments on this elsewhere), and the concept that only TRPA can 'save' the local economy (which is not the mission given it in the Compact, in any event) through allowing significantly more development. As noted in our comments, although it is TRPA's role to protect the environment first, when it comes to the economy, TRPA does not have control over the nationwide factors affecting the economy, so this again looks like another 'false choice.'

The RPU DEIS has proposed significant changes at the community scale, well before communities themselves have the chance to decide what they want. First, we note the 1987 Regional Plan required Community Plans be reviewed and, as needed, updated every five years,⁸⁷ however as shown on pages 3.2-13 to 3.2-17, this has clearly not happened. Instead, the "updates" we've seen to community plans include Amendments to the North Stateline

⁸⁵ <http://friendswestshore.org/wordpress/wp-content/uploads/2011/08/Homewood-conmments-Lozeau-Drury-04-18-11.pdf>

⁸⁶ In comments submitted by Michael Lozeau on behalf of the FOWS, TASC, and LTSLT regarding the final HMR EIS, we note: "As it turned out, Homewood's process, although allowing people to submit ideas and comments, was entirely controlled by the ski area and, once Homewood Mountain Villages decided on the size of its proposal and its basic components, its proposal was not subject to debate or substantial change." (October 12, 2011).

⁸⁷ "Adopted community plans shall be reviewed by TRPA at five-year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation, and monitoring. TRPA may defer approval of projects within community plans if the review indicates approved goals, targets, and requirements are not being achieved. Community plans may be modified as a result of such reviews as deemed appropriate by TRPA to achieve environmental thresholds or to otherwise improve the community plans. The procedure for modification shall be consistent with this chapter." Code Chapter 12.8.

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Community Plan (NSCP) to accommodate the Boulder Bay development project, the ski-resort led adoption of a Master Plan for the Homewood Mountain Resort in Homewood (to accommodate ski area expansion), and the City of South Lake Tahoe's usurpation of the Tahoe Valley Community Plan from the community group that had worked on the update process,⁸⁸ to the "more density, more height" Plan for the South Tahoe Y that is now represented in the CSLT's General Plan Update, adopted in May of 2011.

Instead, as explained in the Land Use section of the RPU DEIS, Alternative 3 (the RPU Committee's preferred alternative):

"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." (Page 3.2-47).

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What are these size limits? Where are they examined? What happens when a project is proposed that is just one square foot below the size limits? What "findings and conclusions" will dictate which smaller projects TRPA retains authority over?

How will the adoption of Area Plans be different? How does TRPA explain the reference that implies the CSLT's May 2011 General Plan will be the Area Plan for that area, even though it was adopted well before the Regional Plan environmental documents, let alone the threshold evaluation, were released for public review? When will the cumulative, region-wide environmental analysis be done for the proposed Area Plans? How will these Area Plans differ from community plans? How will the public be involved? Will communities be allowed to decide their own future, or will Counties and Ski Areas make that decision for them, as was done when the Homewood Mountain Resort project was approved in 2012 by Placer County and TRPA.

The RPU DEIS Land Use Chapter later refers to a "Consistency Finding" that appears to suggest that TRPA has *already* made the finding that the RPU and applicable regional and local plans, policies, and regulations are "consistent" because of MOUs and agency coordination. Or, it appears that TRPA could be hoping that certification of this EIS would be the action that deems the plans that have already been created (e.g. the CSLT General

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http://www.trpa.org/documents/agendas/gb_agendas/2007_agendas/Updated%20minutes/GB_minutesup date_10_24_07.pdf

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Plan Update) “consistent.” This is confusing and needs to be explained clearly and thoroughly evaluated.

“Data, maps, and other information developed as part of the Regional Plan are to be used by other governmental agencies to ensure a consistent view of development trends and other important considerations (Compact Article V[h]). As discussed above, in some cases, TRPA defers to those with jurisdiction and expertise in specific areas (e.g., TMDL, Lake Tahoe Basin Management Plan). Through land use planning frameworks and incentives, the Regional Plan Update alternatives, to varying degrees, further focus development and redevelopment within the Region’s existing urban nodes. As a result, these alternatives do not propose changes that would conflict with the Regional Plan’s designated land uses, policies, or regulations. Furthermore, the established policies for cooperative planning in the Region, via MOUs and ongoing coordinated and concurrent updates, have allowed TRPA and federal, state, and local agencies establish consistency between the Regional Plan Update and applicable regional and local plans, policies and regulations.” (Page 3.2-79).

The RPU DEIS includes the following description for the City of South Lake Tahoe’s General Plan Update, adopted in May 2011:⁸⁹

“The City of South Lake Tahoe 2030 General Plan was adopted on May 17, 2011, to guide land use, transportation, infrastructure, community design, environmental, and other decisions in the City in coordination with the TRPA Regional Plan. The 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. Table 4.15-1 in Section 4.15.1, 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 consistent with the Regional Plan, Community Plans, and PASs, with the implementation of mitigation.”

How can a May 2011 Plan have been found “consistent” with a Regional Plan Update that hasn’t even been adopted yet? Let alone released to the public for review at that time?

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⁸⁹ RPU DEIS, Land Use, p. 3.2-78

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Detailed Comments on RPU DEIS and RTP DEIR/DEIS

The RPU DEIS and RTP DEIR/DEIS are supposed to analyze the environmental impacts of the various alternatives. Yet the documents consistently speculate, assume, and/or claim the “policy-level analysis” is not responsible for assessing the environmental impacts of the proposed alternatives.

“This EIS, consistent with its policy-level purpose, analyzes the environmental implications of the policies identified in each of the alternatives and provides the information necessary for the TRPA Governing Board to select the alternative that would best achieve TRPA’s regional objectives. As such, the EIS evaluates impacts of the Regional Plan Update alternatives at a policy level. It is not possible to speculate on the specific type, number, location, or timing of future projects that would be proposed over the Regional Plan period, nor on the precise nature or degree of environmental impacts associated with such projects. 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. These later projects may include development, redevelopment, commercial and tourist uses, transit and transportation, recreation, public/quasi-public facilities, and environmental restoration.” (RPU DEIS, Land Use Chapter, P. 3.1-1).

016-121

Our comments below point to numerous flaws and inaccuracies. Additionally, throughout the chapters, it appears TRPA has taken a “trust us” approach, rather than providing the evidence to support claims being made. Further, what does the RPU DEIS mean when it says it is “understood that,” as noted in the quote above. Understood by whom? How does this ensure environmental impact assessment? We note this same reference in other chapters in the DEIS. For example:

“Based on the 2011 Draft Threshold Evaluation Report, it is understood that existing noise levels in many highway corridors currently exceed the applicable CNEL standards, particularly along segments of SR 28, 89, 207, 431, and 267 (TRPA 2012a).” (RPU DEIS, Chapter 3.6, p. 3.6-12).

Further, without an adequate assessment of baseline conditions, including the sources of environmental pollution, their relative contribution, the relationship between the levels of pollution and resultant environmental measurements of the standards, and all other factors affecting this relationship, it is not possible to draw conclusions about how proposed Alternatives will affect the environmental thresholds, or whether included control measures or land use strategies purported to reduce the sources of the pollution will actually reduce them. TRPA has essentially placed a lot of ‘eggs in the same basket’ by assuming pollution sources and interactions that have not been analyzed. For example, as noted in the comments on the air quality analysis below, the RPU DEIS fails to evaluate Tahoe-specific sources of CO emissions, assuming that on-road motor vehicles are the primary source of

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CO in the Basin, and therefore that reductions in the emissions from on-road motor vehicles will result in significant air quality improvements. However, a rough assessment of local data indicates motorized watercraft, off-road vehicles (e.g. snowmobiles), and aircraft may actually contribute more CO than vehicles. If this is true, and TRPA has relied primarily on reductions from on-road motor vehicles to attain and maintain the CO threshold standards, then clearly this strategy will fail.

The same situation applies to water clarity as well. Geoffrey Schladow, director of the UC Davis Tahoe Environmental Research Center, states the following in a message on TERC's website⁹⁰ for the Tahoe State of the Lake Report: 2011

“This year we are featuring a review of the clarity of Lake Tahoe. Recent trends in clarity and other key variables are suggesting that the transparency of the lake's water is increasingly being influenced by a new set of factors. While the clarity data alone tells us that things are changing, it is only through the analysis of other data that we can understand what is driving the change in clarity. While there are never enough data to remove all uncertainty, this year more than ever, the value of long term monitoring data should be clear to all.”

To provide a more common analogy to explain the problem with this approach, we consider the situation where an ill patient (Tahoe's environment) seeks treatment from a doctor (TRPA). If the doctor fails to run the proper tests to diagnose the cause of the patient's illness, the doctor may prescribe the wrong medication, and the patient will continue to be ill - much like the Basin's environment will continue to suffer if proper analysis is not used to 'diagnose' the causes and prescribe the correct treatments.

Inconsistent Information and Evaluations:

As our comments on the different VMT numbers alone reflect (see discussion in our comments), the 2011 Threshold Report (which is the “basis” for the Regional Plan update), the RPU DEIS and the RTP DEIR/DEIS are supposed to be evaluating the same impacts, yet different numbers are found throughout.

This inconsistency provides for a different assessment of what is supposed to be the 'same' Plan and baseline conditions.

Failure to Provide Documents for public review:

As noted in previous comments submitted to TRPA on the RPU DEIS from FOWS and other groups noted in these comments,⁹¹ TRPA failed to provide numerous documents on which it relied to support certain important conclusions in the RPU DEIS. For example, an economic reference (BAE 2012) was not provided until several weeks after the 60-day public

⁹⁰ <http://terc.ucdavis.edu/stateofthelake/>

⁹¹ <http://www.trpa.org/RPUEISComments/>

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comment period began. Maps requested by the public have still not been provided.⁹² Noise data used for the CNEL measurements and Visibility data used in the air quality sections in the 2011 Threshold Evaluation Report⁹³ were not provided with the documents.

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Air Quality Analysis:

Unless otherwise noted, the discussions below pertain to the air quality chapters in both the RPU Draft EIS (Chapter 3.4) and the RTP/SCS Draft EIS/EIR (Chapter 3.4).

TRPA is responsible for fully analyzing the environmental impacts of all proposed alternatives on air quality in the Region. Although some state regulations require state-specific analyses, TRPA is still the regional Planning Agency and is therefore responsible for adequately analyzing the impacts on air quality in the entire Lake Tahoe Air Basin. Further, although the RPU DEIS appears to treat air quality as if air masses do not pass over the state line that runs through the entire Basin through some unexplained environmental magic, the Lake Tahoe Air Basin is one unified Air Basin. This is one reason why a *regional* planning agency was necessary to protect air quality in the Region. What happens in one legal jurisdiction affects another and vice versa, but legally, each jurisdiction was constrained to meet their own laws. No one was watching out for the Basin as a whole.

That said, the EIS and EIS/EIR documents appear to completely ignore TRPA's regional planning responsibilities, failing to make any attempts to quantify the impacts of the alternatives on the Lake Tahoe Air Basin as a whole, let alone in smaller sub-regions (e.g. South Lake Tahoe). Instead, the RPU DEIS relies on skewed baselines from the 2011 Threshold Evaluation Report combined with the use of individual state and federal requirements, which do not themselves protect the unique values of the Tahoe Region, nor do they share the same air quality standards.

016-124

TRPA is responsible for eight air quality threshold standards: Carbon monoxide (CO), Ozone (O3), Particulate Matter (PM), Visibility (Regional and Sub-Regional), Atmospheric Deposition and two transportation-related standards, Traffic Volume and VMT. The RPU DEIS must address the environmental impacts of the proposed alternatives on all of these standards, regardless of whether changes are proposed to the standards. In fact, where TRPA proposes to change the standards, the environmental analysis must consider the impacts of alternatives on the standards as they are currently adopted and on the standards being proposed.

Instead, the air quality analysis in the RPU DEIS and RTP DEIR/S seems more like a quick chapter thrown together to justify proposed increases in density rather than an objective and thorough quantitative analysis of impacts on air quality. Moreover, the TRPA

⁹² http://www.trpa.org/RPUEISComments/Leff_06.08.12.pdf

⁹³ TRPA 2011a. Air quality visibility data set and TRPA 2011c. Shorezone Noise Monitoring Data Set, 2009-2011

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RPU must meet CEQA requirements as well, since the TMPO's RTP is relying on the RPU as the Sustainable Communities Strategy (SCS) document to meet California SB 375 requirements, making the RTP and SCS both subject to CEQA.

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Inadequate representation of meteorological conditions for "Study Area"

The RPU DEIS appears to rely on information from just one meteorological station in the Basin. On page 3.4-16, the document states "*Local meteorological conditions representative of the study area are recorded at the South Lake Tahoe Airport Station.*" No evidence or reference is provided to explain how this one site represents conditions for the entire Lake Tahoe Basin. However, adequate evidence exists to show that this one location is not representative of the entire Basin.

A review of the comparable meteorological information provided by the Western Regional Climate Center's online weather system for other meteorological locations in the Basin indicates significant variations at local scales. For example:

Annual Average Total precipitation and annual average snow fall values are as follows:

	<u>Precipitation</u>	<u>Snowfall</u>
South Lake Tahoe Airport:	16.42 inches	n/a
Meyers Inspection Station	40.91 inches	200.6 inches
Stateline, Nevada:	12.98 inches	63.5 inches
Glenbrook, NV:	18.05 inches	92.1 inches
Tahoe City, CA:	31.46 inches	190.7 inches

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Clearly, there are very distinct differences in the weather patterns at the many individual locations throughout the Tahoe Basin, and it is imperative that air quality analyses address these differences. This need is also addressed by CARB:

"Winds observed at surface sites in the Tahoe Basin display temporal regularity with daily oscillation between onshore and offshore flow due to the mesoscale influences. However, spatial variations are important as well. In particular, the on-shore and offshore flows have complexities in terms of their horizontal extent and their depth which are not defined by point observations. In some areas of the Lake (e.g., east and northwest), the interaction of meso- and synoptic scale influences can regularly result in flows parallel to the shore with little transport of air pollutants from the shoreline onto the Lake...

Characterizing the spatial variability of the winds at Tahoe is a challenge due to the forested nature of the Basin and the small scale terrain influences that limit the spatial representativeness of any near ground measurements."

(Lake Tahoe Atmospheric Deposition Study, Final Report, Chapter 8).

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Failure to include adequate air quality data for the Lake Tahoe Air Basin (or “Study Area”)

Additionally, as discussed below, the document also fails to include all available air quality data for the Lake Tahoe Air Basin. Not only does this provide important information regarding the variable impacts of air pollution on individual areas throughout the Basin, but a mere glance at the recorded measurements for one pollutant at different sites over the past 20-30 years clearly illustrates the differences in ambient air pollution concentrations as well.⁹⁴ Further, recent passive ozone sampling by DRI has indicated significant variations in ozone concentrations throughout the Basin.⁹⁵

The EIS states: “Concentrations of criteria air pollutants are measured two monitoring stations in the L TAB. The South Lake Tahoe–Sandy Way station and South Lake Tahoe–1901 Airport Road 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.” (p. 3.4-17).

- The Statement that the two SLT monitoring sites are representative of the “study area” – which is the entire Tahoe Basin, is not supported by fact. Rather, a review of all available air quality data for the Tahoe Basin indicates there are significant variations in the ambient pollutant concentrations throughout the Basin’s individual areas.
- The South Lake Tahoe Airport station has been shut down since 2009. Therefore, it is improper to say “are” measured as it leads the reader to think there are more monitoring sites than actually exist as of 2011 and 2012.
- The SLT- Sandy Way station only measures PM10 mass.

This statement needs to be rewritten to accurately reflect the current state of monitoring in the Basin, as well as the differences in air quality concentrations throughout the “study area.”

Additionally, Table 3.4-6 summarizes the air quality data from these stations for just two years. In order to assess the current conditions and historical trends (as needed to perform a proper air quality assessment), the entire suite of available data for the Basin must be included (refer again to the collection of peak data attached to this comment letter). Further, the differences throughout the Basin must be addressed, as well as the impacts of the proposed developments in each of those areas on population, VMT, and other factors which affect air emissions.

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⁹⁴ A comprehensive collection of all peak air quality measurements available in the Basin was developed by Jennifer Quashnick, and is included as an attachment to these comments.

⁹⁵ DISTRIBUTION OF OZONE AND OZONE PRECURSORS IN THE LAKE TAHOE BASIN, USA. 2003. Barbara Zielinska (1), Andrzej Bytnerowicz (2), Alan Gertler (1), Mark McDaniel (1), Suraj Ahuja (3), and Joel Burley (4). (1) Desert Research Institute, Reno, NV 89512, USA. (2) US Forest Service, Pacific Southwest Research Station, Riverside, CA 92507, USA. (3) USDA Forest Service, Region 5, Sacramento, CA, USA (4) St. Mary's College, Moraga, CA, USA

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DEIS bases 'conclusions' on insufficient evidence and inadequate assessments

As noted throughout our comments, the DEIS looks more like a collection of irrelevant references thrown together to justify the proposed development in each alternative, attempting to assure the public that the air quality is doing so well that we can add an undefined amount of emissions to the Basin and not worry about it. However, the references, as noted in detail below, are not based on the local conditions which affect air quality in the Lake Tahoe Air Basin (LTAB). In fact, researchers have identified the need to develop Basin-specific air quality planning tools for over a decade (see below), and in 2001, TRPA made the same recommendation in the Threshold Evaluation Report (Appendix B; excerpt below).

AQ-Title: Develop and implement an integrated air quality research and monitoring network for 2004 Threshold Update. Responsible Entity: CARB, TRPA, LRWQCB, USFS, USEPA. Completion Date: December 2004. Recommendation: Develop and implement the monitoring and research program coordinated with the TMDL research.

Products: Products include a quality-assured database of observed concentrations of P, PM, and N, and the other gaseous PM and gaseous species of interest, estimates of the mass and forms of nitrogen and phosphorous deposition to the lake surface, estimates of the local vs. regional contributions of N, a completed quality-assured data set which can provide improved estimates of total N deposition to the Lake and the ability to model the effects on concentrations and deposition that would result from hypothetical changes in emissions either in-Basin or upwind.

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Although it could be said some of the recommendation was addressed in the Lake Tahoe Atmospheric Deposition Report (LTADS) lead by the California Air Resources Board (2006^{96,97}) the tools and information needed for *"the ability to model the effects on concentrations and deposition that would result from hypothetical changes in emissions either in-Basin or upwind"* have not been developed for the Lake Tahoe Air Basin.

In a report published in 2000 (also included in TRPA's references to the RPU DEIS), Cliff and Cahill note:

"The most significant finding from the construction and use of the [Lake Tahoe Air Model] LTAM is that pollutants are most likely to deposit to the lake surface and hence potentially degrade lake clarity at times of intense inversion. Atmospheric inversion at Lake Tahoe is the most predominant meteorological condition during the evenings during the summer months, and all day throughout the inter-storm winter period. In general, to better evaluate the impact of air quality and ecosystem

⁹⁶ Lake Tahoe Atmospheric Deposition Study, California Air Resources Board. 2006. <http://www.arb.ca.gov/research/ltads/ltads.htm>

⁹⁷ Although the RPU DEIS does not reference the LTADS full Final Report, we note a reference to a publication associated with that study by Dolislager et al. 2012a and 2012b in the air quality chapter.

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health at Lake Tahoe requires further study. It is imperative to understand the link between emission, transport and deposition of air constituents throughout the basin to better constrain integrated modeling tools for management use.”

As discussed in detailed comments below, the overall air quality ‘analysis’ appears more as an attempt to reference “any” available information, whether appropriate for the Basin or not, to fill in the sub-headers in the chapter just enough to justify increased development. The review also fails to address the recommendations by TRPA going back over ten years ago, as well as those by the numerous researchers involved in LTAB research, to develop a proper monitoring and research system to adequately assess air quality in the Lake Tahoe Air Basin. TRPA’s own failure to do so for over a decade is now being offered as a reason favoring TRPA’s proposals for increased development,, since references to state models, county mass-based emission limits, and other tools not proven acceptable for LTAB conditions, are used as the basis to make the case that such development will not significantly impact the Basin’s air quality. However, to adequately assess air quality conditions and impacts from projects and plans, the endless cycle of ‘putting things off to some future date’ must be stopped, and instead, what has been needed for over ten years must be addressed – a true air quality monitoring network, a Tahoe Basin emissions inventory based on Tahoe Basin factors (including visitor impacts), and a LTAB model that can be used in concert with air quality data and tools, to adequately assess the sources, movements, chemical reactions, and impacts of air pollution in the Basin, and to estimate the benefits or consequences of various planning decisions (before the consequences occur). Further, the LTAB model must be regularly compared to actual ambient data to calibrate the model.

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These tools would provide TRPA and other agencies with the ability to adequately analyze air quality conditions and needs in the Basin, including:

- An assessment of the ‘air quality carrying capacity’ for the Basin,⁹⁸ which examines the link between emissions and ambient concentrations, and uses local climate and meteorological factors to assess how emissions will impact local air quality; and
- A determination of the acceptable emissions from temporary and ongoing activities in the individual areas of the Basin. (For example, if mass-based emissions limits were found to be appropriate for certain activities in the Basin, then what limits are needed to protect air quality given the Basin’s local conditions, topography, etc.?)

Finally, the one-size-fits-all approach the RPU DEIS uses for the air quality ‘analysis’ is not only wholly inappropriate for the LTAB, but we further note the failure of the ‘analysis’ to recognize and account for the variations in air quality conditions throughout the Basin (as shown by the claim that one air quality monitoring site in South Lake Tahoe is ‘appropriate’

⁹⁸ We note this was originally required by the Compact for the Environmental Threshold Carrying Capacities, but has never been performed.

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for representing conditions throughout the entire Basin, when a review of historical air quality data [attached] and meteorological data would prove this assumption wrong).

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Timeline for compliance with Air Quality Standards is improper

In multiple areas throughout the RPU DEIS, conclusions are drawn about future improvements in air quality due to regulations and technological advancements that will reduce motor vehicle emissions over the next twenty years.⁹⁹ However, air quality impacts do not wait to affect a person for twenty years. They happen immediately. Therefore, the air quality standards for CO, Ozone, and Particulate Matter must be attained now and the RPU DEIS can not base conclusions of significance on what emissions may be like in twenty years.

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In the attached table of Tahoe Basin air quality measurements noted previously, air quality information available for the most recent years (2006-2012) indicates the highest concentrations are still hovering around the standards, and in some cases, exceeding them.

Inadequate Analysis of Long-Term Emissions (Operational):

The RPU DEIS analysis of impacts begins with a discussion of operational emissions for regional area- and mobile-sources. However, the analysis fails to include several key pollutants, including CO (meeting Conformity budgets is not the same as estimating emissions and impacts), Visibility standards, diesel PM, and pollutants contributing to the loss of lake clarity through atmospheric deposition – N, P, and PM.

“The operational emissions (i.e., regional area- and mobile-source emissions of ROG, NOX, PM10, and PM2.5) of build-out of each of the Regional Plan Update alternatives were estimated using ARB’s Mobile-Source Emission Factor Model (EMFAC) 2011 (ARB 2011a), based on inputs from the transportation analysis. (See Section 3.3, Transportation, and Appendix E for the transportation analysis; EMFAC modeling output is provided in Appendix F).” (p. 3.4-21)

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Mobile sources – Long Term impacts:

The RPU DEIS and RTP DEIR/DEIS have concluded that regional VMT in the Basin will increase under all alternatives. First, we note that regional VMT is expected to increase even without additional development (see assessment related to economic factors below). Thus, one can estimate that we may see an increase of roughly 7 percent above 2010 levels regardless of what TRPA does. This is about equivalent to the claimed reduction in VMT since 2006 that TRPA has essentially ‘taken credit for’ in the Threshold Evaluation Report.

⁹⁹ Examples include: “In addition, mobile-source diesel PM would be expected to decline over the plan implementation period compared to existing conditions.” (p. 3.4-38). “...mobile-source emissions of NOX are foreseeably expected to decline through plan build-out as a result of increases in emissions control technology and ARB regulatory programs (ARB 2012c).” (p. 3.4-43).

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Second, a review of the transportation modeling assumptions reveals numerous flaws which all point to an underestimate of actual VMT. This is discussed further in our comments below on VMT.

Third, the estimated air quality and GHG emission from mobile sources rely on CA models, in some cases CA-only VMT, and therefore, given VMT is likely underestimated, so are the air quality and GHG emissions associated with the VMT.

The combination of the first two factors above are likely to push VMT back out of attainment. However, although it appears mobile sources may contribute relatively less to air quality violations when compared to other Tahoe Basin sources (e.g. watercraft, aircraft), the VMT threshold has yet to be evaluated for its impacts to other threshold standards – including air quality (human health, visibility), water quality (atmospheric deposition, runoff), vegetation (ozone and road material impacts to pine trees), noise (on-road vehicle noise), and just about every other threshold resource area in some way. Yet the 2011 TER, RPU DEIS, and RTP DEIR/S have downplayed the importance of VMT, suggesting it be considered for deletion from the thresholds altogether. However, it is a threshold that TRPA is responsible for attaining and maintaining, and a proper assessment would likely indicate all alternatives will result in eventual non-attainment to some degree. Therefore, the EIS's alternatives analysis is fatally flawed in failing to look at any alternatives that would fulfill TRPA's mandate to reduce regional VMT. Also, we question whether the Reasonable Further Progress Line included in the 2001 threshold evaluation report might be more indicative of what the VMT could eventually become based on the existing infrastructure alone?

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Fourth, the concept of evaluating 'per capita' emissions (per person) appears to come from the greenhouse gas emissions evaluation for SB 375, which relies on per capita reductions, not total reductions. This may 'make sense' when considered in an area where future growth is expected, therefore looking at the impacts on a per-person basis may be useful, but the 1987 Plan limited growth in order to attain the TRPA Environmental Thresholds. TRPA's responsibility to attain and maintain the thresholds has not changed. TRPA can not abandon its core mission to achieve and maintain all of the environmental thresholds, including that for VMT, to accommodate one approach¹⁰⁰ to meeting the greenhouse gas emission reductions required by California. Nor can TRPA change how it has evaluated VMT since 1987.

Further, because the transportation modeling assumptions used in the analysis are flawed,¹⁰¹ the conclusions are likely far worse than predicted in the environmental documents:

Alternative 1:

¹⁰⁰ The SCS strategy can be met through alternative methods – the densification of urban areas is just one option. The RPU and RTP alternatives do not include an evaluation of an Alternative Planning Strategy (see our comments in appropriate section).

¹⁰¹ See detailed comments submitted by Joy Dahlgren.

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According to the transportation analysis prepared for the project, regional VMT in the Basin would increase by approximately 111,000 VMT/day by 2035 compared to 2010 conditions under Alternative 1. VMT per capita would increase by approximately 5 percent by 2035 compared to 2010 conditions.

Alternative 2:

According to the transportation analysis prepared for the project, regional VMT in the Basin would increase by approximately 93,000 VMT/day by 2035 compared to 2010 conditions under Alternative 2. VMT per capita would increase by approximately 0.25 percent by 2035 compared to 2010 conditions.

Alternative 3:

According to the transportation analysis prepared for the project, regional VMT in the Basin would increase by approximately 126,000 VMT/day by 2035 compared to 2010 conditions under Alternative 3. VMT per capita would *decrease by approximately 2 percent* by 2035 compared to 2010 conditions.

Alternative 4:

According to the transportation analysis prepared for the project, regional VMT in the Basin would increase by approximately 191,000 VMT/day by 2035 compared to 2010 conditions under Alternative 4. VMT per capita would increase by approximately 3 percent by 2035 compared to 2010 conditions.

Alternative 5:

According to the transportation analysis prepared for the project, regional VMT in the Basin would increase by approximately 241,000 VMT/day by 2035 compared to 2010 conditions under Alternative 5. VMT per capita would increase by approximately 6 percent by 2035 compared to 2010 conditions.

Area-wide and mobile sources – Long Term impacts:

In Impact 3.4-3, the RPU DEIS lumps together air quality emissions from mobile sources and other 'areawide sources' in what is supposed to be an examination of "Long-Term Operational Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}." As noted above, mobile sources are likely underestimated for each alternative. We also note the absence of any evaluation of stationary source emissions, wildfire emissions, prescribed burns, and other emission sources (not captured in the simplistic, California-based CalEEMod estimates discussed later in our comments) in the Impact Analysis.

CO and Ozone precursors (ROG and NO_x):

The non-mobile sources of CO and ozone are not given much attention in this chapter. Rather, we see the values represented in the Tables for each alternative, but not the

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existing emissions, nor the comparison of alternatives 2-5 to existing conditions.¹⁰² However, it appears that the claimed reductions in mobile source emissions will overwhelm any increases in these pollutants from other sources, thus in 2035 at least, emissions should be much lower. (What happens in the meantime apparently does not matter – see our comments on inadequate timeline for threshold attainment). But, the mobile emission estimates are flawed, as noted elsewhere, and the area-wide emissions are based on scant information,¹⁰³ thus there really is not sufficient ‘analysis’ of future emissions of CO, ROG, and NOx.

PM10 and PM2.5:

Instead, the RPU DEIS relies on the *implied*¹⁰⁴ positive trends in the 2011 Threshold Report for PM emissions (which we note are not the same as ambient PM concentrations, which the standards are based on), which appears to represent the DEIS evaluation of long-term impacts on federal and state standards for PM2.5 and PM10; TRPA, state, and federal Visibility Standards; and TRPA standards for wood heater emissions and suspended sediment concentrations (even though the analysis focuses solely on PM2.5 and PM10, as TRPA has twisted the indicator categories in the 2011 Threshold Evaluation to diminish the other individual standards).

The excerpts below show the continued misrepresentation of the supposed “trend of decreasing PM emissions” as what appears to be a way to discount the increased PM emissions associated with the alternatives:

Alternative 2: p. 3.4-32:

Emissions of PM10 and PM2.5 would increase by a nominal amount (approximately 1 TPY or 6 lb/day and 0.3 TPY or 1.5 lb/day, respectively) by 2035. However, Alternative 2 would ensure that only wood stoves that meet EPA emissions standards would be installed and would allow air quality mitigation fees to be used for regional projects, which could include incentives to remove non-conforming stoves. Alternative 2 would also require all new projects, programs, and policies to demonstrate a decrease in air pollutants that are out of attainment of thresholds standards. These proposed changes would be expected to continue the trend of decreasing PM emissions in the Region over the planning period.

Alternative 3: p. 3.4-33:

Emissions of PM10 and PM2.5 would increase slightly by 2035 (approximately 4 TPY or 21 lb/day and 3 TPY or 14 lb/day, respectively). However, Alternative 3 would require that only wood stoves that meet EPA emissions standards would be installed and would allow air quality mitigation fees to be used for regional projects,

¹⁰² Rather, we are presented with “net change” for each alternative and a comparison of Alternatives 2-5 to Alternative 1, which does not provide for equal comparison among the alternatives.

¹⁰³ See comments on CalEEMod, including inappropriate inputs for air emission modeling.

¹⁰⁴ As our comments on the Threshold Report note, an evaluation of the direct facts indicates that PM has been increasing in the Basin since 2005, however this ‘changed trend’ is inappropriate discounted because it is different than the years before.

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which could include incentives to remove non-conforming stoves. These proposed changes would be expected to continue the trend of decreasing PM emissions in the Region over the planning period.

Alternative 4: p. 3.4-34:

Emissions of PM₁₀ and PM_{2.5} would increase slightly by 2035 (approximately 7 TPY or 39 lb/day and 5 TPY or 28 lb/day, respectively). However, Alternative 4 would require that only wood stoves that meet EPA emissions standards would be installed and would allow air quality mitigation fees to be used for regional projects, which could include incentives to remove non-conforming stoves. These proposed changes would be expected to continue the trend of decreasing PM emissions in the Region over the planning period.

Alternative 5: p. 3.4-36:

Emissions of PM₁₀ and PM_{2.5} would increase slightly by 2035 (approximately 8.5 TPY or 46.5 lb/day and 6 TPY or 32 lb/day, respectively). However, TRPA's existing wood stove retrofit program, applicable county and state regulations, and other programs to improve air quality have resulted in a positive trend toward attainment of PM and visibility threshold indicators and AAQS (TRPA 2012a). Since no changes are proposed to these existing programs and regulations, it is reasonable to expect that these existing program and regulations would continue to promote the existing decreasing trend in PM emissions in the Region over the planning period.

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Rather, the facts are:

- PM₁₀ is not being attained on the California side of the Basin (where it has consistently been measured by CARB) and the concentrations have actually been *increasing* since 2006; and
- Sub-regional visibility has not been measured in South Lake Tahoe since 2004, so it is impossible to know the 'trend' in sub-regional visibility; and
- Regional visibility (as measured at Bliss S. P. by EPA) has slightly decreased as well (meaning the extinction values have increased¹⁰⁵).

Further, the alternatives are noted to result in increased PM associated with the RPU Alternatives. But what are the anticipated increases in PM from the expected increase in wildfire occurrences in future years/decades? These alone will likely result in negative impacts to the health-based PM standards, the visibility standards, and clarity standards. TRPA can not simply avoid them because they are caused by external factors. Rather, in order to protect the Basin's environment, TRPA must account for these emissions in the

¹⁰⁵ TRPA has discounted this, noting a DRI review which found most higher 'episodes' were due to wildfires in the area in 2008 and 2009 (although there were other episodes not caused by wildfires). Although this may be the cause of the overall change in trend for this category, it does not change the fact that regional visibility has not been on a positive trend in recent years; if wildfire emissions are causing more particulates, than TRPA should examine how it can reduce other particulates to attain the standards.

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future estimates. How can TRPA propose to increase PM from more development activities when PM10 is not in attainment and the trend has been negative for years? What happens when wildfires add to this?

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Our comments also discuss why the reliance on the California models is inappropriate, a point made by peer reviewers of the 2011 Threshold Report as well.

Detailed Comments for Air Quality Standards:

The following comments address the RPU DEIS' analysis of the individual Air Quality thresholds (short-term construction emissions are separated out and discussed later in the document).

Carbon Monoxide:

CO concentrations: First, the 2011 TER excludes the 2011 and 2012 (through April) measurements available through the NDEP. These measurements show that exceedances may have occurred in February of 2012.¹⁰⁶ They also show that concentrations do not show "rapid improvement" for the more recent years, as the TER report states. The conclusion should be: we can't assume CO will continue to improve if we do nothing.

CO Emissions: Second, the RPU DEIS has assumed that CO concentrations are most affected by on-road mobile sources, although no recent analysis of Tahoe-specific factors have been performed to support this. However, based on this assumption, TRPA concludes that because models show CO emissions from on-road mobile sources meet the federal conformity requirements for CO emission 'budgets' in El Dorado and Placer County and the 'Build/No-Build' requirements for Washoe County, that merely tracking on-road vehicle emission exhaust and ignoring all other factors which affect ambient CO concentrations (e.g. inversions, other sources, etc.), is a sufficient substitute for an environmental analysis. As stated in detail in other sections of these comments, a full analysis is needed to assess Tahoe Basin conditions, sources, and impacts.

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CO Emissions: Construction-related (Short-term):

The RPU DEIS fails to examine CO emissions from construction, which although classified as 'short-term,' can have substantial long term effects (e.g. the Homewood Mountain Resort Project has estimated at least nine years of construction). How many projects could be under construction in the same area at any one time? Will TRPA consider this and instead stagger construction to prevent the build-up of CO hot spots?

CO Emissions: Operational (Long-term):

¹⁰⁶ In 2012, CO concentrations at the Stateline, NV site¹⁰⁶ have already exceeded the 1-hour and 8-hour concentrations considered healthy by both states (29.11 and 7.07 ppm, resp.).

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In addition to the failure to examine the most recent CO data, as well as the complete the appropriate Basin-specific air quality planning, the RPU DEIS Chapter has inappropriately relied on tools and conclusions made by out-of-Basin entities. The chapter first assumes that so long as intersections operate at ‘acceptable levels of LOS’ (p. 3.4-37), this will prevent CO “hot spots.” However, this assertion is not supported by any evidence.

- Has TRPA monitored the LOS and continuous CO concentrations for multiple intersections throughout the Lake Tahoe Basin, accounting for the impacts of the inversions common most days in the Basin, and other local parameters that may affect CO levels?
- Has TRPA compared the emissions from motorized watercraft, aircraft, and off-road motor vehicles (e.g. snowmobiles) to measured CO levels (individually and in combination with other sources, including on-road motor vehicles), to assess if emissions from these other sources may create CO “hot spots?” (In fact, our analysis, based on TRPA VMT and TRPA Boat surveys, would suggest that in 2010, CO emissions from watercraft, aircraft, and off-road motor vehicles accounted for far more CO in the Basin than vehicles).

The RPU DEIS’ CO ‘analysis’ continues, stating that “...*For this reason [a reference to the LOS noted above], and based on the fact that CO emission factors would be reduced substantially over the planning period, as described above under Impact 3.4-1, long-term operational (local) mobile-source CO emissions under Alternative 1 would not violate an air quality standard (i.e., 1-hour CAAQS of 20 ppm, 8-hour CAAQS and newly proposed TRPA standard of 6 ppm), contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. As a result, this impact would be less than significant.*”

First, the CO emission factors that are expected to be ‘reduced substantially’ appear to only be related to on-road motor vehicles registered in California, since the only CO modeling TRPA has performed is with regards to *on-road motor vehicles registered in California* (therefore subject to CA regulations). Of course, this is also based on the use of a CA model, which accounts for CA state requirements that are and will be more stringent than federal standards. As a result, at best, the RPU DEIS may be able to conclude that “CO emissions from on-road motor vehicles registered in CA are expected to be reduced over the planning period,” since this is the only information supported by the facts.

We also question the significance criteria selected for the transportation analysis, which appear to allow the LOS on roadway segments and moreso, at intersections, to worsen, which would likely increase tailpipe emissions from idle or slow-moving vehicles (RPU/RTP Transportation Chapter 3.3):

SIGNIFICANCE CRITERIA

Significance criteria were developed using the various policies described in Section 3.3.1. Implementation of a given RTP/SCS alternative would result in a significant adverse effect on the environment if it would:

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Cause a study roadway within a rural to area to worsen from LOS D or better to LOS E or worse.

Increase the volume-to-capacity (v/c) ratio by 0.05 or more on a study roadway within a rural area that is currently operating at LOS E or F.

Cause a study roadway within an urban area to degrade as follows:ψ

worsen from LOS E or better to LOS F;/

worsen from LOS D or better to LOS E for five hours or more;/

worsen from LOS E (for four hours per day or less) to LOS E for five hours or more;

or/

Cause a study intersection to worsen from LOS D or better to LOSψ F.

Cause a study intersection to worsen from LOS D or better to LOS E for five or more hours.ψ

increase VMT per capita, which would interfere with achieving California GHG reduction goals.ψ

result in inadequate transit to meet demand.ψ

create conflicts between bicycles, pedestrians, and vehicles.ψ

Second, “long-term operational (local) mobile-source CO emissions” must include all mobile-source emissions – including motorized watercraft, aircraft,¹⁰⁷ off-road mobile sources such as snowmobiles, and so on. Therefore, until these other sources are adequately analyzed and accounted for in existing and future emissions (based on the use of Tahoe-specific factors), the claim that these emissions will not violate air quality standards is not supported by evidence.

Third, in the discussion under Alt. 4 (p. 3.4-38), the document brushes over the guidelines provided in the SMAQMD CEQA Guide to Air Quality Assessment that the RPU DEIS has inappropriately relied on to examine emission impacts in the LTAB. One of the statements in the SMAQMD document notes the following with regards to fleet mix: “The mix of vehicle types at the intersection is not anticipated to be substantially different from the County average (as identified by the EMFAC or URBEMIS models).” TRPA’s ‘summary’ of this in the RPU DEIS includes: “...the vehicle fleet would not differ substantially from the local average.” We note that the fleet mixes identified in statewide and federal models are typically based on vehicle registration in each county. As TRPA staff discovered when collecting information for the 2004 Conformity Analysis, the fleet mix in the Tahoe Basin varied notably from the default fleet mix in the EMFAC model at that time, which was based on county DMV records. Staff proved their hypothesis – that the fleet mix in the Basin, including residential and visitor vehicles, was comprised of a higher

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¹⁰⁷ See comments regarding aircraft emissions.

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percentage of the more-emitting SUVs and light and medium duty motor vehicles when compared to the county-wide data for El Dorado and Placer Counties.¹⁰⁸

“Vehicle Population/Fleet Mix. Because the VMT estimates were left at default values, no adjustment to the number of vehicles in the basin was necessary. However, the region’s unique location and status as a destination for winter sports and resort activities result in significant numbers of visitors from both in and out of California to the Lake Tahoe area. Since these winter visitors often drive vehicles heavier than the average vehicle fleet, TRPA staff undertook a video survey data collection effort to quantify the fleet mix in the basin during the winter months. The resulting data were used to adjust the percentages of each vehicle class making up the total vehicle population. Note that these adjustments did not change the total number of vehicles, but did alter the relative weights of each vehicle class in the fleet.”

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The RPU DEIS also relies on the SMAQMD document again, stating that because SMAQMD used EMFAC emission estimates for its analysis, this was appropriate for the LTAB because TRPA/TMPO have also used EMFAC emission factors. However, we note our comments regarding the problems with simply relying on the CA models, the differences in fleet mix, and the failure to account for non-CA vehicles. It also remains unclear how visitor vehicles and their emissions are accounted for.

Ozone:

Ozone concentrations:

As noted in our comments on the 2011 Threshold Report, the current status of ambient ozone in the Basin remains unknown. Although TRPA installed a site on its building in the fall of 2011 to monitor several constituents, it has not captured a full ozone season, nor been compared to the historical and recent concentrations throughout the rest of the Lake Tahoe Air Basin. Based on knowledge of the location, the site is likely to be downwind of the urban areas of South Lake Tahoe, affected by different weather patterns than other areas in the Basin (it is common knowledge that TRPA’s office is in one of the areas receiving the least amount of precipitation in the Basin – often referred to as the “banana belt” by locals), and is at times above the thermal inversion layer that traps pollutants at the surface. In conclusion, although we are encouraged to see a new monitoring site, there still remains a gap in ozone monitoring throughout the entire Basin, and evidence would not support the new TRPA site, or any one site, as ‘representative’ of ozone throughout the LTAB.

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As a result, there is an inadequate level of ozone monitoring in the Basin to assess existing conditions, as well as evaluate the impacts of future development.

¹⁰⁸ June 29, 2004, Request #465: EMFAC2002 On-Road Winter Season Carbon Monoxide Inventories and Vehicle Activity Estimates for CO Maintenance Areas.
http://www.arb.ca.gov/planning/sip/co/inventory_documentation.pdf

However, the RPU DEIS introduces the ozone discussion with a short summary in which its last sentence appears to suggest that ozone concentrations are affected primarily by on-road motor vehicle emissions (we again note emissions are not the same as ambient concentrations and many things happen to emissions which affect the eventual ambient air quality levels). However, whether this is true or not for the Lake Tahoe Air Basin, TRPA does not have the evidence to support the assumed linear relationship between ambient ozone and vehicle emissions of its precursors.

“Ozone is a photochemical oxidant (a substance whose oxygen combines chemically with another substance in the presence of sunlight) and the primary component of smog. Ozone is not directly emitted into the air but is formed through complex chemical reactions between precursor emissions of ROG and NOX in the presence of sunlight. ROG are volatile organic compounds that are photochemically reactive. ROG emissions result primarily from incomplete combustion and the evaporation of chemical solvents and fuels. NOX are a group of gaseous compounds of nitrogen and oxygen that result from the combustion of fuels. Emissions of the ozone precursors ROG and NOX have decreased over the past several years because of more stringent motor vehicle standards and cleaner burning fuels (ARB 2009).” (RPU DEIS, p. 3.4-16)

Next, the RPU DEIS presents a table showing the last two years of data available from the SLT Airport site (see comments regarding the inappropriate use of this site for the entire “Study Area”), which reflects exceedances of both the 1-hour and 8-hour standards, however this is not discussed in the chapter text.

Instead, the reader is presented with a brief summary of the assumed sources of ozone precursors, although the document fails to inform the reader that the inventory is based on CA only and does not account for Tahoe Basin specific sources, NV-side and visitor impacts, and variations associated with local meteorology and topography.

“Exhibit 3.4-1 summarizes emissions of criteria air pollutants and precursors within the for various source categories. According to the LTAB emissions inventory, mobile sources are the largest contributor to the estimated annual average for air pollutant levels of ROG and NOX accounting for approximately 37 percent and 88 percent respectively, of the total emissions. ... (ARB 2008).” (RPU DEIS, page 3.4-18).

The chapter later ‘evaluates’ the impacts to ozone precursors from the proposed alternatives through references to the following:

Baseline (Existing Conditions):

> On-road motor vehicles:

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Baseline estimated on-road motor vehicle¹⁰⁹ emissions: CARB EMFAC 2011 Model¹¹⁰

Emissions from vehicles not registered in CA: NO ANALYSIS

> All other sources (off-road motor vehicles, boats, aircraft, wood heaters, appliances, etc.):

Baseline estimated source emissions: CARB 2008 EI

Emissions from NV-side sources: NO ANALYSIS

Impacts of Alternatives (Future Long-term “Operational” Conditions¹¹¹):

> On-road motor vehicles:

Future on-road motor vehicle emissions by Alternative: CARB EMFAC 2011 Model

Emissions from vehicles not registered in CA: NO ANALYSIS

> All other sources (off-road motor vehicles, boats, aircraft, wood heaters, appliances, etc.):

Off-road motor vehicles (CA and NV): NO ANALYSIS

Motorized Watercraft (CA and NV): NO ANALYSIS

Waterborne Transit (Alts. 1, 3, 4, and 5) Limited: CA Harborcraft

Estimate

Aircraft (increases proposed: Alternatives 1, 3, 4, and 5): NO ANALYSIS

Wood Heaters:^{112,113} CalEEMod

Appliances (e.g. natural gas heaters): CalEEMod

Energy Use: CalEEMod

Emissions from NV-side sources:¹¹⁴ UNCERTAIN/NO ANALYSIS

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¹⁰⁹ See discussion in comments regarding TRPA’s VMT estimates, which appear to discount visitor impacts. Further, we note the discussion in the CO comments regarding the use of an inappropriate fleet mix for estimating on-road mobile source emissions specific to the Lake Tahoe Air Basin.

¹¹⁰ RPU DEIS, p. 3.4-21.

¹¹¹ “The operational emissions (i.e., regional area- and mobile-source emissions of ROG, NOX, PM10, and PM2.5) of build-out of each of the Regional Plan Update alternatives were estimated using ARB’s Mobile-Source Emission Factor Model (EMFAC) 2011 (ARB 2011a), based on inputs from the transportation analysis.” (p. 3.4-21) and “Area-source emissions (e.g., natural gas consumption for space and water heating, wood stoves and fireplaces, landscaping and snow removal equipment) were calculated using Basin-specific inputs and default model assumptions in CalEEMod.” (p. 3.4-29).

¹¹² See comments regarding concerns with the use of a small portion of Washoe County – Incline Village survey data to represent Basin-wide parameters.

¹¹³ The assumptions used for emissions from wood heater, appliances, energy use and other ‘areawide’ sources estimated with CalEEMod have not been evaluated with respect to existing conditions, relative source contributions, or Tahoe Basin ambient air quality data. See further comments below.

¹¹⁴ It appears the CalEEMod inputs for future units associated with each alternative were not divided by location in each state for modeling purposes, therefore some modeled units may be assumed on the NV side. However, TRPA has failed to address differences in regulations between the CA and NV side, which may affect the emissions assumed in the CA model. See comments on modeling, including California’s warning that CalEEMod and EMFAC models should not be used for non-CA sources.

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An analysis of recent information available regarding Tahoe-specific emissions and data reveals the flaws with the baseline assumptions, which are only exacerbated by the inadequate analyses done for future estimates.

We compared the CARB Emission Inventory data for 2008¹¹⁵ to emission inventories from the Desert Research Institute's 2008 Tahoe Basin Emissions Inventory (Gertler et al. 2008).¹¹⁶ Gertler et al. used information from CARB but also made adjustments to evaluate contributions for the Nevada side of the Basin:

"An initial inventory for the basin was developed using the California Air Resource Board's (CARB, 2006) emission inventory for the California portion of the basin and scaling this up to include the Nevada side. The scaling factor for the Nevada portion of the basin was estimated from the ratio between the population on the two sides of the air basin (Kuhns et al., 2004) and the land area ratio between the two sides. The rationale for this assumption is population ratios and area ratios are correlated with land use and anthropogenic activities. The population factor (PF) used in this study was 1.32, and the area factor (AF) was (1.37), based on the US national 2000 census (US Census Bureau, 2000) and USGS (2000) data, respectively."

According to TRPA's population information, the 2010 residential populations are Basinwide: 54,473, of which 75.9 percent reside in California (41,345), and 24.1 percent in Nevada (13,128).¹¹⁷ This proportion results in the same population ratio used by DRI, therefore the 1.32 'scaling factor' applied in the 2008 DRI Report remains appropriate for 2010.

Much like TRPA staff found when comparing the local fleet mix data in 2004 (noted previously) to the county-wide default estimates used in CA's EMFAC model, there are notable differences in other sources as well when Tahoe-specific data are examined.¹¹⁸ Therefore, the 2008 DRI Tahoe Basin emissions inventory is expected to better reflect Basin conditions due to the use of more local, individualized data. As the report explains, a comprehensive emissions inventory specific to the Lake Tahoe Basin is still needed in order for the agencies to develop effective and efficient strategies to reduce pollution.

"A comprehensive emissions inventory for the Lake Tahoe Basin is critical if agencies are to develop effective and efficient strategies to reduce the deposition of

¹¹⁵ TRPA has relied on the CARB emissions inventories for all analyses, which only account for the CA side.

¹¹⁶ Gertler, A.W., E. Weinroth, M. Luria, and J. Koračin, 2008: Development of an Air Pollutant Emissions Inventory for the Lake Tahoe Basin that Incorporates Current and Future Land Use Scenarios, final report prepared for USEPA Region 9, San Francisco, CA, July 31, 2008.

¹¹⁷ We could not locate a table in the RPU DEIS stating the 2010 populations by state, however page 3.8-28 in Chapter 3.8, Transportation, states: "This is similar to the 2010 population breakdown, in which 75.9 percent of residents live on the California side." Therefore, this percent was applied to the Basin-wide population to determine California and Nevada populations.

¹¹⁸ See "2010 Baseline AQ with Adjustments" in Attachments.

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atmospheric nitrogen (N), phosphorous (P), and sediment to the lake. In spite of its critical importance, little work has been performed to-date on developing emissions estimates for the basin. Kuhns et al. (2004) provided a rough estimate of the mobile source contribution to a limited suite of atmospheric pollutants based on fuel sales data but emissions from other source categories have not been quantified. For example, how much does wood burning contribute to ambient P? What fraction of the NO_x budget is due to winter heating? What is the contribution of construction to soil resuspension and subsequent sediment deposition? Marine sources (e.g., powered boats) are significant NO_x and PM emitters. Are they a source that will need additional controls?

In order to address these and other questions, as part of this study we prepared a baseline emissions inventory that can be used by regulators to evaluate the contribution of various sources to ambient pollutants in the basin and implement programs to reduce the impact of these pollutants. In addition, the baseline inventory was coupled with land use and infrastructure data within a GIS framework to enable regulators to evaluate the influence of future development and changes in infrastructure on pollutant emissions.”

The results of this comparison are attached (EI Comparison: DRI vs CARB 08). DRI's recommendations in the report include:

“As stated in Section 2 of this report, we employed a number of assumptions in developing the inventory estimates. To further improve this baseline inventory, we would recommend the following:

- Annual VMT measurements to assess variability in mobile source activity.
- Tahoe-specific vehicle model year data for use in developing EMFAC and/or MOBILE mobile source emissions estimates.
- Annual silt loading estimates (i.e., TRAKKER data, Kuhns et al., 2007) to confirm the resuspended road dust contributions to PM₁₀, PM_{2.5}, P, and PO₄.
- Additional measurements of the P content, chemical form, and fraction of aerosols generated by controlled burns, fires, and other activities.
- Improved estimates on the number and activity of off road vehicles.
- Assessment of the annual variability in the PM_{2.5}/PM₁₀ ratios used to prepare the PM_{2.5} estimates.
- Development of area wide and stationary source activity data for the Nevada side of the basin to reduce uncertainty due to scaling the California estimates to account for emissions from this location.

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- Additional measurements of CO, VOCs, and NO_x for use in validating the inventory and quantifying the contribution of sources outside the Tahoe basin to observed pollutant concentrations.”

As far as we can find, the only recommendation that has been acted upon in any way relates to the estimates on the number and activity of off road vehicles (although this was only gathered for motorized boats, which are not included in the RPU DEIS). We located this information in for 2009 and 2010 in TRPA’s May 2011 Governing Board packet and made adjustments to DRI’s estimates in the attached “2010 Baseline AQ with Adjustments.”. Although the adjustments are very rough and several assumptions were made, one clear result is that the existing CARB EI (and DRI EI) underestimate emissions from watercraft, likely because CARB’s method does not consider the Basin’s tourist environment, or the entire NV side. Further, in examining the relative contributions from all sources, it would appear that either mobile source impacts from on-road vehicles have been underestimated (our comparison used the RPU DEIS VMT and emissions for Basin-wide conditions), and/or impacts from other sources, including off-road motor vehicles (which includes motorized watercraft, OHVs, snowmobiles, etc.), aircraft, stationary sources, wildfire/biogenic sources, have been overestimated. Either way, if air quality standards are to be achieved and maintained, clearly an evaluation of the most important sources is necessary.

Ozone- Current Status:

At the South Lake Tahoe Airport site, ozone exceeded the levels considered healthy by California at least 12 times between 2006 and 2009.

Although the Echo Summit site was determined not to be in the Lake Tahoe Air Basin by CARB in 2006¹¹⁹ due to improved GPS information, the site was historically included in TRPA’s threshold evaluations, and between 1999 – 2006, was noted by CARB to represent the Lake Tahoe Air Basin. A quick comparison of the top four measurements during the years measurements were collected at both Echo Summit and in South Lake Tahoe (1999 – 2009) indicates the peak readings between the two sites are fairly similar. Therefore, although not legally within the boundaries of the LTAB, consideration of the Echo Summit data from 2010 through the present remains a valuable indicator of air quality trends in the southern end of the Basin. A review of data from 2010 through May 31, 2012, reveals at least six exceedances of the 8-hour standard considered healthy by California – one of which just occurred in May 2012.

Finally, a review of measurements from the Incline Village, NV site indicate that although no peak measurements exceeded 0.07 ppm, a historical review shows peak readings have fluctuated throughout the period measurements were taken (1996-2005 and 2008-2010). In fact, peak readings in 2009 and 2010 are very similar to the peak readings in 2004 and 2005, which were followed by violations in 2008 when monitoring

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¹¹⁹ Pers. Comm. Patrick Rainey, CARB. 5/10/2012.

was re-initiated. Therefore, one can not simply assume ozone is improving because one or two years show no violations.

Although TRPA has established ozone monitoring at its building, there has been no concurrent monitoring with any other historical locations in the Basin, therefore it is not possible to compare the peak readings at the new site to historical trends. However, of note is the location of TRPA's building is well north of where most of the South Lake population exists, therefore the monitor can not adequately represent what someone at the South Tahoe "Y" or Ski Run is breathing. Air masses move and within them, chemical reactions may change concentrations. Temperatures, wind patterns, precipitation, and other very localized factors can affect the extent of ozone formation, the level of dilution, etc. As noted above, the Stateline, NV and Glenbrook, NV weather stations (the closest WRCC weather stations in the vicinity of the TRPA building) from the WRCC report much less precipitation in these areas than other locations like South Lake Tahoe, Meyers, and Tahoe City. Although establishing the monitoring station is one step in the right direction, it is imperative that TRPA ensures basin-wide air quality monitoring is established and operated continuously. This is the only way TRPA can make sure air quality thresholds are attained and maintained, and that the Basin's populations are protected from unhealthy air.

Further, the RPU DEIS 'skips' the most recent ozone information by referring to the 2011 threshold report, which only includes ozone data through 2009, as the 'baseline' when the RPU DEIS should be examining true baseline conditions separate from the threshold report. Thus, data available for 2011 (or, the disclosure that no one was collecting any), and the examination of nearby ozone data for trend purposes (e.g. Echo Summit site), should be evaluated in the DEIS. Additionally, the historical record throughout the Basin, from all available sites, must be assessed in order to examine trends, expectations, relationships, practices that may have worked or been ineffective, etc.

For example, if one examines the peak ozone concentrations between the different areas of the Basin, the variations in concentrations are clear (ozone monitoring began in South Lake Tahoe in the early 80's, but beginning in 1993 with the installation of ozone monitoring in Incline Village, there have been years where ozone was monitored in difference locations at the same time; see AQ Tahoe Basin Data Summary (attached). Further, several studies, including those referenced in the RPU DEIS Chapter, reveal the differences in ozone concentrations between different areas in the Basin. Some studies also suggest that emissions in South Lake Tahoe may have a greater impact on communities 'downwind' (e.g. east shore). For example:

Zielinska et al. (2003)¹²⁰ evaluated ozone concentrations throughout the Basin and found notable differences in sub-areas of the Basin:

¹²⁰ DISTRIBUTION OF OZONE AND OZONE PRECURSORS IN THE LAKE TAHOE BASIN, USA. 2003. Barbara Zielinska (1), Andrzej Bytnerowicz (2), Alan Gertler (1), Mark McDaniel (1), Suraj Ahuja (3),

“High concentrations of O₃ were found on the western slope of the Sierra Nevada mountain range affected by emissions from the California Central Valley and on the eastern side of the Basin at the high elevation sites, which may indicate the influence of local emission sources. High O₃ concentrations were also found in the middle of Lake Tahoe. These results help to develop management strategies aimed at improving air quality of the Lake Tahoe Basin.”

Gertler et al. (2006)¹²¹ notes similar results. This information suggests that emissions in the South Lake Tahoe/South Stateline Area may result in increased ozone formation along the east and north east shores of the Basin, exposing residents and the forests to harmful levels of ozone. However, the same pollution-generating activities (driving, construction, stationary sources, etc.) occurring in Kings Beach or Incline Village may have less impact on ozone concentrations due to air flow patterns and weather differences.

Overall, a glimpse of the peak readings from all sites in the Basin since ozone monitoring began (in 1983) reveals very little change in the long term peak measurements. Instead, there are notable periods of lower or higher peak readings for a year or two, then a change. Yet, considering during the same period, vehicle emissions have become increasingly cleaner, and in the most recent years, VMT has dropped, one can clearly not conclude that cleaner emission requirements for on-road motor vehicles alone will lead to significant improvements in ozone concentrations in the LTAB (as apparently concluded in the RPU EIS¹²²). Also, of note is that the EIS refers to the emissions of ROG and NO_x – ozone precursors – specifically from on-road motor vehicles. First, a reduction in emissions of one or both of these pollutants does not result in a linear reduction in ozone levels¹²³. Second, on-road motor vehicles are represented as the primary source of NO_x emissions¹²⁴, however this is based on CARB’s Emission Inventory, which as noted later in these comments, underestimates other sources that are unique to the Tahoe Basin (e.g. emissions from watercraft brought in by non-locals, aircraft from the SLT Airport, etc.). When these other

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and Joel Burley (4). (1) Desert Research Institute, Reno, NV 89512, USA. (2) US Forest Service, Pacific Southwest Research Station, Riverside, CA 92507, USA. (3) USDA Forest Service, Region 5, Sacramento, CA, USA (4) St. Mary’s College, Moraga, CA, USA

¹²¹ Gertler, A.W., A. Bytnerowicz, T.A. Cahill, M. Arbaugh, S. Cliff, J.K. Koraćin, L. Tarnay, R. Alonso, and W. Frączek. 2006. Local Pollutants Threaten Lake Tahoe’s Clarity, California Agriculture, 60, 53-58.

¹²² RPU Chapter 3.4, p. 3.4-16 states: “Emissions of the ozone precursors ROG and NO_x have decreased over the past several years because of more stringent motor vehicle standards and cleaner burning fuels (ARB 2009).”

¹²³ “The formation of ozone in the troposphere is complex because, in various chemical states, NO_x can either reduce or increase ozone concentrations. The formation of ozone is a non-linear function of its precursors which vary spatially and temporally (Finlayson-Pitts and Pitts, 2000).”

[http://www.arb.ca.gov/research/weekendeffect/Ch1_Intro.PDF]

¹²⁴ The RPU EIS states: “According to the [CARB] LTAB emissions inventory, mobile sources are the largest contributor to the estimated annual average for air pollutant levels of ROG and NO_x accounting for approximately 37 percent and 88 percent respectively, of the total emissions.” (p. 3.4-18).

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sources are considered¹²⁵, the emissions from on-road motor vehicles (estimated using TRPA's pre-RTAC VMT number) may only represent 12-32% of the ROG and NOx emissions (resp.), therefore any reductions from motor vehicle emissions due to technological improvements will certainly have a far less noticeable effect on ozone levels.

Ozone and our Forests:

The damage to pine trees associated with exposure to ozone has been well-documented¹²⁶. Instead of absorbing carbon dioxide, pines soak up ozone through the stoma in their needles, inhibiting photosynthesis. Ozone concentrations below the levels considered healthy for humans (e.g. 0.07 ppm or 70 ppb) cause damage to trees¹²⁷.

Yet there is no evaluation of the impacts of ozone to the Basin's forests and how the impacts of the increased emissions associated with each alternative (including increased NOx and ROG emissions from increased VMT¹²⁸, waterborne transit, increased motorized watercraft, proposed increase in aircraft using the SLT Airport, etc.) will affect ozone levels with regards to their impacts on pine trees.

The TRPA thresholds include protection for the Basin's forests. Chapter 3.10 of the RPU DEIS, Biological Resources, states:

- “Chapter IV of the Goals and Policies identifies the following five goals for vegetation:
- y provide for a wide mix and increased diversity of plant communities;
 - y provide for maintenance and restoration of such unique ecosystems as wetlands, meadows, and other riparian vegetation;
 - y conserve threatened, endangered, and sensitive plant species and uncommon plant communities;
 - y provide for and increase the amount of late seral/old-growth stands; and
 - y retain appropriate stocking level and distribution of snags and coarse woody debris in the region's forests to provide habitat for organisms that depend on such features and to perpetuate natural ecological processes.” (p. 3.10-4).

In order to evaluate the environmental impacts of the Regional Plan Alternatives on the Vegetation thresholds, TRPA must analyze the potential damage from exposure to

¹²⁵ See estimate of Tahoe-specific sources and relative contributions in attached: Baseline AQ with Adjustments.

¹²⁶ Bytnerowicz, A., Arbaugh, M., and Padgett, P. 2004. Evaluation of ozone and HNO₃ vapor distribution and ozone effects on conifer forests in the Lake Tahoe Basin and eastern Sierra Nevada. Final Report to California Air Resources Board, Contract No. 01-334, USDA Forest Service, Pacific Southwest Research Station; <http://tahoescience.org/wp-content/uploads/2011/12/Air-Quality-Fact-Sheet.pdf>; <http://news.yahoo.com/sequoia-smog-damaging-pines-redwood-seedlings-153156239.html>;

¹²⁷ Bytnerowicz, et al. 2004. “Ambient O₃ levels at the sites were largely similar, with seasonal kriged averages generally between 40 and 50 ppb...”

¹²⁸ See comments regarding VMT and failure to adequately assess potential VMT and emissions, including those not registered in California and therefore not subject to the cleaner technology requirements of California.

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increasing levels of ozone. Of note is that ozone exposure needs to be assessed in combination with other factors which together, decrease the health of trees and the forest and make them more susceptible to negative impacts from anthropogenic or natural events. Examples include increased occurrence of bark beetles (with milder winters, bark beetle populations could explode in the Basin, much like the devastation to forests in Colorado), drought conditions, increased use by humans, and other pressures.

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Particulate Matter (PM10 and PM2.5):

Particulate Matter – PM10:

The LTAB is currently designated as non-attainment for the California PM10 standard. CARB continues to monitor at the Sandy Way, South Lake Tahoe air quality station. Although the 2011 TER discounts the increased trend in 24-hour PM10 exceedances through the use of inappropriate trend lines and unsupported discounting of data since 2005 (see comments on Threshold Evaluation for more details), the fact remains that peak 24-hour PM10 exceedances have been increasing (as measured by CARB in South Lake Tahoe). A review of CARB's data online reveals the following number of measured PM10 exceedances in just the past 10 years:

2011	3
2010	2
2009	1
2008	10
2007	2
2006	3
2005	0
2004	2
2003	3
2002	0

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Yet the DEIS fails to analyze the existing PM10 emissions for the Lake Tahoe Air Basin, instead relying first on the skewed statistics in the 2011 Threshold Evaluation Report to claim PM levels are improving:

“TRPA’s existing wood stove retrofit program, applicable county and state regulations, and other programs to improve air quality have resulted in a baseline condition with a positive trend toward attainment of PM and visibility threshold indicators and AAQS (TRPA 2012a). The net increase in emissions associated with operation of each alternative was estimated for build-out (2035) and compared with existing conditions (2010), and significance conclusions are based on this data.” (p. 3.4-30)

Second, the RPU DEIS uses various iterations of CA models that do not account for Tahoe-specific parameters. The DEIS also fails to analyze the potential impacts from each

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alternatives from all sources,¹²⁹ including short-term construction emissions and long-term operational emissions.

Particulate Matter – PM2.5:

The status pertaining to the PM2.5 federal and state standards is unknown, since no PM2.5 monitoring using the methods approved for monitoring of human-health standards has occurred since 2004. However, in the past, TRPA has referred to the visibility monitoring data from the Basin's IMPROVE monitors¹³⁰, which include PM2.5 mass, to get a general idea of PM2.5 mass concentrations. Although IMPROVE measurements are referenced in the draft 2011 Threshold Evaluation Report, they are not incorporated into the DEIS. Additionally, TRPA removed the sub-regional IMPROVE monitoring site from South Lake Tahoe in 2004 (see visibility comments), leaving just the Bliss S.P. site (funded by EPA). However, the Bliss site does not represent conditions in the urbanized areas of the Basin, as noted by historical differences in the SLT and Bliss site data.

Therefore, there is currently a lack of any monitoring of PM2.5 concentrations in the more developed sub-regions of the Basin (e.g. South Lake Tahoe). Further, as with PM10, the DEIS makes no attempt to analyze existing PM2.5 emissions (specific to Tahoe Basin sources), nor are any estimates of construction-related PM2.5 emissions included.

Construction Emissions: PM10 and PM2.5 per day limits:

The RPU DEIS has inappropriately deferred to Placer-County mass-based limits to supposedly 'prevent' or mitigate PM emissions from construction:

"TRPA's significance criteria for ozone and PM are based on achieving concentration-based standards for these pollutants. In order to evaluate how a project or plan would affect regional attainment of concentration-based ambient air quality standards, local air pollution control districts and air quality management districts frequently rely on mass-emission-based significance criteria. TRPA, however, does not have mass-emission-based standards for projects or plans. For example, PCAPCD considers a project that would result in less than 82 pounds per day (lb/day) of ROG, NOX, or PM to have a less-than-significant contribution to a violation of an ambient air quality standard for ozone and PM. EDCAQMD also considers a project that would result in less than 82 lb/day of ROG or NOX to have a less-than-significant impact on ozone. These mass-emission threshold standards are tied to PCAPCD and EDCAQMD air quality attainment planning efforts of the CAAQS, which are as stringent as TRPA threshold standards for ozone and PM. Thus, it is appropriate to use PCAPCD and EDCAQMD significance criteria of 82 lb/day to evaluate how emissions from the Regional Plan Update alternatives might affect attainment planning efforts and TRPA threshold standards." (p. 3.4-30).

¹²⁹ Which have not been adequately assessed for the LTAB. See our comments on the 2011 Threshold Evaluation Report.

¹³⁰ IMPROVE: Interagency Monitoring of Protected Visual Environments. See comments on Visibility.

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There are numerous problems with this approach:

- Failure to adequately monitor, evaluate and plan for protection the Basin's air quality is no excuse for not doing so now. The DEIS should comprehensively evaluate air quality conditions, sources, etc., and address whether mass-emission-based standards would be appropriate for the LTAB and if so, what those standards should be.
- There is no evidence to show that Placer County's 82 lb/day limit will ensure standards are met in the Lake Tahoe Air Basin. Placer County encompasses four distinct air basins: the Sacramento Valley Air Basin, Mountain Counties Air Basin, and the Lake Tahoe Air Basin¹³¹. Does Placer apply these same limits in the other air basins? How comparable are those air basins to unique conditions and sources in the LTAB?
- The DEIS has not addressed the proposal to only adopt the CA PM standards for the CA side of the region. Although we disagree with the idea that Nevada residents and visitors should be subjected to higher levels of pollutants than those on the CA side (see comments on proposed Threshold Updates), given TRPA's proposal to maintain separate standards for the two states, the DEIS must address the emissions and impacts on the NV side of the Basin, and ensure applicable standards are met. There is not evidence to suggest Placer County's limits are appropriate for the NV-side of the Basin.
- The RPU DEIS fails to analyze the cumulative impacts of construction-related PM10 and PM2.5 emissions. For comparison purposes, 82 pounds/day is equivalent to 0.041 tons/day. The total PM10 emissions estimated by CARB are 5.57 tons/day (noting this is only for the CA side and as discussed elsewhere in these comments, fails to account for Tahoe-specific parameters). If even 10 construction projects were occurring on the same day within the Lake Tahoe Basin, the cumulative result would be roughly 0.41 tons/day, or 7% of the total estimated PM10 emissions. Consider that in the same Inventory, CARB estimates paved road dust as contributing roughly 20% of the daily PM10 emissions.
 - How many projects will be allowed to emit up to 82 pounds/day of PM10 throughout the Basin?
 - How will this impact the PM10, PM2.5 and visibility standards in the Basin?
 - Will other reductions (e.g. increased road sweeping) reduce PM only to see those reductions canceled out by construction emissions?

The DEIS must analyze the existing air quality conditions, sources, and impacts of all "short" and long-term sources.

Construction Emissions ("Short-term") – Ozone (ROG, NOx), PM10 and PM2.5:

The RPU EIS refers to short-term emissions from construction in Impact 3.4-2 (p. 3.4-26).

¹³¹ <http://www.capcoa.org/maps/>

“Implementation of projects would involve construction that would result in the temporary generation of ROG and NOX (ozone precursors), PM10 and PM2.5 emissions from site preparation (e.g., excavation, grading, and clearing); off-road equipment, material import/export, worker commute exhaust emissions, paving, and other miscellaneous activities. Typical construction equipment associated with development and redevelopment projects includes dozers, graders, excavators, loaders, and trucks. Construction emissions of these pollutants associated with Alternatives 1, 2, 3, 4, and 5 have the potential to be substantial, and would result in potentially significant impact to air quality.”

However, the DEIS then completely ignores any estimate of construction emissions, which although not ‘permanent’ in nature, can be significant (consider projects such as the Homewood Mountain Resort which estimates nine years of construction;¹³² the emissions are likely to be very significant – we refer readers to the estimates for the HMR project). Additionally, the cumulative impact of multiple construction projects can be substantial.

In fact, the RPU DEIS refers to two chapters in the SMAQMD CEQA Guide to air quality assessment as the ‘evidence’ supporting the claim that construction-related BMPs can reduce PM by 50% (although this still results in a net increase of 50% over existing conditions):

Implementation of Mitigation Measure 3.4-2 would reduce fugitive PM10 and PM2.5 dust emissions a minimum of approximately 50 percent for each project and prevent dispersion, thereof, beyond a given property boundary (SMAQMD 2009a).

Although we have raised concerns regarding the Homewood Mountain Resort EIS and do not agree that nine years of construction emissions are irrelevant, it is relevant to consider how TRPA addressed the construction-related air emissions from this one project. While the RPU DEIS acknowledged the inability to completely predict the construction schedule, the DEIS did use available tools to estimate the emissions associated with various phases of the project (using California’s URBEMIS model). The claim that it is impossible to estimate emissions is not supported by TRPA’s past EIR/EIS documents, as shown by the section in the HMR document the Board approved in December 2011. Although that was a project, and the RPU DEIS is a Plan, TRPA still has the means and tools available to estimate the construction-related emissions associated with the proposed development in all alternatives (just as the document has estimated land use inputs for area-wide emissions using CalEEMod).^{133,134}

¹³²

http://www.trpa.org/documents/CEP/Homewood/FEIS_CHAPTERS/12_HMR_Air_Quality_FEIR_EIS.pdf

¹³³ RPU DEIS, Air Quality Chapter 3.4; however, see comments related to inadequate inputs used in the model.

¹³⁴ See <http://www.caleemod.com/>, User’s Guide, Section 4.3: Construction.

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TRPA Requirements

The TRPA considers any increase in criteria pollutants above State, federal, and TRPA air quality standards to be significant. These standards are concentration values at particular locations rather than mass emissions from Project construction (Table 12-9 through Table 12-14). Dispersion modeling to estimate pollutant concentrations is beyond the scope of this document; as such analysis would require specific details, such as specific construction schedule, location of operating construction equipment, and location of exposed sensitive receptors, that are currently unknown. However, the mass emissions presented in Table 12-9 through Table 12-14 are an appropriate proxy for determining if the Project complies with TRPA thresholds. Based on Table 12-9, increases in ROG, NOX, CO, PM10, and PM2.5 are expected during all phases, with the greatest increases occurring during Phase 1a. Pollutant concentrations have the potential to exceed NAAQS, CAAQS, and TRPA standards on days requiring substantial construction equipment and activity. Because specific construction details are currently unknown, it is not possible to determine the number of days in which ambient air quality standards may be exceeded. Based on the mass emissions presented in Table 12-9, it can be inferred that Phase 1a would result in the most frequent and severe exceedances.¹³⁵

Further, although the RPU DEIS states it can not ‘speculate’ on when and where future development will be, the new development and redevelopment encouraged by all Plan alternatives may result in significant cumulative impacts. Just as TRPA has estimated the location of future residential units (by local jurisdiction), TAUs, and CFA for the air quality area-wide and GHG emissions modeling, the same tools (e.g. CalEEMod, URBEMIS¹³⁶) can be used, at minimum, to estimate the potential cumulative construction-related emissions of the proposed alternatives. Further, construction for new development or redevelopment will result in increased driving for construction workers, delivery trucks, etc., increasing VMT for potentially years at a time. Other construction activities (e.g. demolition of structures) also have the potential to create significant environmental impacts, yet none of these are considered in the RPU DEIS.

Not only does the DEIS lack any analysis of potential cumulative construction-related emissions from the 20 year plan, but appears to attempt to ‘mitigate’ this undefined impact by ‘coordinating’ with other jurisdictions on yet-to-be determined construction related BMPs.¹³⁷ Additionally, as noted elsewhere in our comments, the use of Placer County mass-based emission limits to protect TRPA’s thresholds is not supported by evidence or evaluation.

¹³⁵ Final EIR/EIS, Homewood Mountain Resort, p. 12-39.

¹³⁶ The results from the URBEMIS model allow you to estimate criteria pollutant emissions for construction, area sources, and operational (traffic).
<http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/URBEMIS-BGM%20Training%20Presentation.ashx>

¹³⁷ “Mitigation Measure 3.4-2: Develop and Implement a Best Construction Practices Policy for Construction Emissions” (p. 3.4-28).

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This fails to meet the requirements of the TRPA Compact, NEPA, and CEQA to analyze the impacts of proposed projects and plans. Additionally, deferred mitigation is not allowed by CEQA (which applies to the RPU as noted in our comments on the environmental disclosure laws applicable to the EIS).

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Visibility:

As noted in our comments on the 2011 TER, the TRPA visibility standards are given very little attention in the RPU DEIS. In fact, the Air Quality chapter mentions visibility, but only analyzes PM2.5 and PM10, implying these measurements somehow ‘account’ for visibility impacts. This is not supported by any assessment, nor does it consider the visibility-related impacts of ozone (smog).

The status of sub-regional visibility is unknown, and the Regional visibility in the most recent years reviewed had become slightly worse. Although in part attributable to wildfires, not all high readings occurred in concert with fires, nor has TRPA considered other mechanisms to protect visibility while accommodating natural fire.

We refer to our comments on visibility in the threshold section as they also apply to the RPU DEIS.

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Construction (Short-term) and Operational (Long-term) Impacts on Visibility:

Impacts of short-term construction on visibility have not been addressed and therefore need to be analyzed.

Regarding the impacts of the alternatives on long-term visibility, they have also not been adequately analyzed, and we refer to comments on other pollutant sources affecting visibility (including PM, wood heaters, suspended sediments, ozone, and VMT) in our comments on the 2011 Threshold Evaluation Report and our comments in these related sections in the RPU DEIS and RTP DEIR/DEIS regarding the inadequate analysis of these sources.

Also, as different alternatives take different approaches to the wood heater regulations, what would the environmental benefits of simply enforcing the current standards? Much like 10% of motor vehicles on the road contribute to 90% of the pollution, could a similar situation apply, where focusing on the older heaters that do not even comply with existing standards could result in a significant reduction in PM and CO from residential wood heating?

With regards to suspended sediment (re-entrained road dust), what benefits could be realized for air and water quality thresholds with increased frequency of sweeping operations? Improved technology?

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The RPU DEIS has proposed a few different approaches to reducing these emissions sources, but there is no analysis of the impacts and benefits of each requirement on the environmental thresholds. When will this be done, if not in the RP DEIS?

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Atmospheric Deposition

When the thresholds were first developed, it was believed that nitrogen was the primary contributor to the loss of lake clarity. Recognizing the potential for atmospheric deposition to the Lake,¹³⁸ the thresholds included a standard for reducing the atmospheric deposition of nitrogen to the Lake. As noted in the 1983 Regional Plan EIS:

“To attain the water quality thresholds, a 20% reduction in atmospheric loading to the lake is required (see the Water Quality Subelement). The actual deposition rate to Lake Tahoe is probably 40 tonnes/year with local sources contributing approximately 63% of the load. The 63% contribution from local sources corresponds to a 25 tonne load to the Lake. The remaining 15 tonnes is from upwind and natural sources...It should be noted, however, that it is difficult, if not impossible, to fully analyze deposition to the lake and the contribution of inorganic nitrogen from local, upwind, and natural sources. These estimates will be refined at a later date as additional information becomes available to TRPA.” (p. 195).

However, 29 years have passed since the release of this EIS and significant advancements in our understanding of the Lake and what affects mid-lake and nearshore clarity have been made. The TRPA 2001 Threshold Evaluation report (July 2002) summarizes what we had learned over ten years ago about nutrient deposition:

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“Historically, Lake Tahoe has been nitrogen limited; however, monitoring conducted by the Tahoe Research Group-U.C. Davis (TRG) indicates that since the mid-1980s phosphorus is the more limiting nutrient. This is thought to be the result of increased loading to the Lake (Jassby *et al*, 1994). Phosphorus in Tahoe is likely to be more tightly bound in particulate form than nitrogen and is transported downward as particles and held in the sediments with greater efficiency (Hatch, TRG, 1997). Phosphorus and nitrogen limit algal productivity in the Lake. Algal growth bioassay results show increased productivity with the addition of nitrogen, phosphorus, or nitrogen and phosphorus in combination.”
(Water Quality Chapter, p. 3-112).

In the 2001 TER, the Status of 1996 Recommendations is noted and responded to *italics*:

¹³⁸ Local pollutant sources within this bowl are trapped by inversions, greatly limiting the volume of air into which they can be mixed, which then allows them to build-up to elevated concentrations. Further, the down slope winds each night move local pollutants from developed areas around the periphery of the lake out over the lake, increasing the opportunity for these pollutants to deposit into the lake itself. (Cahill and Cliff 2000 Air Quality Model). Cahill, T., and S. Cliff. 2000. *Air Quality Modeling and Its Role in Ecosystem Management at Lake Tahoe*.

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2. TRPA should continue to monitor atmospheric deposition and study the role of atmospheric deposition in Lake Tahoe's water quality. *This is being addressed in the airshed model document and an expanded air quality network is currently being designed in cooperation with several other Basin agencies.*
3. TRPA should add annual average nitrogen dioxide concentrations as an indicator of threshold attainment. *Changes will be postponed until 2004 when TRPA evaluates new research.*

However, again after 2001, the thresholds were not updated. In 2006, researchers reiterated the importance of atmospheric deposition on the Lake, namely caused by local sources in the Basin: "...the most effective strategy to reduce the impact of atmospheric deposition on the lake's clarity and in-basin forest health would be to control local pollutant emissions."¹³⁹ Again, the thresholds were not updated.

In the RPU DEIS, the document recognizes this history, again referring to TRPA's intentions to 'someday' update the indicators for phosphorus deposition and giving brief mention to particulate deposition: (p. 3.4-20).

"These nutrients cause an increase in the growth of algae, which results in reduced clarity. Recent data indicate that particles in the water also have a significant impact to lake clarity, and possibly even more than algal growth. Data from the late 1970s and early 1980s found that nitrogen deposition from the atmosphere was contributing to the nutrient load in the Lake. At that time, it was believed that excess nitrogen was having the largest impact on the loss of lake clarity. Therefore, TRPA adopted a threshold indicator for nitrogen deposition to the Lake. However, data collected in the 1980s and 1990s indicated that phosphorus also plays a significant role in lake clarity, and in some years its role was equal to or more significant than nitrogen. Research published in 1994 found that phosphorus is also depositing from the air into the Lake (Jassby et al. 1994). This has prompted further study into the role of atmospheric deposition, with data indicating that phosphorus loading to the Lake must also be reduced if the loss of clarity is to be slowed and, hopefully, reversed. Although TRPA has not yet adopted indicators for deposition of phosphorus, it is expected that as the indicator update process gets underway, an indicator will be included for this nutrient. As discussed above, particle deposition to the Lake is also important to clarity."

In the 2011 TER, the atmospheric deposition standard is again neglected. Although some measurements of NO₂ and NO_x are 'thrown in' to the report, the end result is a supposed status of "Implemented" (which we discuss in our comments on the TER report). In fact, the status should be "unknown." Further, no changes are proposed to the standards or

¹³⁹ Gertler, A.W., A. Bytnerowicz, T.A. Cahill, M. Arbaugh, S. Cliff, J.K. Koraćin, L. Tarnay, R. Alonso, and W. Frączek. 2006. Local Pollutants Threaten Lake Tahoe's Clarity, California Agriculture, 60, 53-58.

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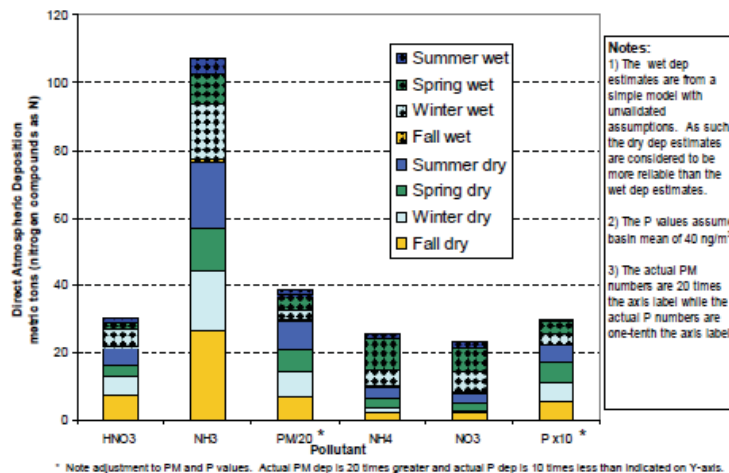
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indicators. Rather, Chapter 13 of the TER recommends no analysis of atmospheric deposition whatsoever, instead suggesting TRPA adopt state standards for NO₂ as the indicator for this threshold. There is no discussion about P or PM deposition, or any evaluation of whether the state standards are appropriate with regards to N deposition to the Lake (we refer back to Gertler's comments regarding the data gaps related to N deposition as well):

o **Oxides of Nitrogen** – The indicator associated with the currently adopted oxide of nitrogen (NO_x) emission standard relies on modeled estimates of NO_x based on traffic count data. The standard could be improved if it were replaced with state standards for Nitrogen Dioxide (NO₂) and/or NO_x concentrations, because the status of air quality related to NO_x would not be limited to vehicle sources of this pollutant. Measures of NO₂ concentrations would provide a better overall indicator of ambient NO_x conditions in the Region.

In 2006, CARB estimated deposition of all three pollutants, including different species of nitrogen. Results were also reviewed by UC Davis researchers for comparison to deposition estimates from other studies. This information is all available on CARB's website for the Lake Tahoe Atmospheric Deposition Study (LTADS).¹⁴⁰

Figure 8-1. LTADS Central Estimate of Seasonal Total Atmospheric Deposition to Lake Tahoe.
(metric tons/year)*



TRPA participated in the budget request for the funds to perform this analysis as well as the analysis itself. However, it is now 2012, information has been available for years, and

¹⁴⁰ <http://www.arb.ca.gov/research/ltads/ltads.htm>

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TRPA continues to disregard atmospheric deposition. Therefore, it is no surprise to see that atmospheric deposition has not been analyzed in the Air Quality chapter, but such an analysis is essential to an adequate EIS.

Construction (Short-term) and Operational (Long-term) Impacts on Atmospheric Deposition:

The RPU DEIS has relied solely on motor vehicle emission estimates of future NO_x to apparently ‘analyze’ the potential impacts of atmospheric deposition (even though on-road motor vehicles are not the only source of atmospheric nitrogen, NO_x emissions and deposition to the Lake are not represented by a linear relationship, this does not account for the other forms of nitrogen, and adequate information *is* available to analyze the impacts of P and PM deposition to the Lake).

“Atmospheric nitrogen deposition was assessed quantitatively using mobile-source operational NO_x emissions data estimated using EMFAC 2011.” (p. 3.4-21).

This is clearly insufficient for analyzing the impacts of atmospheric deposition from each alternative. Impacts of short-term construction and long term operations (basically the outcome of each plan alternative) on atmospheric deposition of nitrogen, phosphorus and clarity-reducing particulates have not been addressed and therefore need to be analyzed.

Failure to Consider Alternatives for Air Quality Mitigation Funds:

The RPU DEIS and RTP DEIR/DEIS alternatives also fail to include alternative approaches to support air and water quality improvements. For example, the alternatives include no notable changes to the air and water quality mitigation funds, including amounts, time period, etc., nor an adequate analysis of whether the funds are sufficient to mitigate the impacts of the projects that are paying them. In the 2001 threshold evaluation report, staff recommended TRPA examine whether one-time funds were adequate when impacts were ongoing.

Unfortunately, discussion has centered around whether this is economically appropriate, or too much for developers to have to pay, rather than focusing on the need to protect the environment. Or, new projects include a bike rack and somehow this mitigates the new vehicle trips they are expected to forever generate. It appears that often, project proponents will pay their one-time fee, then contribute to ongoing impacts to the environment. TRPA allows up to 100 new vehicle trips before considering a project has impacts on VMT and other thresholds (*C. Insignificant Increase: An increase of 100 or fewer daily vehicle trips, determined from the trip table (subparagraph 65.2.3.H) or other competent technical information.*) Code section 65.2.3.

However, consider this situation: Air Quality mitigation funds are used to purchase a street sweeper for a county. However, who pays for the ongoing operation of that street sweeper? Not the developers that rely on the roads to bring people to their establishments. Rather, these ongoing operations and maintenance costs are borne by other sources, including the

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taxpayers who fund the county budgets. Also, developers may install a bus stop or similar attribute as 'mitigation' for added trips. But where do the transit funds come from which pay for the bus that uses that bus stop? In essence, the mitigation funds appear to fall short of actually mitigating the ongoing impacts of development, and instead the long-term costs are borne by the taxpayers, and the environment. The RPU alternatives need to analyze alternative approaches to these funds, otherwise there is not an adequate range of options for mitigation fee programs included in the DEIS. In fact, the SNEP report to Congress included this same recommendation (1996):

"Lake Tahoe is the single most important recreation component of the Sierra Nevada economy (Stewart 1996). Thus, the expenditure of funds to sustain the high environmental quality of the Basin is well justified. More work needs to be done on whether or not the design of assessment or fee mechanisms, such as those who benefit the most economically from Lake Tahoe's environmental assets also pay the greatest share of sustaining the ecosystem, would be of benefit."

There appears to be one alternative which may touch on an alternative approach to paying for transit improvements and services, although the wording is weak. As noted in the RPU DEIS Chapter 2 (p. 2-32), Alternative 2 would: *"Encourage the Tahoe Transportation District (TTD) to implement a road user fee on the Region's roadways to fund shuttles from intercept lots and other multi-modal transportation improvements."*

What does this mean? What are the environmental impacts of such a road user fee? How would this funding mechanism compare to the public costs that would be borne to operate the waterborne transit service in the other alternatives? Total public and private costs? How would this increase or decrease aircraft emissions? Why are the policies just 'encouraged,' not required? Is this DEIS not the proper location to assess what the environmental impacts of proposed actions would be? Without this assessment, how can the public (or TRPA) compare the environmental effects of the alternatives? If such a user fee could support transit, prevent increased emissions from waterborne transit, prevent increased emissions from aircraft, there could be significant environmental benefits.

Alternative 4 includes a change in the requirements related to the air quality mitigation fee that would actually reduce fees collected, analyzed in Impact 3.4-9:

The potential result of this policy change 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 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.

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In other words, TRPA has not analyzed what the impacts to funding would be, and how this would affect air quality improvements. Instead, TRPA throws out speculative mitigation measures that themselves will require comprehensive analysis if ever proposed as well, thus providing no assurance that the impact of this change would be mitigated.

Mitigation Measure 3.4-9: Maintain Level of Air Quality Mitigation Improvements. For Alternative 4, TRPA will evaluate and adjust the Air Quality Mitigation Fee program to ensure that no decrease in the level of air quality improvements would result from the change in the eligible time period for a previous use from 2 to 5 years. Adjustments to the mitigation fee program may include, but are not limited to the following:

- > Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change.*
- > Implement regulatory changes that would ensure the same level of air quality improvements could occur with reduced fees.*
- > Develop an additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.*

Failure to Evaluate Wood Heater Retrofit Options:

Further, the alternatives fail to consider other mechanisms to support wood heater retrofit programs, including an option proposed by TRPA staff in 2010 that would have analyzed the impacts of a wood heater user fee.¹⁴¹ Such an option may have provided a mechanism to help fund rebate programs or other assistance that would facilitate more retrofits of older, higher-emitting units.

Failure to Evaluate Pile Burning Reduction Options:

Another option that has not been analyzed in any alternative includes an assessment of the air quality benefits of a reduction in pile burning. Although there are some exceptions, in many cases, there are other options for removing forest thinning waste. What are the emissions that could be reduced from additional regulations that would reduce pile burning? What are the costs associated with all of the staff time and other indirect costs¹⁴² that would be saved if the air and forestry agencies did not have to permit as much pile burning? For example, sometimes crews are ‘on hold,’ waiting for the next permissible burn day. Each day spent “waiting” can cost thousands. What are the current costs associated with this? Further, as these piles must sit and dry out for possibly several years, they create a substantial fire hazard in the meantime. Thus, benefits to multiple areas, including safety, could be realized with less pile burning. However, TRPA made a political decision to

¹⁴¹ http://www.trpa.org/documents/rp_update/Facts&Presentations/Fact_Sheet_3_Followup.pdf

¹⁴² The process of pile burning requires extensive planning, preparation, coordination with several agencies, air quality plans, air quality monitoring, time by County and State personnel, etc., all of which represent some “price tag.” This price tag has never been compared to the cost of alternative ways to remove piled waste in the Tahoe Basin. A full assessment may find it is actually less expensive, as well as more environmentally friendly.

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remove this option from any evaluation in May 2010,¹⁴³ yet the RPU DEIS is supposed to evaluate a range of alternative options for addressing the thresholds.

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Improper Modeling:

Inappropriate to use CA models to estimate impacts on NV side of Basin:

The 2011 Threshold Evaluation (NOx emissions), the TRPA Regional Plan Update EIS, and the Regional Transportation Plan Update EIR/EIS have all relied solely on California models to evaluate Basin-wide conditions. Due to California-specific factors, including cleaner tailpipe emissions standards, California-based motor vehicle emission estimates do not account for vehicles registered in Nevada, as well as vehicles from other states brought into the Basin by visitors.

In fact, the California Air Resources Board warns users against using CA models for other states. The RPU and RTP documents rely on three California models for various evaluations in the documents. For mobile source emissions, both EMFAC 2007 and EMFAC 2011 are used. The third model, CalEEMod, was used to evaluate *non-mobile* air emissions in the RPU DEIS (Appendix F). However, this model also includes the capability to estimate on-road motor vehicle emissions *based on the use of EMFAC 2007 emission factors*. Thus, the TRPA/TMPO environmental documents rely in various uses of both the EMFAC 2007 and EMFAC 2011 mobile emission estimates. In either case, both versions of the model utilize California-only emission factors (including adjustments for CA-only regulations that will reduce emissions from CA vehicles in the future).

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CARB's Frequently Asked Questions for the CalEEMod model¹⁴⁴ include the following response:

"Can CalEEMod be used for projects outside of California?"

No. The model was developed using California mobile source emission factors, which are different from the mobile source emission factors used in most of the other 49 states. Similarly, other parameters, especially those related to calculating GHG emissions, are California-specific, including climate zones, carbon intensity factors, etc. Further, some default factors were provided by several air districts in California and, therefore, are county- or basin-specific."

Additionally, CARB's "Frequently Asked Questions" for EMFAC 2011¹⁴⁵ state the following:

"What is EMFAC2011?"

¹⁴³ http://www.trpa.org/documents/rp_update/Facts&Presentations/Fact_Sheet_3_Followup.pdf

¹⁴⁴ <http://www.caleemod.com/>

¹⁴⁵ http://www.arb.ca.gov/msei/emfac2011-faq.htm#emfac2011_sg_qstn01

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- EMFAC2011 is the latest update to the EMFAC model. The update is required to meet federal air quality and transportation planning guidelines.
- EMFAC2011 has been updated with the latest information on vehicle populations and miles traveled in California.
- EMFAC2011 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.
- EMFAC2011 has been updated to reflect the latest emissions inventory methods for heavy duty trucks and buses. These estimates reflect the impact of the economic recession.”

This discrepancy was also the focus of comments by Mr. Hunt in the independent peer review of the 2011 Threshold Evaluation:

“6] Only emissions from California vehicles are accounted for in the air quality indicator categories. CARB emissions estimates are used, for example, to develop daily and annual emissions for NO_x. These data, in turn, have been used historically to monitor attainment with the NO_x threshold standard. It appears that emissions from vehicles registered in the state of Nevada that operate within the Lake Tahoe region are not accounted for in any of these emissions estimates. Further, if Nevada vehicle emissions standards are not equivalent to California vehicle emission standards then continuous improvement in air quality may not be achievable. It is recommended that the revised TRPA report address the impacts associated with tailpipe emissions from vehicles registered in Nevada. For example, should Nevada consider adopting California vehicle emissions standards?

(Air Quality Peer review comments by Gary T. Hunt, QEP, 3/26/2011, p. 7).

The motor vehicle emission estimates included in the draft 2011 Threshold Evaluation Report, TRPA Regional Plan Update DEIS and Appendices, and the TMPO/TRPA Regional Transportation Plan Update EIR/EIS and associated Appendices must be revised to incorporate the impacts of vehicles not registered in California, including the use of appropriate emission factors.

Failure to Account for all Vehicle Miles Traveled (VMT) and associated air quality impacts

According to the RTP EIR/EIS Appendix C,¹⁴⁶ the VMT used to estimate basin-wide and CA-only emissions actively excludes approximately 525,324 VMT, or roughly 27%, of all VMT in the Basin.¹⁴⁷

¹⁴⁶ RTP EIS Appendix C, Part 4, "VMT Calculations" (p. 49 - Basin; p. 57 - CA) and in Table 3.3-5 of the RTP Draft EIR/EIS, Section 3.3, p. 3.3-19.

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“...Using the method (i.e., 100 percent of X-X VMT excluded, and 50 percent of X-I and I-X VMT excluded) approved by the California Regional Targets Advisory Committee (RTAC), approximately 62 percent of the remaining VMT are attributable to the California side of the Region, and 38 percent to the Nevada side. This calculation method assigns 50 percent of the VMT to a specific side of the Region, if one end of the trip begins/ends on that side of the Region, and the other end of the trip is external. For trips that begin and end on one side of the Region, 100 percent of the VMT are assigned to that side. VMT from through trips is excluded.”

First, the RTAC Guidance was developed to assist planners with analyzing GHG emissions from a very specific type of vehicles for the purposes of complying with SB 375.¹⁴⁸ It is not appropriate to apply the same guidance outside of those very specific parameters. The emissions from vehicles entering one end of the Basin (e.g. Echo Summit) and driving through the Basin to exit in another location (e.g. Truckee) do not magically stop exiting a vehicle’s tailpipe during the time the vehicle is driving within the Lake Tahoe Air Basin, so it is unclear why TRPA/TMPO would exclude the impacts of these trips.

Second, the environmental documents appear to focus more attention on the “per capita” VMT (or per person), rather than the overall cumulative impacts of the increased VMT and associated emissions in the Basin. Previous TRPA Regional Planning documents have consistently evaluated the overall (cumulative) emissions from motor vehicles, therefore the sudden use of a different unit of evaluation in the main sections of the environmental documents is questionable. This appears to be an attempt to draw attention away from the cumulative impacts of the proposed Plans. How many readers not involved in Air Quality or Transportation planning are familiar with “per capita” VMT or emissions?

We also refer to comments submitted by Joy Dahlgren regarding the VMT estimates, indicating that the transportation model has potentially underestimated VMT and overestimated trip reductions, thus resulting in an underestimate of VMT on both levels. This underestimated environmental impact is in fact compounded by the associated underestimates in air quality and greenhouse gas emissions.

The environmental impact documents must be revised to adequately reflect future increases in VMT as well as adequately analyze the impacts of all Basin-wide VMT on air quality and greenhouse gas emissions. The analyses must also relay information in the terms and units that TRPA has historically used.

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¹⁴⁷ See comments on transportation analyses related to VMT estimates. This appears to underestimate the basin-wide VMT.

¹⁴⁸

http://www.trpa.org/RPUEISReferences/3.5%20GHG%20Climate%20Changes/3.5_RTAC%202009_Final%20Report%20to%20ARB.pdf

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Toxic Air Contaminants (e.g. Diesel):

Toxic Air Contaminants (TACs)

Although the document must assess all TACs and we therefore extend the questions below to all other TACs, we focus our comments on the most important one, which has been included in Resolution 82-11 for 'odor' purposes, but has since been identified as one of the most important TACs:

“According to the *California Almanac of Emissions and Air Quality* (ARB 2009), the majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being diesel PM. Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used.” (p. 3.4-18).

The RPU DEIS, at best, includes cursory discussions of toxic air contaminants (TACs), including diesel, but provides no analysis of existing or future impacts of diesel exhaust. There are multiple in-Basin sources of diesel emissions, including on-road motor vehicles, motorized watercraft, and stationary sources including emergency power generators. Although the Air Resources Board has passed regulations to reduce toxic emissions from diesel engines, these regulations do not prevent all emissions, nor do they address NV-side sources and vehicles not registered in California. Further, with regards to motor vehicle sources, the document makes the assumption that “Diesel exhaust from vehicles could be generated throughout the Region, but these sources are intermittent and temporary, and dissipate rapidly from the source with an increase in distance.” (p. 3.4-20). However, no analysis is performed to confirm this assumption.

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On-road vehicle diesel emissions:

The RPU DEIS also discounts impacts of diesel emissions through a reference to a study performed along a major highway in Los Angeles, CA:

“Thus, because the use of off-road construction equipment would be temporary in combination with the highly dispersive properties of diesel PM (Zhu and Hinds 2002), as well as future reductions in exhaust emissions and the relatively small scale of construction-related activities anticipated under the Regional Plan Update alternatives, short-term construction activities would not expose sensitive receptors to substantial TAC emissions.” (RPU DEIS p. 3.4-39).

However, this study was performed in an environment and climate that are not comparable to Tahoe Basin conditions. Further, the study looked at fine and ultrafine particles, not

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specifically at diesel exhaust. The authors also specifically note the relationship between atmospheric conditions and particle dilution in their conclusions:

“Measurements show that both atmospheric dilution and coagulation play important roles in the rapid decrease of particle number concentration and the change in particle size distribution with distance away from a freeway.”

These results do not support the assertion that regardless of climate, particle number and size will ‘always’ rapidly decrease with distance as the RPU DEIS appears to conclude. Rather, the results indicate the need to examine *atmospheric conditions in the Basin* and how they affect diesel exhaust. Preparers of the document should be seeking Tahoe-Basin specific data, meteorology, and local traffic counts to assess the impacts of diesel exhaust on local residents and visitors.

In fact, the impacts to locals could be significant. Thermal inversions which trap pollutants emitted at the surface (and therefore slow dilution into the atmosphere) are common in both winter and summer months. One only need to look over the Lake on a cool winter morning to see the layer of haze from residential wood heating due to the trapping effects of the inversion layer. Although studies on diesel emissions specific to the Lake Tahoe Basin are limited, TRPA in fact funded a short term study of emissions from Highway 50 in South Lake Tahoe using advanced equipment (Cahill 2004¹⁴⁹). This study analyzed chemical components that could serve as tracers for diesel exhaust and wood smoke. Although the study was limited in scope (much like the study in LA was limited in scope), Cahill’s findings indicate that:

- Diesel particles could persist for longer times in the Basin’s atmosphere during inversion conditions;
- The rate of *diesel particle* removal could be much lower than the rate of removal associated with ultra-fine and very-fine particles (as those analyzed in the LA study); and
- “Diesel particles could have an anomalously long lifetime in the air.”

Excerpts from the report are included below:

“The chemical and optical data suggest that while wood smoke is present at SOLA, it is not as major a component of the absorbing aerosols at South Lake Tahoe in Winter as smoke from Highway 50 – diesels and smoking cars. The diesel association is supported by particle size considerations, mass-extinction vales, sample reflective color, and the simultaneous presence of very fine potassium, sulfur, and zinc...

¹⁴⁹ Final Report to the Tahoe Regional Planning Agency: Size, Time, and Compositionally Resolved Aerosols at South Lake Tahoe. 2004. Prof. Thomas A. Cahill, UC Davis DELTA Group, and John Molenar, Air Resource Specialists.

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...even though mass contributions are relatively minor, the persistence of diesel particles results in a long lifetime in winter inversion conditions and thus a disproportionately large component in fine particle mass...

The ambient concentration of diesel/smoking light duty vehicle roadway emissions will depend both upon the mass contribution per unit time, the volume of air into which it is mixed, and the removal rate. We are unable to find information on the removal rate of size segregated diesel particles, but modeling indicates that this rate could be substantially lower than the very short residence times associated with ultra-fine and very-fine particles. The particles are too fine to ever settle. Thus the removal rate must involve growth of the particles into larger sizes either by absorbing moisture, coagulation particle to particle, or interception by rain drops. However, the presence of unburned oil in these particles will make them hydrophobic, while their small size makes interception by rain very inefficient. Thus, diesel particles could have an anomalously long lifetime in the air, much longer than smoke, dust, or hydrophilic particles such as nitrate and sulfate.

1. Highway 50 is a major source of coarse particles (35 to 2.5 μm) with heavy anthropogenic contamination, which includes most of the phosphorus observed.
2. Highway 50 produces very fine particles (0.26 to 0.09 μm) of black soot, zinc, phosphorus, and sulfur, most likely from diesels and smoking cars, plus finely ground soil derived particles.
3. Both types of particles are transported efficiently out over the lake each night."

Construction-related Diesel emissions:

Diesel emissions from construction are also not analyzed. Instead, the RPU DEIS has simply referred to speculative measures for construction that supposedly *reduce* the diesel exhaust¹⁵⁰ – however, these reductions are not compared to existing conditions, but rather would just mean that fewer additional emissions occur compared to if these construction “BMPs” were not implemented. This is still a net increase in diesel emissions compared to existing conditions and therefore must be addressed in the environmental analysis.

Additionally, the contention that construction impacts are ‘short term’ and the implication that they shouldn’t therefore ‘count’ is not supported by the facts. TRPA has failed to analyze the extent of construction that could occur throughout the Basin, as well as in sub-regional areas, at any given time. This potential for cumulative impacts, compounded by projects that could take upwards of a decade or longer to complete (e.g. the Homewood Mountain Resort), must be analyzed by the document.

- What are the potential maximum cumulative TAC emissions possible from the combined construction and redevelopment associated with each Alternative?

¹⁵⁰ “Implementation of Mitigation Measure 3.4-5 would reduce diesel equipment exhaust emissions. These best practices will substantially reduce construction-generated emissions of TACs.” (RPU DEIS p. 3.4-41).

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- What are the maximums and what are the estimated reductions associated with the construction BMPs referred to in the document?
- What is the net increase?
- Where will these projects occur, during what months, and how may local and regional atmospheric conditions affect the ambient concentrations of these emissions?
- To what extent could people be exposed to multiple sources of diesel emissions from construction, including construction workers, nearby residents and visitors, pedestrians, etc.?
- What requirements will be in place to ensure exposures do not exceed levels considered healthy to breathe, including for sensitive receptors?

Long-term Operation Emissions of Diesel:

Long term diesel *emissions* from the alternatives are expected to come from two primary source 'categories:' on- and off- road mobile vehicle emissions (cars, boats, OHVs), and construction (vehicles, equipment, generators, etc.). However, long-term diesel exposure will be dictated in large part by location. It has been well documented that those located next to a major roadway are will be exposed to higher levels of diesel PM. The same can be said for those located next to a construction project, especially long term. However, the general research behind this information does not take into account TRPA's local conditions, including the local conditions that UC Davis research found may increase diesel PM exposure during inversions and delay the rate of dilution (noted above).

Therefore, questions that should be analyzed include:

- What are the potential diesel emissions from on-road motor vehicles, considering the Basin's fleet mix?
- What are the potential diesel emissions from off-road combustion engines, e.g. watercraft, OHVs, snowmobiles, etc.?
- How will each alternative affect the emission from sources noted above? TRPA has suggested REFERENCE that because capacity for recreation isn't increasing, adding more people to the basin will not mean more motorized recreation in the Basin.
 - o Common sense, let alone a look at who lives and visits the Basin, dictates there will be more motorized recreation with an increase in population.
- What levels of diesel emissions are safe to those in Tahoe during inversion conditions? From highways/roadways and from construction?
- What time period of exposures are safe?
- What are the estimated exposures of those living on or next to major roadways?¹⁵¹ At what distance would exposure be low enough to be safe, including during thermal inversions?

¹⁵¹ "Major highways and roadways are also considered sources of TAC emissions, associated with the presence of diesel PM emissions from vehicle exhaust. US 50; California State Routes (SR) 267, 28, and 89; and Nevada State Routes (SR) 28 and 431 are located within the plan area." (RPU DEIS, p. 3.4-19).

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- What are the impacts of breathing diesel fumes to those who may live next to roadways and keep their windows open in the summer months (a common action in the Basin) – during the same period that overnight thermal inversions may trap pollutants and delay dispersion?
- Related to all of the questions above, what levels are safe for sensitive individuals,¹⁵² including children and the elderly?

Instead, the RPU takes the following approach:

Impact 3.4-5: Exposure to Toxic Air Contaminant Emissions. The Regional Plan Update alternatives would not involve the siting of sensitive receptors near any major roadways or near any major stationary sources of TAC emissions, nor would they result in the siting of any new stationary sources of TAC emissions. Implementation of any of the Regional Plan Update alternatives would not result in exposure of sensitive receptors to substantial TAC concentrations. In addition, mobile-source diesel PM would be expected to decline over the plan implementation period compared to existing conditions. However, as with implementation of any site-specific project, construction emissions may occur in proximity to sensitive receptors and may result in exposure of receptors to substantial TAC concentrations in Alternatives 1 through 5. This impact would be potentially significant for construction.

To resolve the issue of siting residential units next to the major highways in the Basin (the concept of densification in the urban areas, which are all along major highways), the RPU DEIS relies on a CARB recommendation:

“ARB recommends a minimum setback distance of 500 feet from urban roads with 100,000 vehicles per day or rural roads with 50,000 vehicles per day to minimize the health risk of sensitive receptors to mobile-source TACs (ARB 2005:4). According to Table 3.3-13 in Section 3.3, Transportation, none of the major roadways in the Basin would accommodate more than 50,000 vehicles per day.”

However, there has been no assessment of what the near-road diesel exposure in the Lake Tahoe Basin would be based on local conditions. This must be analyzed before proposing to locate thousands of people next to major roadways.

On-road diesel emissions are said to decline over time due to changes in technology, thus tying this conclusion to the modeling done, which was based on CA models, CA technology, etc., as noted in our comments above. The DEIS must estimate the project on-road diesel emissions for all vehicles in the Basin for each alternative, including visitors.

¹⁵² “Sensitive receptors are people, or facilities that generally house people (e.g., schools, hospitals, residences), that may experience adverse effects from unhealthful concentrations of air pollutants.” (p. 3.4-20 & 21).

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Off-road diesel emissions do not appear to be analyzed, although this probably is tied to the supposed findings in the RPU DEIS that more people will not result in more motorized recreational activity. Also, what about diesel emissions from other equipment, e.g. landscaping, lawn care, etc.?

Finally, the DEIS appears to take on the construction emissions, first discounting them as temporary, then suggesting that construction practices will help mitigate some of the emissions. However, we reiterate that this is still a net increase over existing conditions.

Mitigation Measure 3.4-5: Develop and Implement a Best Construction Practices Policy for TAC Emissions during Construction

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate plans, project-permitting, or projects/programs developed in coordination with local or other governments that requires, as a condition of project approval, implementation of feasible measures to reduce exposure of sensitive receptors to construction-related TAC emissions. Until that time, TRPA will continue the existing practice to require measures developed on a project-specific basis. Where local ordinances, rules, or regulations already require Best Construction Practices for construction emissions, no further action is necessary. Where local government ordinances, rules, or regulations do not adequately address Best Construction Practices, those practices will be implemented through local government and/or TRPA permitting activities. Such measures may include, but are not limited to, the following:

- › Limit idling time to five minutes maximum.*
- › Equip heavy-duty construction equipment with diesel particulate traps.*
- › Locate construction staging areas as far away as possible on the project site from off-site receptors.*
- › As a condition of approval, individual project environmental review shall demonstrate that current district-recommended BMPs are implemented to ensure sensitive receptors are not exposed to substantial TAC concentrations.*

Significance After Mitigation

Implementation of Mitigation Measure 3.4-5 would reduce diesel equipment exhaust emissions. These best practices will substantially reduce construction-generated emissions of TACs. Importantly, projects located within PCAPCD or EDCAQMD jurisdiction must demonstrate that emissions would be mitigated to below district-applicable threshold standards for construction emissions as a condition of approval. This would ensure that this impact would be mitigated to a **less-than-significant** level with mitigation incorporated.

There is no analysis of how well these measures would work, of what the overall gross (before “mitigation”) and net (after mitigation) diesel emissions, and exposures, would be. Do “district-recommended BMPs” adequately take into account local Tahoe conditions? Also, the development and redevelopment proposed under the alternatives could be

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substantial. What are the potential cumulative impacts of diesel exposure from the implementation of numerous construction projects at one time? How many haul trucks could result from one project, as well as combined projects, per hour or day, on our confined roadways?

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One only need to recall the road construction in South Lake Tahoe over the summer of 2011 to see that circumstances can result in multiple construction projects occurring at the same time. These impacts must be considered in the DEIS.

Vehicle Miles Traveled (VMT):

Conflicting and Confusing Estimates:

Documents should, at most, include two separate estimates for population and VMT for review and disclosure purposes: the RPU DEIS should evaluate the Basin-wide VMT, period. The section related to the RTP's requirements to achieve CA GHG regulations may need to evaluate CA-side only GHG emissions, and this should be made very clear, including the differences between the two states. However, see our comments below regarding the lack of an Alternative Planning Strategy for achieving GHG emission-reduction targets.

For the whole of the TRPA Regional Plan Update, TRPA is responsible for assessing Basin-wide conditions. The TRPA Compact, NEPA and CEQA requirements require an adequate environmental review of all impacts. Yet, as noted in our comments on the TER, a review of the following Appendices in the correlated documents shows a wide variety of VMT estimates and uses variable VMT and vehicle trip inputs to estimate AQ and GHG emissions for the Basin (and California-only, as applicable) – even for the base year 2010 (or 2005, in the case of the SB 375 comparison).

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Comparison of VMT Estimates for 2010 in RPU DEIS, RTP DEIR/DEIS and 2011 Threshold Report	
2010 VMT: Basinwide	VMT
TRPA 2011 Threshold Report (p. 3-54)	1,987,794
TRPA Travel Demand Model (TDM), no exclusions ^a (<i>Transp. Appendix</i>)	1,984,623
TRPA TDM, Post-RTAC method ^b -- AQ Emissions EMFAC 2011 ^c	1,459,299
2010 VMT: California Only-Conformity and GHG	
TRPA, TDM, CA only, no exclusions (<i>Transp. Appendix</i>)	1,351,524
TRPA, TDM, CA-only, Post-RTAC method (<i>Transp. Appendix</i>)	909,181
TRPA TDM, CA only, for Conformity Analysis ^d -- Emissions EM07	1,188,674
TRPA TDM, CA only, 2005 with RTAC ^d -- AQ Emissions EMFAC 2011	850,203

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a	"No exclusions" includes the total VMT from the TDM before RTAC 'guidance' is applied. The 2010 VMT with "no exclusions" is found in RTP EIS Appendix C, Part 4, "VMT Calculations" (p. 49 - Basin; p. 57 - CA) and in Table 3.3-5 of the RTP Draft EIR/EIS, Section 3.3, p. 3.3-19).
b	RTAC Method is described in RTP Appendix C, Methodology for Estimating Vehicle Miles Traveled and Greenhouse Gas Emissions in the Draft Regional Plan, Draft Regional Plan EIS, Draft Regional Transportation Plan (Mobility 2035), and Draft Regional Transportation Plan EIR/EIS (also described in RTP EIR/EIS Appendix C, Part 7, p. 373-393). This number is also found in the RTP, Chapter 3.5, GHG & CC, Table 3.5-4. Alternative 1 Mobile-Source Greenhouse Gas Emissions (Entire Tahoe Basin).
c	Emissions from "Total Basinwide SCS Mobile Source Emissions Modeling Results", EMFAC 2011, p. 3 of RTP EIS Appendix D, AQ_GHG_RTP
d	For CA SCS analysis using RTAC method, CA required base year of 2005. There are no separate 2010 estimates for CA side using the RTAC Method. However, the Conformity Analysis does include 2010 VMT in outputs titled "SG Conformity 2010" in the RTP DEIS/EIR, Appendix D, pages 122-126. 2010 VMT numbers for CA were derived from these tables by adding El Dorado and Placer County VMT inputs listed in the Table.

Further, the RTAC guidance associated with SB 375 only applies to that emissions comparison. However, the RPU DEIS and RTP DEIR/S have apparently used it to estimate Basin-wide emissions, thereby discounting millions of VMT (see RPU DEIS Appendix E, Transportation, VMT Calculations; also summarized in table above). As the Regional Planning agency responsible for the Tahoe Region, TRPA must evaluate the impacts of all vehicle use throughout the Basin, including all residential and visitor travel within the Lake Tahoe watershed. Vehicles traveling from Echo Summit to Truckee don't simply stop emitting while driving through the Lake Tahoe Air Basin (LTAB), yet according to the VMT factors used in RTP Appendix E, that's apparently how they are treated.

The total VMT estimates also lack support. According to RPU Appendix E (p. 374), Transportation, VMT estimates accounted for residential units using the following numbers:

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
New Allocations	0	2600	2600	4000	5200
<u>Development Rights</u>	3883	3883	3883	3883	3883
New residential units	0	2600	2600	3883	3883

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During the environmental review process, all model inputs were evaluated to ensure they represent the maximum amount of development that could occur under each alternative. As shown in Table 2, residential development under alternatives 4 and 5 was limited by the number of available development rights. However the estimate of development rights (3883) reflects development rights associated with developable parcels. The estimate of total development rights including those associated with unbuildable parcels is 4091. It is possible that development rights could be transferred off of unbuildable parcels, and used for multi-family developments on buildable parcels. Therefore, the number of residential units modeled in alternatives 4 and 5 underestimates the total number of possible residential units by 117 and 208, respectively. To ensure that alternatives 4 and 5 would not result in any impacts in addition to those evaluated by the model, alternative 5 was remodeled to reflect 4091 new residential units. The revised model showed approximately a 1.5% increase in VMT from the earlier model. This increase in VMT would not change any of the impact determinations or mitigations in the EIS. The revised alternative 5 model output was analyzed for LOS impacts to roadway segments and intersections and it showed no additional impacts over the previous model run. Therefore the alternative 4 and 5 models adequately reflect all impacts associated with the maximum development possible under those alternatives.

First, a 1.5% VMT increase is not 'insignificant.' Considering the threshold was based on a 10% reduction, that it appears there has been an approximate decrease in VMT of 7% since 2007, yet existing infrastructure would support an increase well over 7%, and that the economic factors which have decreased the number of residents and visitors in the Basin is expected to reverse as the economy improves, any increases in VMT are significant. Further, what does 1.5% VMT translate to with regards to the "per capita" VMT?

How many of the existing "development rights" are associated with parcels that would not be built on regardless?¹⁵³ Whether they are too steep, too wet, etc., such that a person would not want to build on them, regardless of whether it would be allowed. This would affect the analysis of future VMT.

Also, as noted in comments¹⁵⁴ on the modeling and trip assumptions, the reductions applied by the TRIA modeling are not appropriate.

Finally, it remains unclear if the future VMT estimates account for travelers to the Basin that are not associated with any overnight stays (estimated by TRPA based on additional residential units and TAUs) or additional CFA. How many visitors may drive to the Basin for just a day? Before gas prices increased substantially, this appeared to be on the rise, as people who could no longer afford the increased costs of overnight accommodations in the Basin (associated with redevelopment and other factors) instead opted to drive to the Tahoe Basin just for 'the day.' Gas prices have actually been decreasing over the past several

¹⁵³ See discussion in comments submitted to NTPA by Anthony Kalfbus.

¹⁵⁴ See comments submitted by Joy Dalgren.

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weeks. Further, as more people move to places within just a few hours' drive to the Basin (Reno, Carson City and Carson Valley, Sacramento Valley, etc.), how many more people may take day trips to the Basin?

How do VMT estimates account for winter impacts, especially with regards to the increased VMT associated with the proposed ski resort expansions (e.g. Heavenly, Homewood, etc.)? Although the threshold for VMT is based on a summer day in August, the environmental impacts are year-round, and therefore impacts of changes to winter VMT must also be assessed.

The RPU alternatives should also evaluate VMT and the associated environmental impacts on a seasonal basis, especially as many effects are more pronounced during certain seasons. For example, TERC reports that the summer mid-lake clarity is getting worse, although the winter clarity seems to be a bit better. In examining air quality impacts, CO is typically more of a wintertime issue due to the basin's strong inversions, whereas ozone is generally more of a summertime pollutant. Thus, increases in traffic related to ski resort expansions would have a greater impact on ambient CO concentrations in the winter than in the summer. Alternatively, increased VMT in the warmer months (which is when the Basin experiences its highest visitation) may have a greater impact on summertime ozone levels and lake clarity.

Alternatives 1, 3, 4, and 5 rely on a transportation "package" that includes waterborne service and expanded use of the SLT Airport. Because the RTP DEIR/DEIS has considered this as a means to 'divert' people from driving their cars, we again ask what the emissions per person per mile are for waterborne travel versus a private automobile. It does not appear that waterborne service would provide air quality benefits – in fact, the emissions appear to be substantial. Further, there is no evaluation of how many people will use the waterborne service instead of driving, including how many people would ride in a vehicle versus the ferry (for example, if people average 3 riders/private vehicle, and 60 people use the ferry service instead of driving, this in essence could be estimated to have diverted 20 vehicle trips). Following this example, however, is the need to assess the environmental impacts of this choice. What are the emissions from those 60 people driving 15 miles in 20 private automobiles versus the ferry service emissions for that same distance? Will this ferry service really be used as an alternative to driving, or will it become a recreational 'excursion'? Where is this evaluated? What happens when the ferry is not at full capacity? Clearly this would result in even greater emissions per person per mile when compared to people driving their automobiles.

Yet, all alternatives but Alternative 2 in the RPU DEIS propose this project, which, like the CSLT Airport,¹⁵⁵ will use a substantial amount of public funds to operate, but other than military and emergency flights, is primarily used by those who do not live here.

¹⁵⁵ See 2006 Lake Tahoe Airport Report, referenced earlier in comments.

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“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.”
(RTP DEIR/DEIS, Appendix C, part 7 p. C.7-13).

How does the cost of the waterborne transit infrastructure, as well as ongoing costs (also estimated to be millions annually by the RTP), compare to the cost of providing improved and more frequent public transit throughout the Basin? Has TRPA examined the increased ridership on public transit vehicles that could result if other options were considered, including improved service, reduced parking, parking fees, transit to recreation locations, 24-hour service, etc.? How does this compare to the environmental impacts of the alternatives and associated increases in VMT, air pollution, water pollution, noise, and so on?

Inclusion of VMT that has been lost due to poor economy and high gas prices:

In the 2011 Threshold Evaluation, and other documents (discussed below), the reduction in VMT has been acknowledged as creating a benefit to several air quality thresholds. Since 2006, there are several events and circumstances which have led to a reduction in visitor and residential VMT¹⁵⁶:

1. CA Indian gaming casinos became more popular¹⁵⁷ (visitor VMT);
2. Redevelopment involving the Embassy Suites and Heavenly Village [net reduction of 416 TAUs] coupled with the reduction in trips to Heavenly’s Cal Base due to the addition of the Gondola¹⁵⁸ (primarily visitor, some residential VMT likely);
3. The removal of the structures for the now bankrupt Convention Center Project, currently known as the infamous “hole in the ground” [588 TAUs] (visitor VMT);
4. The economic downturn that resulted in the loss of an estimated 7,200 full-time residents¹⁵⁹ (resident VMT)

¹⁵⁶ We use our best estimates of the TAUs noted here based on information provided to the public. If our numbers are incorrect, we request the actual numbers be included in the EIS.

¹⁵⁷ http://www.trpa.org/documents/rp_update/State_of_Basin/Gaming_Downturn_Presentation.pdf

¹⁵⁸ 2011 TRPA Threshold Evaluation, Chapter 3, p. 3-17: “This analysis suggests the Heavenly Gondola Project supported by the TRPA Regional Plan may have reduced overall winter traffic volumes, and resulted in a more rapid decline in traffic volumes than if the project had not been implemented.”

¹⁵⁹ RPU Chapter 3.12, p. 3.12-6: “Based on U.S. Census tract-level data, the total resident population of the Basin grew between 1990 and 2000 from approximately 52,600 to 62,800, but declined between 2000 and 2010 to approximately 55,600 (U.S. Census 1990, 2000, and 2010).”

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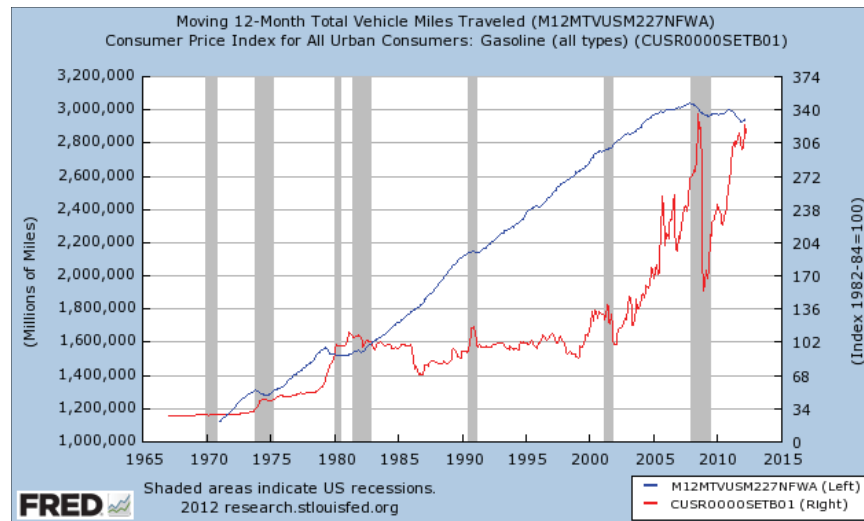
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5. The economic downturn coupled with high gas prices that resulted in less driving nationwide (see below)^{160,161}, including to, from, and within the Lake Tahoe Basin (visitor VMT impacts felt most, some resident VMT reductions); and



6. The increased price of homes in the Basin coupled with the downturn that has resulted in increases in short sales and foreclosures, leaving homes empty without anyone driving to them regularly¹⁶² (some residential VMT reduction).

According to RPU DEIS Chapter 3.12, Population, Employment and Housing, over 50% of the current housing units in the Basin (estimated at 47,400 in 2010) are vacant or used for seasonal purposes.

“Based on U.S. Census tract-level data, the total number of housing units in the Tahoe Region has increased from approximately 43,700 in 1990, to 46,100 in 2000, and 47,400 in 2010. The percentage of owner-occupied units increased from 24 percent in 1990 to 32 percent in 2000, but declined to 27 percent in 2010. The percentage of renter-occupied units over this period declined slightly; in 1990, approximately one-quarter of the housing stock was rented, but by 2010 this number had dropped to about 22 percent. The percentage of units vacant or used for seasonal rentals and vacation homes

¹⁶⁰ Figure: “Moving 12-month Total Vehicle Miles Traveled vs. Consumer Price Index for all Urban Consumers (Gasoline, All types). Data Source: FRED, Federal Reserve Economic Data, Federal Reserve Bank of St. Louis”

¹⁶¹ Traffic Congestion Plummets Worldwide: INRIX Traffic Scorecard Reports 30 Percent Drop in Traffic Across the U.S. May 22, 2012. <http://www.inrix.com/pressrelease.asp?ID=156>

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decreased from 51 percent in 1990 to 45 percent in 2000, but rose back to 51 percent in 2010.

In 2010, approximately 44 percent of all housing units in the Region were used seasonally (as vacation homes); approximately 27 percent were owner occupied; approximately 22 percent are renter occupied; and approximately 7 percent were vacant (TMPO 2010).

- What will happen when the 51% vacancy rate is decreased?
- If there are currently over 23,000 housing units that are not being used by full-time residents, and even recognizing some percentage of those will remain 2nd homes or for seasonal use, what will be the impacts of filling these now-vacant homes with more residents and visitors on the environmental thresholds?
- In fact, where is the demand for more housing, above and beyond what is already built and yet sitting vacant? It appears the densification of the Basin's more urban areas is responding to a housing demand that is not there, and will only certainly add more people and cars to the Basin, even as the economy improves and the current vacancies become filled. What impacts will this have on VMT? Air Quality? Water Quality? Greenhouse Gas Emissions?

Of these events, the following are expected to eventually 'turn around' and increase VMT once again:

- The development of the Convention Center or whatever replacement project may go there, which is currently approved with 488 TAUs (visitor VMT);
- The improvement in the economy, which will infill current vacancies in existing development and increase visitor travel to the Basin (visitor and resident VMT);
- Reductions in high gas prices (primarily visitor VMT);
- The decreased price of homes in the Basin, which will allow for more full time residents to again live in the Basin, as well as increased use by 2nd homeowners (visitor and resident VMT).

We also note that that the infrastructure that is currently in place was great enough to permit VMT to increase by 20% from 1981 to 1995, and then increase again by 8.85% from 1995 to 1999 for a total VMT increase of 30.2% [2001 Threshold Evaluation, July 2002 AQ-5 TRAFFIC VOLUME]. This further suggests that without adding any new units, VMT is likely to increase again.

In fact, independent peer review of the 2011 Threshold Evaluation suggests TRPA continue to aggressively reduce air pollution in anticipation of improvements in the economy that will again increase VMT:

“4] Current economic conditions in the Lake Tahoe Region as well as the country as a whole are impacting population growth and development. For example data

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provided in the Introduction of the report document notes a decline in population in the region as evidenced by comparison of 2000 and 2010 census figures (Figure 1-2), a downward trend in school enrollment (Figure 1-4), high unemployment rates (Table 1-3) and a steady decline in employment in the gaming industry (Figure 1-6). These factors are likely influencing air quality indicators in a positive manner. The majority of the air quality threshold indicators are in attainment with respective standards and a number are trending downward. The TRPA, however, should maintain an aggressive campaign to further reduce emissions attributable to human activities (vehicles, wood stoves etc) such that an attainment “cushion” can be maintained in the event that the economy within the region begins to rebound once again. Complacency with the current situation should not be the recommended course of action.”

(Air Quality Peer review comments by Gary T Hunt, QEP,
3/26/2011, p. 7).

In order to ensure adequate protection of the Air Quality threshold standards, as required by the TRPA Compact and Resolution 82-11, the environmental impact statement must estimate and account for this temporary reduction in VMT and associated impacts in addition to the evaluation of the increased pollution that will be generated by the new development approved by the Regional Plan alternatives. For example, there has been a rough decline in VMT since 2005 of about 7%. To err on the conservative side of protecting thresholds first, the study should include the emissions associated with this temporary decline in VMT in order to account for future impacts:

2010 Base Year AQ data and VMT/Vehicle Trips and associated Emissions;
+
An estimated 7 percent increase in VMT¹⁶³ that will occur with recovery of the economy
and other factors noted above.

These combined emissions (including non-California emissions as discussed in the next section) must then be compared with the increased development associated with the alternatives.

It appears as if the RTP quietly acknowledges this, at least in part, with a reference to VMT increases being driven by “a recovery in the visitor economy...” (page 3-13):

“...as illustrated in Figure 3-7, total VMT are forecast to increase gradually over the coming decades, driven by a recovery in the visitor economy and moderate population growth, approaching the threshold standard by 2035. Continued investment in improved transportation choices will be required to keep the Region below the threshold standard for VMT as the economy improves.

¹⁶³ In other words, as current vacancies again fill up and as people began to drive to the Basin more, VMT will rise, even if no new development occurs. See Attachment “2010 Base Year & 2035 Projected VMT & Emissions (AQ & GHG) - Mobile Sources.”

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Yet TRPA appears to discount this in the Transportation Chapter of the RPU DEIS (3.3), claiming:

“It is recognized that travel conditions in the Tahoe Region in 2010 may have been influenced by the recession that began in 2008. However, a downturn in economic conditions began in the Region prior to the recession as a result of reductions in gaming revenues, gaming employees, school enrollment, hotel night stays, and full-time residents beginning in 1998-2003, according to *Mobility 2030: Transportation Monitoring Program 2010* (TMPO 2010a: pp. 8-10). These changes are unlike those in other suburban/urban settings, which may suffer temporarily from high levels of vacant residential or commercial inventories that will rebound with improved economic conditions. Rather, the changes in Tahoe may represent an enduring shift in the region’s economy away from gaming. Therefore, it would not be appropriate to select a pre-recession year as an appropriate baseline condition for transportation analysis. As a baseline year, 2010 is appropriate, because it represented conditions at the time the Regional Plan Update analysis was undertaken.” (p. 3.3-13).

As noted in the 1991 Threshold Report section on the economy, Tahoe has seen tough times before, and clearly the economy turned around. Also, the document appears to suggest the reductions are primarily associated with the reduction in gaming, which, as noted above, is not the only reason visitor numbers have declined. We discuss this further in our comments elsewhere.

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The following statement in the RPU DEIS Land Use Section, 3.2, is not true. In fact, the document recognizes the net cumulative increase in several emissions, including GHG and Particulate emissions. A per capita increase or decrease is a different parameter.

The more concentrated land use pattern is expected to reduce automobile reliance, reduce emissions, increase feasibility of transit and neighborhood-scale BMPs for urban runoff, decrease environmental impacts and increase the availability of affordable and moderate income housing compared to existing patterns of development. (p. 3.2-57).

Failure to adequately analyze all transportation-related air emissions

Aircraft Emissions:

The environmental documents fail to include the air and GHG emissions associated with aircraft using the South Lake Tahoe Airport. Not only do baseline emissions exist which must be included in the 2010 inventories, but alternatives 1, 3, 4, and 5 all include transit

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'packages' which list "City of South Lake Tahoe (TVL) Aviation Capital"¹⁶⁴. The RTP Public Draft (p. 4-20) explains:

"Current plans at Lake Tahoe Airport include annual improvements averaging approximately \$1.5 million for runway, apron, and taxiway rehabilitation projects, new and expanded buildings, and an estimated \$800,000 for annual operating costs."

Appendix F in the RTP includes the following (p. F-7):

FAA Airport Improvement Program - This Federal Aviation Administration (FAA) program provides federal funds for airport improvement projects. The South Lake Tahoe Airport is eligible for these funds.
\$17,850,625 assumptions through 2023
Source: City of South Lake Tahoe

Although the TRPA and TMPO environmental documents fail to specify what these 'improvements' mean, the City of South Lake Tahoe's May 2011 General Plan¹⁶⁵ includes a clear intent to increase the use of the airport, including establishment of future regional jet service.

Policy TC-5.1: Ensure Continuation of Existing Airport Uses and Provide Opportunities for Expanded Uses

The City shall improve the airport for general aviation use and provide opportunities for future regional jet air service.

Policy TC-5.2: Expand the Airport's Role in the Region

The City shall further develop South Lake Tahoe Airport as a transportation hub and diversify services to strengthen the financial base of the airport.

Yet the RPU DEIS fails to evaluate any impacts from increased aircraft at the Airport, which will affect air quality, noise, water quality, greenhouse gas emissions, and other threshold resource areas. Instead, the RPU DEIS claims that aircraft usage will not increase under any alternative:

"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." (RPU DEIS Chapter 3.6, Noise, p. 3.6-8).

This is clearly misleading to the public. Those reading the other sections of the document, and the RTP DEIR/DEIS, will see proposed increases in aircraft use, yet those reading the

¹⁶⁴ RTP Public Draft, Figure 6-3: "Tier 1 Constrained Scenario Project List: Cost and Implementation Steps" (p. 6-9)

¹⁶⁵ http://sltgpu.com/pdf/FinalPD/SLTGPU_PD_5-Trans_Circ_Final_2011-05-17.pdf

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Noise section are assured this will not happen. Which is it? Further, the impacts of any increases must be analyzed.

Estimating the emissions from aircraft is not a new or foreign concept, therefore the continued refusal to incorporate the air quality and GHG impacts of the South Lake Tahoe Airport in previous analyses is unacceptable. Referencing the CARB Emission Inventory for the California portion of the Basin may provide a line item estimate of aircraft emissions¹⁶⁶, but this estimate is not based on Tahoe-specific parameters, including level of use, impacts of elevation, exposure of nearby residents and visitors, and likely intensification of emissions during the thermal inversions that are so common in the Basin. As the 2006 League to Save Lake Tahoe's Airport Report¹⁶⁷ noted, an examination of aircraft using the SLT airport compared to common vehicles in the Tahoe Basin revealed aircraft to be far more polluting on a per passenger basis than passenger vehicles.

An article published in the EHS Journal titled "Climate Change Impacts of the Aviation Industry"¹⁶⁸ considered the GHG impacts of aircraft, and findings were quite similar.

... the CE Delft report *To Shift or Not to Shift, That's the Question: The Environmental Performance of the Principal Modes of Freight and Passenger Transport in the Policy-Making Context* concluded that aviation performs three to ten times worse in terms of climate impact than cars on competing distances, and some two to ten times worse than high-speed trains. Likewise, when one examines aviation as a freight hauling industry, it does not do any better when compared to surface modes of transportation. The study *External Costs of Transport* (INFRAS/IWW 2004) showed that when it comes to freight transport, aviation is even worse in terms of emissions than passenger transport. The external costs of aircraft-related climate change are approximately ten times greater than for trucks, the second worst mode. Although none of these reports can be said to be the definitive word on whether aviation is more or less climate intensive than surface transportation, it does highlight the fact that aviation is probably more climate intensive than was thought.

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¹⁶⁶ CARB 2008 Estimated Annual Average Emissions, Lake Tahoe Air Basin, accessed 5/3/2012. Aircraft emissions include (in Tons per Day): ROG: 0.27; CO: 2.72; NOx: 0.2; PM10: 0.09; and PM2.5: 0.09.

¹⁶⁷ www.keeptahoeblue.org

¹⁶⁸ <http://ehsjournal.org/http://ehsjournal.org/steven-taber/climate-change-impacts-of-the-aviation-industry-global-warming/2010/>

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Conclusion: Policy and Legal Implications

So what are the policy and legal implications of these facts? First and foremost, it is evident that aviation plays a larger role in climate change than most in the aviation industry would like to admit. This means that now is not the time for complacency or resting on illusory laurels. If aviation is not to be left behind by the auto and truck industry as well as shipping, it needs to take action sooner rather than later to control its impact on climate change.

Second, these facts indicate that, at least in the short run, technological innovations will not noticeably affect the impact that aviation has on climate change. As both the GAO and Lee et al. pointed out, although the aviation industry is making technological advances that will reduce emissions that create climate change, these advances will not be available for implementation in the near future.

Third, airports cannot walk away from issues surrounding the climate change impact created by aircraft. According to a 2006 Seattle-Tacoma International Airport greenhouse gas inventory, 90 percent of total CO2 emissions associated with that airport were from aircraft operating above 3,000 feet, but the airport is still responsible for those emissions. Using simple “but for” logic, if it were not for Seattle-Tacoma Airport, those airplanes would not be landing there; therefore, the airport should take responsibility for all incoming flights.

In order to perform a comprehensive analysis of the air quality and GHG impacts of the SLT Airport, including baseline conditions and the increased use proposed in Alternatives 1, 3, 4, and 5, the RPU DEIS and RTP DEIR/S must assess the impacts of aircraft emissions.

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Watercraft Emissions

The environmental documents also fail to adequately assess Tahoe-Basin specific watercraft emissions. Rather, the RPU DEIS appears to rely solely on CARB’s Emissions Inventory to assess ‘baseline’ air quality data and includes no evaluation of the additional emissions that would be associated with increased use of recreational watercraft on the Lake (associated with increases in population). Further, as with VMT, the economic downturn combined with high gas prices have likely decreased the number of watercraft used on the Lake, especially from those who live outside of the Basin and travel to Tahoe. The inspection fees may also deter some visitors, however the economy, and gas prices, will eventually change and lead to increased boating on the Lake, whereas the inspection fees will remain consistent. Therefore, our comments address the baseline emissions associated with motorized watercraft, the emissions associated with the temporary reduction in use due to economic factors, as well as the increase in boats on the Lake associated with increased residential and visitor populations (in the proposed Alternatives).

First, the reliance on the basic CARB Emission Inventory (2008) for watercraft emissions results in significant underestimates of emissions from motorized watercraft. CARB’s basic

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EI methodology estimates emissions based on residential population in the California portions of the Lake Tahoe Basin. This excludes the impacts of watercraft from Nevada, as well as non-Basin residents. In fact, previous surveys have revealed a majority of boats used on Lake Tahoe are not registered in Lake Tahoe. As a result, the CARB EI does not account for boats from visitors or NV-side residents. Below is a comparison of the 2008 CARB Annual Average Emissions Estimates for Recreational Boats versus TRPA's estimates based on Boat Inspections and other survey data (as reported in the May 2011 Governing Board packet). Because TRPA's Estimated Emissions were reported as tons/year, in order to compare these to CARB's (reported as Tons/Day), the total emissions for each pollutant were either divided or multiplied by 365 as described in the table's footnotes).

Source	Year	Annual Average Emissions (Tons) ^a							
		CO		NO _x		ROG/HC's		PM	
		Per Year	Per Day	Per Year	Per Day	Per Year	Per Day	Per Year	Per Day
CARB 2008 EI:	2008	2372.5	6.50	116.8	0.32	306.6	0.84	18.25	0.05
TRPA ^b	2004	9,411	25.78	244	0.67	1,148	3.15	43	0.12
% Underestimated ^c by CARB EI v. TRPA 2004			75		52		73		58
	2009	6,357	17.42	206	0.56	935	2.56	37	0.10
% Underestimated ^c by CARB EI v. TRPA 2009			63		43		67		51
	2010	5,740	15.73	198	0.54	856	2.35	34	0.09
% Underestimated ^c by CARB EI v. TRPA 2010			59		41		64		46
<p>a CARB EI estimates are reported as annual average Tons per day. TRPA estimates were reported as Tons/year. Even though the average boating season is roughly 100 days in Lake Tahoe, to allow for direct comparison, CARB's numbers were multiplied by 365 days to obtain Tons per Year, and TRPA's numbers were divided by 365 to obtain Tons per Day.</p> <p>b TRPA's estimates were presented in the May 2011 Governing Board Packet,</p>									

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beginning on page 161 for the item titled "Shorezone Monitoring Report."
c CARB's emission inventory methods utilize DMV registration data to estimate emissions; because a majority of the boats on Lake Tahoe have typically been registered out of the Basin, the emissions of these visitor boats are not accounted for by the default methodologies.
d Although HCs are a component of ROGs, measurements of HC's and measurements of ROGs are often used interchangeably when discussing pollutants contributing to ozone formation. Therefore, CARB's ROG estimates are compared direction to TRPA's HC estimates in this table. <i>Additional notes: CARB defines Reactive Organic Gases as "A photochemically reactive chemical gas, composed of non-methane hydrocarbons, that may contribute to the formation of smog. Also sometimes referred to as Non-Methane Organic Gases (NMOGs). (See also Volatile Organic Compounds and Hydrocarbons.)". The Coalition for Clean Air (http://ccair.org/learn-more/fast-facts/pollutants-a-health) defines Hydrocarbons as "a class of reactive organic gases (ROG), which are formed solely of hydrogen and carbon."</i>

In other words, on average, CARB's EI estimates underestimate watercraft emissions as follows:

CO	59-75%
NOx	41-52%
ROG/HC's	64-73%
PM	46-58%

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Although TRPA's information shows boat numbers had decreased from 2004 to 2010, much like VMT, some portion of this reduction is likely due to economic factors, including gas prices*, and therefore, as the economy improves, boat use will again increase. Regardless, use of the 2010 numbers still indicates a significant underestimation of watercraft-related emissions. Additionally, what are the daily impacts of boat use during the summer months – since these annual emissions generally occur over the typical 100 day boating season? Further, emissions of ozone precursors in the summer have a greater impact on ozone formation, therefore the impacts of increased watercraft use must consider the daily impacts on ambient ozone levels.

*In a letter to TRPA regarding greenhouse gas emissions from motorized watercraft¹⁶⁹, the Tahoe Area Sierra Club reviewed the typically-sized boats on the Lake and summarized the miles per gallon for each boat. Clearly, high gas prices would be expected to reduce the use of watercraft that barely get a few miles per gallon, especially on a Lake that is 12 miles wide and 22 miles long.

Example Mile Per Gallon (mpg) for boats:

¹⁶⁹ 9/25/08. "Questions regarding Volume 4, Appendix M: for consideration at 9/25 Public Workshop". Submitted to TRPA Governing Board by Tahoe Area Sierra Club.

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The following table provides mpg info for a selection of boats within the top 3 size categories (per TRPA's survey data).

(length [ft.])	Boat	Miles per gallon (mpg)*
27.5'	2003 Cobalt 250 BR	2.1 to 2.8
24'	2005 Bayliner 249 Deckboat	1.94 to 3.19
22'	2006-2008 Tahoe 250	2.35 to 4.44
20'	2006-2008 Tahoe 195 I/O	1.86 to 4.49
18'	2007 Ranger Boats 1850 Reata	3.27 to 5.02
16'	2007 Tracker Pro Team 170 TX	4.18 to 13.50

** For all boats except 2003 Cobalt (mpg range depends on speed), averages provided are from data for mpg running at 1,500 rpm and above. Source, full mpg range and engine information for these boats (and additional boats in these size classes) were collected and are available upon request.*

The environmental documents must accurately assess existing air quality conditions as well as anticipated increases associated with each Alternative. However, the environmental documents clearly fail to analyze the true impact of watercraft emissions on Lake Tahoe for the base year, nor do they evaluate the impacts of increasing the resident and visitor populations in the Basin. For example:

- How many of the 'new' residents and increased visitors will have boats?
 - The DEIS includes no estimate of the increase in boat use anywhere in the document, other than making minor references to the ability of 'existing facilities' to be sufficient to handle increased populations, which in itself suggests a recognition that with increased populations there will be increased boating:

“In addition, ongoing improvements through various agencies (i.e., USFS, CTC, CSP, NSP, and private property owners) and programs (such as the EIP) and allocation of PAOTs as needed by TRPA would continue to expand and maintain these opportunities and ensure that capacity is available. Because of the number, wide variety, and proximity of existing recreation facilities and opportunities (e.g., parks, hiking trails, beaches, ski areas, boating facilities), the modest increase in residents and visitors to the Tahoe Region resulting from implementation of [all Alternatives] would not result in the concentration of recreation users on any single recreation facility such that new or expanded facilities would be required. The increase in population could be accommodated by existing facilities in the Tahoe Region.” (RPU DEIS, Chapter 3.11, Recreation).

Speculation and unsupported assumptions do not provide an adequate substitute for environmental analysis.

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- How will these emissions affect overall air quality in the Basin?
- What proportion of emissions in the Basin are currently attributable to motorized watercraft? How does this compare to motorized vehicles? Aircraft?

In fact, TRPA acknowledged in the final Shorezone EIS¹⁷⁰ that recreational boating will increase merely due to increases in population in and around the Basin, even though TRPA is not adding any new boating facilities. Ironically, the conservation community criticized TRPA for refusing any responsibility to limit the number of boats in the future to help attain and maintain thresholds, as the TRPA stated they had no control over it.

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Further, the failure to analyze watercraft-related emissions is extended to GHG emissions as well. As noted in the 9/25/08 letter from TASC referenced above,¹⁷¹ the assumed increased in watercraft use over the 20-year planning period evaluated could increase GHG emissions by roughly 30% over the levels existing at that time.

Failure to Analyze all Off-Road Emissions:

There is a confusing lack of analysis of any increases in off-road vehicle use, even though the alternatives add more people to the Basin (residents and visitors), but appear to consider no regulation or limitations on additional sources of pollution. However, we did find a reference to these recreational vehicles in the RPU DEIS' Noise analysis, which states:

“Similarly, no changes to levels of activity by motorized watercraft, motorcycles, off-road vehicles, and over-snow vehicles are anticipated under any of the Regional Plan Update alternatives because they are not expected to result in additional boating facilities, trails, or recreation areas for these types of vehicles. Furthermore, the types of motorized watercraft, motorcycles, off-road vehicles, and over-snow vehicles, as well as on-road vehicles, are not expected to change as a result of the Regional Plan Update alternatives.” (p. 3.6-8).

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Not only does this defy logic – if you increase the population by thousands of people, increased recreation can be expected – but it defies the conclusion in the RPU DEIS Recreation Chapter noted above that existing facilities can handle the increased use associated with increased population growth.¹⁷²

What does the proposed Forest Plan update (DEIS recently released) evaluate with regards to changes in recreation?

In fact, when one considers the failure to analyze GHG emissions from aircraft, watercraft, and other off-road sources, given these sources emit a significant amount of other pollutants

¹⁷⁰ Adopted in 2008.

¹⁷¹ Comments submitted by TASC on 9/25/08: “Questions regarding Volume 4, Appendix M: for consideration at 9/25 Public Workshop”

¹⁷² “The increase in population could be accommodated by existing facilities in the Tahoe Region.” RPU DEIS Chapter 3.11, Recreation).

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of concern, what are the relative contributions of these sources to Tahoe's overall GHG emissions? Therefore, if TRPA simply targets one source (light and medium duty vehicles), and neglects other sources that may contribute far greater emissions, then the Basin will continue to emit significant levels of GHG emissions. The RPU DEIS needs to analyze all sources of GHG emissions, and only then can we begin to assess what options are available to reduce emissions to meet GHG reduction targets. This is discussed more below.

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Changes to TRPA Goals & Policies and Code:

There are significant changes proposed to the Goals & Policies and Code (for Alternative 3; we are uncertain of the other Alternatives since proposed changes were not provided). As such, our comments on the draft TER, the RPU DEIS and the RTP DEIR/S documents extend to the proposed changes in the Goals and Policies and Code which implement the changes analyzed in the documents.

Greenhouse Gas (GHG) Emissions and Sustainable Community Strategies (SCS)

Although the timeline of climate change may remain difficult to predict, the impacts climate change is having on our environment, and the worsening conditions in the future, are not a mystery, nor are the impacts of anthropogenic sources.¹⁷³ However, TRPA has again failed to examine how climate change may affect the environmental thresholds, and what actions, therefore, TRPA could take to help mitigate some of those effects.

For example, warmer temperatures may cause more ozone formation, thus TRPA should examine ways to further reduce local emissions of ozone precursors. Warmer temperatures in the lake could be assisting in the increase of nearshore algae that are detrimental to nearshore clarity, thus TRPA could adopt stricter standards for nutrient loading to the Lake and make land use decisions that would improve filtering (e.g. focus on infiltration closest to the lake, not urbanization). More flooding (including rain-on-snow events) is expected in the Basin, therefore, will the existing 20-year storm design be adequate in the future? Is it even adequate now?

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Climate change will also negatively impact our forests' health, therefore, what measures should we be taking to reduce the impacts of human-related activities? Wildfires are expected to increase, so should we be focusing on better ways to regulate PM emissions from other sources during those events? Also, because ozone negatively impacts trees, TRPA should be considering the adoption of ozone standards not only to protect human health (see comments on the CA 8-hour standard above), but also standards to protect pine trees from further ozone-caused damage.

The list of environmental impacts is much longer, as is the list of questions that should be addressed with the update of thresholds and adoption of a new 20-year Regional Plan. However, it appears that the only consideration given to GHG and climate change in the

¹⁷³ http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf

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RPU DEIS is related to whether certain motor-vehicle emissions meet CA's SB 375 reduction targets. This not only ignores TRPA's responsibility to meet thresholds first (at least, in how TRPA/TMPO is proposing to address it), but it also fails to consider the Basin-wide GHG emissions from all sources, and other strategies that are needed to help reduce the GHG emissions from those sources as well.

TRPA Thresholds should examine GHG standards:

The State of California adopted GHG reduction targets in 2006 (AB 32) – six years before the release of the draft update documents. Although in the 2006 Threshold Report, the timing for adoption of thresholds related to GHGs may have been difficult, there is certainly no excuse for the lack of any proposed thresholds in 2012. Much like reducing VMT benefits other resources areas (air and water quality, noise, etc.), reducing overall GHG emissions will benefit the environmental thresholds (as well as Tahoe's economy). However, a reduction in overall GHG emissions is not the same as a reduction in "per capita" GHG emissions. Further, as noted in our comments regarding VMT, and comments submitted by Joy Dahlgren on the Transportation Modeling assumptions, evidence doesn't support the claim that even *per capita* emissions would be reduced.

Yet, for a moment ignoring the flaws in the transportation analysis, assuming the 'per capita' emissions actually could be reduced (for light and medium duty vehicles, according to SB 375), TRPA can not negatively impact the TRPA environmental thresholds in order to accommodate CA's GHG regulations. The Compact's authority is clear. However, we also do not believe this has to be a conflict. The SB 375 allows for alternative planning strategies. However, TRPA has failed to evaluate any (instead referring, at most, to the 'development of an APS in the future for Alternatives 1, 4, and 5). What GHG emission reductions could be reduced by improved transit service?

Further, we note that the SCS itself notes it does not supersede local government's land use authority (although in the case of the TRPA, TRPA's authority already supersedes that of the state and local governments).

"While an SCS does not supersede a local government's land use authority, SB375 created an exemption from CEQA for local transit-oriented residential projects that are consistent with the applicable SCS as an incentive. (*Id.* at subd. (b)(2)(J); Pub. Resources Code, § 21155.1.)"¹⁷⁴

First, what is the purpose of the TMPO including an SCS (although we contend other ways to meet SB 375 through an APS have not been examined)? What are the consequences if TRPA focused instead on reducing *overall* GHG emissions in the Basin, rather than just the "per capita" emissions from light and medium duty vehicles? It appears that the RPU's approach to meeting these specific reductions will likely lead to an overall net increase in GHG emissions in the Basin, and contribute to non-attainment of the TRPA environmental thresholds, which come first. Is this about realizing the benefits of reduced CEQA

¹⁷⁴ http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf (p. 9).

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requirements for future residential projects? Is that why TRPA would sacrifice the environmental thresholds that it is its core duty to achieve and maintain?

Further, the concept of building ‘walkable communities’ to supposedly reduce the per capita driving of individuals is an approach that applies to areas where extensive future growth is a given. As noted in our comments on the concepts regarding ‘walkable communities’ and ‘compact development,’ the areas these ideas stem from are areas where significant expansions in population will happen.

In order to protect Tahoe’s unique and fragile environment, to the Compact mandates TRPA to develop environmental threshold carrying capacities - which we note are *carrying capacities*. At some point, the Basin could not accommodate any more people, more pollution, etc., without compromising the environmental values that TRPA was created to protect. Thus, a one-size-fits-all approach that is intended to address areas with extensive future growth is certainly not appropriate in the Tahoe Basin. **The question for Tahoe is not “how to best accommodate future population growth in the Basin,” but rather, “how do we reduce the emissions associated with the growth that is already here, as well as the continued impacts from visitors, while ensuring threshold achievement and maintenance?”**

We see no attempts to consider anything other than this one-size-fits-all approach that has no place in the Tahoe Basin. Yet even California recognizes that other strategies may be warranted in individual MPOs, since the option for an Alternative Planning Strategy (APS) was included in the regulations.

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Alternative Planning Strategy and SB 375:

Senate Bill 375 states:

“To the extent the sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, the bill would require affected metropolitan planning organizations to prepare an alternative planning strategy to the sustainable communities strategy showing how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.”

For the CA-portion of the Basin, where SB 375 applies, the Regional Plan Update and Regional Transportation Plan Update Action Alternatives (Alternatives 2 - 5) fail to include alternative strategies to the urban densification that is proposed under all Action alternatives. Rather, all action alternatives instead propose the same concept – increased density in urban areas, increased height, etc. – for supposedly achieving the required GHG reductions (which of note are “per capita” only – not cumulative). In order to provide a sufficient range of alternatives, the RPU and RTP documents should include at least one

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alternative that evaluates the use of an “alternative planning strategy” for meeting the CA targets.

The failure to analyze an alternative planning strategy was in fact raised during the May 23, 2012 public comments on the RPU/RTP documents. TRPA staff did not respond to this question. Instead, a member of the APC (in attendance as a member of the public, since there was not an APC meeting during the GB meeting) stood up and stated that Alternatives 2 and 5 do include an alternative planning strategy. The Board appeared satisfied with this response, however no evidence was provided to support the commenter’s statement.

An examination of the RPU/RTP documents reveals no evaluation of an alternative planning strategy (APS). Rather, the documents defer the *development of an APS* to some unknown future date for Alternatives 1, 4, and 5¹⁷⁵:

MITIGATION MEASURES

No mitigation is required for Alternatives 2 or 3. The following mitigation is required for Alternatives 1, 4, and 5.

Mitigation Measure 3.5-2: Prepare Alternative Planning Strategy

For Alternatives 1, 4, and 5, TMPO shall prepare an Alternative Planning Strategy (APS) that demonstrates how the regional SB 375 GHG-reduction targets for the California portion of the Region would be achieved, in accordance with California SB 375. 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.

Significance After Mitigation

Because Alternatives 2 and 3 demonstrate that achieving both the AB 32 and SB 375 reduction goals is feasible, adoption of a qualifying APS for Alternatives 1, 4, and 5 would feasibly reduce this impact to a **less-than-significant** level.

Not only is deferred mitigation not allowed by CEQA¹⁷⁶, but an alternative planning strategy is just that – a planning strategy. If the land use patterns reflected in the proposed alternatives have already been adopted and implemented, the TRPA and TMPO can not go back and “un-implement” the development permitted by the new Plans. Instead, the RPU and RTP alternatives must spell out an APS and evaluate the impacts to allow for a sufficient comparison to the other alternatives before any RPU can be lawfully approved. Additionally, TRPA’s Compact requirements for an EIS do not allow for deferred mitigation.

We also question what other flexibility is provided to the TMPO in meeting SB 375 while taking into account local considerations (e.g. TRPA and the environmental thresholds that

¹⁷⁵ RPU DEIS, Chapter 3.5, p. 3.5-30.

¹⁷⁶ See discussion regarding the applicability of CEQA to the RPU and RTP updates.

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must be attained and maintained). According to an assessment by Transportation and Urban Planning in the San Francisco Bay Area,¹⁷⁷ there appears to be several considerations that can be made based on local factors.

“But as is typical of environmental legislation, SB 375 only requires that an MPO meet the regional target if it’s “feasible” to do so, and there’s a broad range of obstacles that could undermine feasibility– including economic, environmental, legal, social, and technological issues.”

Environmental Factors: Clearly, there are environmental factors in the Tahoe Basin that take precedence over all – TRPA’s Environmental Threshold Carrying Capacities.

Legal Factors: TRPA is required to attain and maintain thresholds, a role designated by Congress. This supersedes state law.¹⁷⁸

Social Factors: Residents and visitors come to the Basin to escape urbanization, to enjoy and appreciate the unique beauty of Lake Tahoe and its surrounding environment. TRPA’s proposal to urbanize several areas of the Basin, to add more people, cars, equipment, pollution, buildings, height, and so on, will destroy the uniqueness that draws people to the Basin in the first place.

Technological Issues: If an adequate assessment of GHG emission sources were performed, and revealed that impacts from watercraft, off-road recreation, and/or aircraft were substantial, then wouldn’t it be necessary to reduce GHG emissions from these sources?

Economic Factors: As repeated throughout historic TRPA documents and quoted in our comments repeatedly, meeting the environmental thresholds will help the economy in the Basin. After all, the main draw for tourists is the outdoor environment. Destroying the unique environment that draws people here in the first place will harm the economy, not help it.

The Transportation and Urban Planning in the San Francisco Bay Area review continues:

“...The fact that an SCS is subject to the fiscal constraints of the RTP could certainly affect feasibility. For example, an MPO’s modeling work might reveal that building 100 miles of grade-separated rapid transit (and implementing associated land use changes) would allow the region to meet its target. But if the region cannot fund more than 10 miles of rapid transit, it is not appropriate for the SCS to depend on the full 100 miles in order to meet the GHG reduction target. There is, however, an appropriate document in which to include the full 100 miles — the Alternative Planning Strategy (APS). In the event that an SCS is unable to meet ARB’s regional target, the MPO must prepare an APS that will meet the target. The

¹⁷⁷ <http://transbayblog.com/sb375/#localgov>

¹⁷⁸ Compact Article V(d) and Resolution 82-11.

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APS should explain what barriers exist to meeting ARB's target, and then present other ways the region could leverage land use and transportation tools that allow the region to achieve the target. Although those tools must be somehow "practicable," the APS is an opportunity for an MPO to be more visionary about the future of its region..."

Doesn't the Tahoe Basin warrant a TMPO that is more visionary? Instead, it would appear as if the RPU DEIS and RTP DEIR/S documents have concluded that it's acceptable to ignore the Compact's requirements to comply with one option under a CA regulation that was passed just a few years ago.

Also, what were the original targets (as referred to below)? Did the TMPO request regional targets that were more conducive to the unique factors (and environmental threshold requirements) in the Basin?

RTAC 2009:

"The targets may be expressed in gross tons, tons per capita, tons per household, or in any other metric deemed appropriate by ARB. Additionally, each MPO may recommend a target for its region. Cal. Govt. Code § 65080(b)(2)(A)(v)."

We also note that there are good arguments to reduce existing development in some areas and to increase the development in a few areas that are most likely to both want the increases and that are conducive to some increase, when based on tight criteria.

However, the SCS relies on larger California approaches to urban sprawl when urban sprawl is not an issue in the Tahoe Basin, nor a given. Further, the Tahoe Basin's economy is not comparable to other places in California. Tahoe's tourist economy is not a normal economy. It is based on disposable income, global economics, and weather, all of which are completely beyond the control of the area.

Inadequate analysis of GHGs from on-road vehicle sources:

As shown in the attached tables, there are numerous different sources for vehicle and population information among the RPU DEIS and RTP DEIR/DEIS documents, as well as the 2011 Threshold Evaluation Report. It is unclear why some VMT are counted, while others are not. See comment related to VMT above for further discussion.

Baseline GHG Emissions:

The RPU DEIS fails to include an estimate of the existing total GHG emissions for base year 2010.¹⁷⁹ Although this information is provided for mobile sources, the document otherwise provides only the 'difference from' 2010 in both the DEIS Chapter as well as in Appendix F (p. 7-12). In order for the public to accurately assess the impacts of all

¹⁷⁹ The use of 2005 as the Base Year only applies to CA's regulations for SB 375. Otherwise, the documents have used 2010 VMT and other 2010 data for the 'base year' in the DEIS and DEIR/S documents, and therefore the baseline for Basin-wide GHG emissions must also be 2010.

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alternatives, clearly the existing conditions must be summarized. Simply providing the 'increases from' does not substitute, as the public can not use this information to estimate the baseline conditions, nor compare the estimates in the document to other estimates performed for the Basin.

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Evidence does not support purported reductions in per person VMT and emissions with Compact Development in the Lake Tahoe Basin

The RPU DEIS has assumed that Compact Development, as applied in other parts of the country to control anticipated growth, will encourage people to drive less, and improve the economy of the Tahoe Region. This is apparently "shown" by the Trip Reduction Impact Analysis in the RTP, which has used faulty and inappropriate 'assumptions' to project a supposed reduction in "per capita" VMT.¹⁸⁰ Further, the environmental documents fail to analyze "smart growth/compact development" concepts and whether they are comparable to the conditions and desires of those who live and visit the Tahoe Region. At best, the documents include references to the following documents as the supposed basis for these assumptions. Yet there are many problems with the applicability of these documents. For example:

RPU DEIS, Transportation Chapter, states:

"Compact development is frequently cited for its relationship to VMT. However, the effects of density depend on where the project is located with a region (Niemeier, Bai, and Handy 2011; pp. 75-79)." However, the article referenced involves estimates of different approaches to handling an anticipated growth in the San Joaquin Valley of California of more than 660,000 people.¹⁸¹ This is in no way comparable to the Tahoe Basin, where growth is very limited and certainly not a 'given' that will have to be accommodated in some way. In fact, the TRPA Compact does, after all, refer to carrying capacities.

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The next reference includes the following:

"Other research has demonstrated that "regionally accessible, centrally located sites require shorter average trip distances than do sites along the regional periphery" (EPA 2001: p. 47)." A review of the EPA document referenced indicates a discussion and table associated with another reference: "Allen, E, Anderson, G, and Schroeder, W, 'The Impacts of Infill vs. Greenfield Development: A Comparative Case Study Analysis,' U.S. Environmental Protection Agency, Office of Policy, EPA publication #231-R-99-005, September 2, 1999."

The "other research" noted in the EPA document that the RPU DEIS appears to be referencing leads back to this 1999 study, which we first note was published 14 years ago and based on modeling – which itself includes numerous assumptions. However, much like

¹⁸⁰ See comments submitted by transportation expert Joy Dahlgren.

¹⁸¹ "Official state projections indicate that San Joaquin County will experience the highest growth in population, adding more than 660 000 people between 2000 and 2030..."

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the previous reference, again this study refers to examinations in areas that are not comparable to conditions, growth patterns, or the geography of the Lake Tahoe Basin. As more recent research indicates, compact development is not a one-size-fits-all approach, and rather, can lead to increased travel (which causes increased environmental pollution) overall.

Yet the study examined three situations, located in San Diego County, CA, Montgomery County, Maryland, and West Palm Beach, Florida. In all cases, the existing areas evaluated for 'infill' versus 'greenfield' (how the study termed suburban locations) were heavily developed and on the order of hundreds of acres. The locations selected for 'greenfield' were in fact ten or more miles away from the 'central' infill location, as summarized in the excerpts from the 1999 Case Study Analysis below:

"The 160-acre greenfield site is located 15 miles north of San Diego's CBD and was selected because of its location in one of San Diego's highest-growth areas... Clarksburg [Maryland] based on its location in one of the region's prime growth areas, approximately 20 miles north of the Silver Spring CBD... The greenfield site was selected in consultation with Palm Beach County planning staff. It is a 488-acre site located about ten miles west of the city center."

This is clearly not representative of the Tahoe Basin in any shape or form. Further, the sites were located in areas where extensive growth was going to occur and planners were determining the best approaches for accommodating the additional growth.

In the Tahoe Basin, growth is already very limited. Compact development is generally referred to with regards to areas where extensive growth will occur, so the choice is urban sprawl versus infill. According to the RPU DEIS, Chapter 3.3, page 3.3-30, according to the 1987 Regional Plan (without approval for additional allocations) there will be just 86 allocations remaining outside of community centers. (Although it is unclear how TRPA has defined the boundaries of 'community centers' for this Table, the presumption that areas outside of such centers are low-density appears implied by the Land Use policies that promote transferring development into the more dense urban centers).

Another problem with the studies referenced by the DEIS is that they are aggregate studies – in other words, the author(s) have summarized information from other studies. Aggregate studies do not provide strong empirical evidence:

"Ecologic (Aggregate) Study: An observational analytical study based on aggregated secondary data. Aggregate data on risk factors and disease prevalence from different population groups is compared to identify associations. Because all data are aggregate at the group level, relationships at the individual level cannot be empirically determined but are rather inferred from the group level. Thus, because of

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the likelihood of an ecologic fallacy, this type of study provides weak empirical evidence.”¹⁸²

A working report by ITE, also referenced in the Niemeier, Bai, and Handy 2011 report included in TRPA’s references, discusses the problems with the types of aggregate studies TRPA has referred to as ‘support’ for the preferred approach to development (compact development).¹⁸³

“Aggregate studies need to control not only for socioeconomic and demographic differences among households in each area, but also the differences in transportation infrastructure, and the cultural, political historical, and economic differences among the areas. As pointed out by Gomez-Ibanez (1991), Newman and Kenworthy fail to control for such effects and uses suspect data. Steiner (1994) and Handy (1996) both review many other studies and conclude that, by masking within-area variations in both urban form and travel behavior, aggregate studies are generally not capable of uncovering true relationships between density and travel.”

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Water Quality Analysis:

As noted in the RPU DEIS water quality chapter, the U.S. EPA has designated Lake Tahoe an Outstanding National Resourced Water (ONRW), thus providing the Lake the highest level of protection under EPA’s Antidegradation Policy. Although some short term temporary impacts are allowed, the original examples provided for this allowance included underwater pipe repairs, EPA interprets this provision to mean that no new or increased discharges to ONRWs and no new or increased discharge that would result in lower water quality are permitted.

As also noted by TRPA in the RPU DEIS, the “federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), provides for the restoration and maintenance of the physical, chemical, and biological integrity of the nation’s waters.” Several sections are discussed in this introduction to the water quality analysis.

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Thus, continued references regarding “accelerated” threshold attainment with regards to mid-lake clarity remain confusing. TRPA should not be allowing any uses that degrade Lake Tahoe, or delay the time it will take to attain the threshold. Further, the nearshore clarity of Lake Tahoe continues to be significantly degraded, and although research is ongoing, we do know that nutrient loading contributes to growth of the algae that are causing the degradation in the nearshore. Thus, TRPA has a Compact-mandated and federal responsibility to address the nearshore clarity issues as well. The ONRW designation does not specify the protections only relate to the “middle of the lake.” However, as noted

¹⁸² <http://www.vetmed.wsu.edu/courses-jmgay/glossclinstudy.htm>

¹⁸³ Golob, T. and D. Brownstone. 2005. □ e impact of residential density on vehicle usage and energy consumption. Working Paper UCI-ITS-WP-05-1, University of California, Irvine, Institute of Transportation Studies.

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in our comments on the proposed threshold updates, while encouraged by the inclusion of a nearshore standard, the lack of any numerical requirements results in a fairly weak standard that can easily be ignored.

Wording in the RPU DEIS and related documents does not provide for an objective review of the alternatives:

As discussed in our comments on the 2011 TER, statistics, trends, and very careful wording have been used to improve the perception of the status of environmental thresholds. This has then been compounded by references in the RPU DEIS that rely on these inaccurate ‘descriptors’ (for example, see comments regarding PM10 status and trends, and associated references to ‘positive trends’ in the AQ chapter).

Below we note several examples of statements which bias readers towards the selection of Alternative 3:

RPU DEIS, p. 2-17: “Alternative 2 substantially reduces the development potential compared to the 1987 Regional Plan.”

- Compared to the 1987 Plan as it is reviewed in Alternative 1, Alternative 2 provides for far more development potential than that remaining under the 1987 Plan.¹⁸⁴ This wording, however, might suggest that Alternative 2 provides for less development than Alternative 1, which is the 1987 Regional Plan.

“[Alternative 3] combines a reduced level of development with strong incentives for redevelopment and other regulatory changes described below.” (RPU DEIS, Chapter 2, p. 2-33).

- A reduced level of development when compared to what? Alternative 5? This statement, as provided so generally by TRPA, would suggest to a reader that there is ‘less development’ under Alternative 3. However, when the facts are considered, there is the greatest *increase* in new residential units in Alternative 3. The wording is very misleading.

RPU DEIS, p. 2-24: Under Alternative 2, PASs would be updated to account for land use changes that have occurred since the adoption of the 1987 Regional Plan. PAS amendments would be required to show substantial conformance with the original intent of each PAS and its goals.

- Wasn’t this supposed to be done under the 1987 Regional Plan already? So how would it not be done in Alternative 1?

¹⁸⁴ Alternative 1 would authorize no additional development rights or allocations beyond those authorized in the 1987 Regional Plan. Consequently, Alternative 1 would result in reduced development potential compared to the 1987 Plan, as only the remaining development rights authorized under that Plan would be allocated and used. (RPU DEIS p. 2-19).

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RPU DEIS, p. 2-65: Alternative 1 would “Maintain the existing procedure for granting grading season exceptions, which relies on staff judgment...Evaluate the success of land coverage removal and soil disturbance remediation projects based on qualitative or subjective evaluations...”

- The reference to “staff judgment,” and “qualitative or subjective evaluations,” appears to be skewed to suggest another alternative should be chosen, otherwise TRPA staff will have to continue making these ‘subjective’ decisions on their own.

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Land Use:

We refer to comments on land use in the comment letters previously incorporated herein, and add the following comments and questions:

Although the RPU DEIS and TRPA have repeatedly stated that the Land Use system in Alternative 5 would be the same as Alternative 1, a review of the large-scale maps provided for these two alternatives revealed notable differences in certain Land Use boundaries, but the DEIS had not provided maps in the same scale as those for Alternatives 2-4 to allow for comparison. Upon request for these maps, the public was advised to sort through the lengthy pages throughout the existing Community Plans and Plan Area Statements¹⁸⁵ for maps that did not match the same boundaries nor include the same scale, colors, and other parameters for comparison. FOWS submitted an additional request for these maps, as well as a request for an extension of the comment period¹⁸⁶ (due to the post-TER, RPU DEIS and RTP DEIR/DEIS release of numerous documents that did not provide the public with the full 60 day review period), which has thus far remained unanswered.

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Regardless, the Land Use section in the Chapter 2, Description of Alternatives, carefully avoids the issue of boundary changes, instead referring to the “land use classifications” that would be the same. However, through yet another sleight of hand, the RPU DEIS summary in Chapter 2 skirts the issue that 1,300 acres of property would be reclassified as Recreation, where additional ski facilities could be approved through a Master Plan Update (found in the Land Use chapter of the RPU DEIS).

“Under Alternative 5, land use structure and environmental incentives system of the 1987 Regional Plan would remain in place and land use classifications would remain the same. Exhibit 2-25 illustrates the land use plan proposed under Alternative 5...The primary difference between Alternative 5 and Alternative 1 would be the

¹⁸⁵ In 6/6/2012 email from TRPA, staff member Arlo Stockham responded to a request for equivalent maps to allow for comparison of all alternatives with the following: “For your question, the EIS did not include insert maps for the community centers for alternatives 1 and 5 because neither of those alternatives propose any changes to land use designations and planning processes in community centers. To view specific land uses for these alternatives, the existing Community Plans are the best place to look. Plan Area Statements delineate land uses outside the community plan boundaries.”

¹⁸⁶ See 6/7/2012 letter to TRPA from FOWS re: Request for Significant Missing “Insert” or “Close-Up” Maps to be Included in the Draft Environmental Impact Statement and Extension of Regional Plan Update Comment Period.

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addition of 600,000 square feet of bonus CFA, 400 TAUs, and 5,200 new residential allocations.” (RPU DEIS, Chapter 2).

“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.” (RPU DEIS, Chapter 3.2).

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Other questions:

- Noting the increasing trends in PM, why do no alternatives evaluate a ban on residential burning of waste? There are other options for waste removal for residents.
- IPES has thus far been based on whether projects have been implemented, not necessary whether they have worked. Why do no alternatives consider a change in the criteria used by IPES?
- What are the proposed changes to Land Use designations and land use management in the USFS proposed Forest Plan?

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“Alternative 3 would also update the existing Tahoe Region land use map to include new wilderness and backcountry land use designations consistent with USFS management designations. This re-designation is a change in name only—no physical environmental changes or revisions to management strategies by the USFS would occur. (RPU DEIS, p. 3.2-46).”

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How can TRPA confirm that the USFS will not make any changes to their management strategies? What do the new Forest Plan alternatives proposed regarding management of these lands? If changes are proposed, does TRPA intend to prohibit them, since it has promised readers that under Alternative 3, no such changes by USFS would be made?

- How can TRPA analyze the impacts of a new Regional Plan, new RTP, and changes to other environmental resources areas, without assessing impacts on all threshold areas?

“In addition, many parts of the existing Regional Plan are still current or have been recently amended and therefore do not need to be reconsidered for substantive changes in this Regional Plan Update. All alternatives include minor formatting and organizational changes that would clarify and update outdated text in the Regional Plan but would have no environmental effect. Specific formatting and organizational changes can be found in the draft

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Alternative 3 Goals and Policies document in Appendix A. Those portions of the Regional Plan that are not proposed for substantive changes because they are not a priority or because they are sufficient in their current form 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 of the Implementation Element. Because TRPA is not proposing to modify these elements of the Regional Plan, they will not be part of the amendment package for Governing Board approval. As such, these Goals and Policies are not included as aspects of the Regional Plan Update alternatives evaluated in this EIS. (RPU Chapter 2, p. 2-12).

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Coverage:

In addition to comments provided by the other letters incorporated previously, we provide the following comments:

The proposed Alternative 3 would remove HRA transfer restrictions, allowing coverage to be transferred across HRA boundaries.¹⁸⁷ However, it appears the 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.

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The RPU DEIS also states: "Alternative 3 would also permit soft coverage to be transferred from SEZs into the same target receiving areas. With restoration and retirement of the sending sites, Alternative 3 would permit transfer of non-conforming coverage and transfer of soft coverage from SEZs for use in Town Centers, Regional Centers and the High Density Tourist District." (p. 3.2-49). Yet there appears to be no assessment of the extent, condition, or location of the existing 'non-conforming' and soft coverage that could be transferred to hard coverage in these centers.

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It is also unclear whether the non-conforming coverage that could be transferred would be limited to legally-existing non-conforming coverage?

The RPU DEIS appears to suggest that the current Regional Plan would not require adequate excess mitigation coverage fees. RPU DEIS, p. 2-30, states that Alternative 2 will "Increase excess coverage mitigation fees to reflect the actual cost of acquiring and restoring coverage." However, was this not already required under the 1987 Plan? Has TRPA continued to update the fees to reflect the actual costs of a square foot of land in each area?

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¹⁸⁷ "Alternative 3 would remove the existing HRA transfer restrictions, allowing coverage to be transferred across HRA boundaries." (RPU DEIS p. 3.2-49).

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Pervious pavement:

Alternative 3 would “Promote use of pervious pavement in non-sensitive lands (excluding roadways) by providing a 25-percent coverage exemption subject to design, siting and maintenance requirements” (RPU DEIS, Chapter 2, p. 2-44).

What are the environmental impacts of this coverage exemption? What are the infiltration rates associated with natural, undisturbed soil versus pervious pavement? How does pervious pavement hold up in flooding conditions? When there is snow on the ground? When pores are covered with dirt and other debris? What are the maintenance requirements? Will they realistically be implemented?

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Mixed Use:

Mixed use is a new land use classification of Alternative 3 (replacing commercial and public service) and would identify community centers that have been designated to provide a mix of commercial, public service, light industrial, office, and residential uses to the Region or have the potential to provide future commercial, public service, and residential uses (Exhibit 2-9). This change is also in name only—properties with the existing commercial/public service designation would be classified as mixed use. (RPU DEIS, Chapter 2, p. 2-33)

What are the differences in density, height, coverage, etc., between the existing commercial/public service designates compared to the proposed mixed use designation? If subdivision rules will be amended for areas defined as mixed use, and these existing areas are assigned that designation, would this not allow for potentially significant changes in these existing commercial/public service areas?

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“Community Centers”:

Alternative 3 also defines four types of special planning designations—Town Center, Regional Center, and High Density Tourist District, which are areas targeted for redevelopment and collectively referred to as community centers, and Stream Restoration Priority Area, which denotes areas prioritized for restoration. (RPU DEIS, Chapter 2, p. 2-33)

What are considered community centers under the other alternatives? Where is this definition clearly stated? How do these centers compare to the designated sending and received areas for development, coverage, etc.?

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Area Plans:

Alternative 3 proposes to relinquish TRPA if its primary regulatory role and put more planning and permitted activities back on the local jurisdictions. We reiterate concerns raised in other letters incorporated into our comments and add the following questions:

A unique feature of Alternative 3 is the concept of Area Plans. Under Alternative 3, public agencies would be encouraged to engage local residents and, in coordination with TRPA staff, prepare coordinated plans for implementation of land use goals, policies, and ordinances. The Area Plans, which would also include development ordinances and zoning designations, 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. 2-34

How are these going to be different than CPs and PAS's? Has TRPA specified this? Also, the abandonment of its role as the regional planning agency for the Tahoe Basin is expected to reduce the Basin-wide scale of planning that is so imperative for achieving thresholds. Much like what is emitted in the air of one state affects the other, the same applies to water quality as well. The 2011 State of the Lake Report states:

The most startling revelation in the data is the spatial variation in nearshore clarity as we move around the shoreline. The eastern side of the lake, particularly from Stateline Point in the north to the eastern end of South Lake Tahoe, consistently shows the lowest Secchi depth values (lowest transparency). Looking, for example, at the plots for May and June, the region from just south of Glenbrook to Stateline has nearshore Secchi depths in the range of 45 feet to 53 feet (14 to 16 m) compared to values of 60 feet to 63 feet (18 to 19 m) around Rubicon in California.

The causes of these spatial differences are currently being studied, but it appears to be closely linked to the patterns of water movements around the lake. **What happens in the waters of Lake Tahoe is a direct reflection of activities in both states. If a concrete example of why Lake Tahoe needs to be managed jointly by the two states is needed, then this is one.**

We are concerned the proposed Area Plans and reduction in oversight and planning by the TRPA will negatively impact the thresholds.

Height Impacts:

There are many variations regarding the heights that would be allowed in the alternatives. Although specific caps may be proposed (e.g. 197 feet in the High Density Tourist District), there are also 'exemptions' that would allow for additional height under certain, undefined

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circumstances. For example, Chapter 2 (p. 2-44) notes that Alternative 3 would: “Permit up to 14 feet of additional height for essential public safety facilities if necessary for the facility to function properly, subject to limitations.” For what type of public safety facilities will this apply?

We are also concerned the net increases in height, and the number of structures with more height, will have significant impacts on scenic quality, and these impacts have not been thoroughly addressed in the RPU DEIS.

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Section VI: Hydrology & Water Quality, VMT, Greenhouse Gases, Noise & RTP

Comments on the 2011 Threshold Report, the RPU DEIS and the RTP DEIR/S:

General Comment: Process, Participation, and Timing:

As shown by several attachments, TRPA has been discussing the RPU update and seeking public input since well before 2007, and TASC, and others, have repeatedly submitted verbal and written comments on the RPU update, have participated in numerous meetings with TRPA staff, have attended the many GB meetings focused on RPU “Issues” and the more recent RPU GB Committee, and time and time again, TRPA has promised to incorporate certain options that are not found anywhere in the TER or RPU/RTP proposals. For example, there is no alternative which analyzes the adoption of California’s more protective air quality standards by TRPA (which would provide equal protection for both sides of the Lake), although as summarized in the July 2010 “Fact Sheets” from TRPA Board meetings, the Board agreed that at least one alternative would analyze this.

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We have also expressed our concerns about combining the Threshold and RPU/RTP updates into one environmental analysis, a concern only emphasized by the RPU/RTP’s ‘policy-level’ approach to analyzing environmental impacts. The issue of the timing of the RPU update and Threshold Review and Update was discussed by TRPA previously.¹⁸⁸

In the following discussion, all comments apply to the comparable chapters in the RPU DEIS and the RTP DEIR/S documents, although only one or the other is referenced.

TRPA Regional Plan EIS, 3.8 Hydrology and Water Quality

3.8.2 Affected Environment, Land cover and Hydrologic Connection

With 75 % of covered land within 2 miles of the lakeshore, and with significant coverage on lands that drain lakeward from these urbanized areas, compliance with Bailey land coverage by classes must be evaluated within hydrologically connected urban areas. If even the high capability urban land is well-connected hydrologically to the lake but has excess coverage, this will result in more runoff and pollutants reaching the lake, regardless of how much high capability land has little or no coverage further above the developed areas. The EIS fails to disclose the calculations that must be done as limited to the urbanized lands, not the non-urbanized and those public lands that are not producing any pollutants in their natural runoff.

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¹⁸⁸ 6/13/2007 Letter from John Singlaub to USACE re: “Re: Continued Support for USACE Funding for the Tahoe Regional Planning Agency Regional Plan Update Environmental Impact Statement”

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Status of WQ Thresholds and Existing WQ Thresholds

Littoral Lake Tahoe re Sediment Load - Turbidity Numerical Standards: not to exceed 3 NTU, and not to exceed 1 NTU in shallow waters not directly influenced by stream discharges.

Has there been sufficient monitoring to determine whether the threshold is being met? The Taylor 2004 work was done by boat – is there enough data from that study to confirm that very close to shore e.g. at shallow water along the south shore, that the turbidity threshold is being met?

TASC understands that a new littoral zone threshold is being set for nearshore attached algae - is this a relevant threshold for sand or mud textured nearshore in the south shore and other shallow shorezones? Does the proposed threshold expect to have attached algae? To the sand? The agency should examine another littoral standard not involving attached algae.

TASC also suggests that the agency re-consider turbidity as a nearshore threshold – and determine if there has been sufficient monitoring to determine what % of the time the littoral sediment loading (turbidity) standard is exceeded along shallow lake shores with sand or mud bottoms.

The Littoral standard has not been fully evaluated in terms of alternate nearshore types, nor has the EIS addressed the multitude of invasives, from various algae types, to benthic invertebrates, to milfoil and curlyleaf pondweed, to the non-native mussels and clams and warm-water fish. The EIS fails to evaluate the alternate stressors on the nearshore or even if the current turbidity standard has been adequately monitored.

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Load Reduction Milestones (pg 3.8-14)

Specify how many years it would take to achieve not just the Clarity Challenge, but the Pelagic transparency annual average of 1968-71. This information is needed for context and an understanding of the future of the lake. The EIS fails to examine the clarity targets in terms of the alternatives and their impacts.

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3.83 Environmental Consequences and Recommended Mitigation Measures Significance Criteria.

If a goal of the RP is to help attain water quality threshold standards, then an RP that fails to attain the water quality threshold standards, but doesn't make water quality worse must disclose that that action may have a significant adverse impact on water quality. This EIS appears to treat alternatives that will fail to meet thresholds and improve water quality as acceptable.

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.

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Impact 3.8-1 Impact 1: Construction Activities.

In addition to impacts during construction, new construction generally adds coverage, which has ongoing impacts even after permanent BMPs, sized for the 1 inch runoff event, are installed. Additional runoff is then produced and pollutants are discharged during the longer duration storms exceeding 1 inch in precipitation. Also, additional runoff and pollutant loads are delivered if permanent BMPs on new construction sites are not maintained. It is currently impossible to assess how much additional pollutant load is generated, since monitoring of most BMPs, even on large commercial sites is generally not required.

Mitigation of the short-term impacts from construction is not automatic, just because there are regulations in place. In the absence of adequate inspection/enforcement, even the strongest regulations do not compel compliance. TRPA, state and local permitting authorities are not currently staffed at levels adequate to ensure compliance with regulations. It is reasonably foreseeable that if agencies don't have resources to ensure compliance with construction regulations at the current reduced level of construction, it would be even more of a stretch to assume that projects would be required to conform with all regulations related to construction-related discharges for alternatives that allow more construction. It is debatable that construction-related discharges are less than significant even at Alternative 1 levels of construction.

Without rigorous mitigation measures, as alternatives 2-5 increase the level of construction, it is not credible that impacts would remain less than significant.

Required mitigation measures that should be discussed include mechanisms for adequate funding (by project proponents or others) of adequate inspection/enforcement staff - as well as oversight of local compliance/enforcement by TRPA or state agencies- with adverse consequences for local jurisdictions that can't demonstrate that impacts from construction are factually fully mitigated by enforcement of regulations.

For longer term impacts related to increased coverage - - more runoff and the increased pollutant loads from new construction - - the alternatives that allow more coverage need to have increased regulatory authority (and stable funding) for inspections and enforcement of coverage and BMP maintenance and operation requirements for these new projects.

The EIS fails to evaluate the increased impacts of new construction and ground disturbance and the cumulative impacts of ongoing discharges from completed projects.

Impact 3.8-2 Nutrient Loading to Surface Water and Groundwater.: Fertilizers

Alternative 2 would prohibit most fertilizer use. The limited new development in Alternative 2 would result in a less-than-significant impact.

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The discussion that alternatives 2-4 would all be beneficial with respect to nutrient loading related to fertilizers, and that by maintaining existing policies, that alternative 5 would have a less than significant impact - ignores the fact that the new developed areas are highly likely to be fertilized. New development requires new landscaping, and even if the initial landscape plan doesn't call for fertilizer, it is likely that landscapers will apply fertilizer in the years after the new development is constructed. The increase in fertilizer use is probably proportional to the amount of new development. Alternatives 3-5 are likely to have a significant impact proportional to the amount of new development allowed unless rigorous mitigation measures are developed and implemented. Such has not been provided in the RP of the Code of Ordinances. Thus the impacts of fertilizer use on the streams and the lake will be significant
The EIS fails to evaluate the impacts of fertilizer use from new construction in the five alternatives.

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Impact 3.8-2 Attached Algae in the Nearshore.

Mere 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. For example: Development of a water quality standard for pelagic transparency did not itself have a beneficial impact on water quality; it's only a diagnostic tool to determine trends. Other measures must be taken to prevent the increase of attached algae in the nearshore. If increased runoff and loading from increasing levels of construction, and associated increasing levels of fertilizer use, are not mitigated by specified measures, the new water quality threshold standard by itself certainly isn't enough to generate a beneficial impact.

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In order to reduce the impact to less than significant, the RP and code of Ordinances must describe the increasing levels of mitigation required to prevent increased numbers of attached algae for the alternatives which allow increased levels of new development. What are the expected management measures that are expected to prevent increases in attached algae? There must be more management actions for the alternatives that allow more development that accompany this evaluation.

In addition, more development with parks and lawns next to the lake or well-connected perennial streams, may encourage fertilizer use which could stimulate growth of algae or invasive species in the nearshore.

The EIS fails to evaluate the significance of the likely increased numbers of algae in the next five years and next ten years as implementation and mitigation are tested, and the impacts of failure to mitigate or even enforce are realized.

Impact 3.8-3 Sediment Loading to Surface Waters.

The RP alternatives include other policies that could adversely impact sediment loading to surface waters, but are not adequately evaluated. Alternatives with increased levels of

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development have significant potential to increase post-construction discharge of runoff and pollutant loads unless new policies are adopted to ensure that BMPs installed are adequately designed and maintained for long-term effectiveness, with appropriate oversight and regulations from appropriate agencies. The RP fails to disclose the post-construction impacts or to assure that newly installed BMPs will be assured and monitored and maintained to protect the water's of the basin.

Installation of retrofit or new construction BMPs which are out-of-sight (underground or off-site), and not able to be easily evaluated to determine whether they still are, or ever were, effective may lead to an erroneous perception that BMP compliance has been achieved, and impacts from increasing development are thought less than significant. Alternatives allowing higher level of new development - not linked to both installation and maintenance of effective BMPs on the individual parcel or area-wide scale, would have potentially significant impacts unless mitigated. The RP fails to address the seriousness of the potential impacts and the EIS fails to disclose those impacts.

The evaluation of this impact singles out the continuation of existing winter road practices as a potentially significant impact to water quality. Further, the continuation of policies and practices that don't prioritize reduction of soil disturbance by vehicles on hydrologically-connected developed properties - particularly on or adjacent to commercial parcels, multi-family properties and high density single family residential neighborhoods, also has potentially significant impacts to water quality. The EIS has failed to disclose these likely impacts.

- While the Road O&M is worthy of analysis and a mitigation measure (because primary roads -mostly State Highways and Pioneer Trail -have the highest fine sediment particles (FSP) discharge, this is a characteristic effluent concentration of all land use categories (TMDL), the RP must also look at impacts from "sediment" loading from other land use types that also have high characteristic effluent concentrations, and/or because their total land use acreage exceeds the acreage of the primary road land use. Some Examples: CICU- Commercial Industrial Utility has lower FSP concentration than primary roads, but it is still many times higher than single family residential. But the total acreage of CICU in the Basin exceeds that of primary roads. If analyzed, this would allow discussion of how CICU BMP retrofits or review of large CICU properties with BMP certificates would be evaluated in the different alternatives. While primary roads have higher characteristic effluent concentrations, the cumulative total FSP loads from other urban land uses may be as high. Hence, it is odd that the RPU only looked at three sediment load issues, when there were other significant load sources to add to the evaluation. The EIS has failed to evaluate and compare private land development discharges to primary roads to determine priority reduction targets.

Impact 3.8-3 Sediment Loading to Surface Waters: Sediment Loading from Defensible Space Practices

There are compelling reasons to encourage defensible space practices, but in the post-Angora Tahoe, many property owners implement defensible space practices that are not compatible with BMP requirements and do expose significant areas of completely bare soils.

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On properties that drain towards the road and drainage infrastructure and are hydrologically well-connected with Lake Tahoe, these practices increase the potential for increased runoff and erosion, and increased FSP delivery to Lake Tahoe. The desired “lean, clean, and green” zone 5-30 feet from structures, is frequently lean, clean, but brown, and covers nearly all of property. Pine needles and vegetative litter are removed to bare dirt several times a year on a higher percentage of parcels after the Angora Fire. The availability of resources that provide guidance and the availability of agency staff to promote defensible space practices compatible with water quality objectives (pg 3.8-26) does not provide any certainty that water quality impacts from continued emphasis on homeowner defensible space practices are less than significant.

Example: Numerous resources are available to provide guidance that property owners should prevent vehicles from driving or parking on unstabilized surfaces. But the presence of these resources is not effective in protecting soils from vehicle damage. The same problem can be expected with resources for informing the public about defensible space practices that don’t impact water quality. Incentives are described for other aspects of the RP. But incentives are not as effective as regulations and enforcement. Guidance that does not create large, hydrologically-connected areas of bare dirt, should be incorporated into a mitigation measure, and the EIS must disclose the impacts of defensible space that discharges sediments, nutrients, and FSP.

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Impact 3.8-3 Sediment Loading to Surface Waters: Road Operations

Increasing the potential for funding water quality operations and maintenance for road operations would be beneficial. The EIS fails to identify the deficit in water quality protection due to the current levels of funding available and the reduced amount of funding that local governments are willing to provide. See example: Strategic Plan, City of South Lake Tahoe, 2011.

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Impact 3.83 Mitigation Measure: Facilitate Improved Roadway O&M Practices that Protect Water Quality.

Why are improved practices for water quality only required for two alternatives, 1 and 5. How do the policies in the mitigation measures for Alternatives 1 and 5 differ from the policies to be included in Alternatives 2-4?

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The EIS has failed to evaluate how effective “facilitating” is as a mitigation measure. The EIS must provide examples of facilitating resulting in mitigation.

VTM and GHG analyses:

TASC provided comments on the NOP for the RTP/SCS EIR/S on 9/23/2011. In our comments, we noted some of the following. Unfortunately, the RPU and RTP environmental documents do not respond to our concerns (in fact, several comments and questions are repeated again below).

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Relationship of SB 375/575 to Lake Tahoe's Unique and Fragile Environment:

The State of California has enacted two Greenhouse Gas (GHG) emission statutes to help the state attain an 80% reduction in GHG emissions over many years. The statutes make certain assumptions that are not relevant to Lake Tahoe, including the assumption of ongoing population growth, increasing VMT, and the need for significant land use shifts in order to accommodate those growth scenarios.

In contrast, the Tahoe Basin has experienced a significant reduction in population, a significant reduction in VMT, a significant reduction in employment [“Employment at South Shore casinos” 1990-2010, Tahoe Business Monitor, 3-1-2011], and a very low level of build-out under the current rules. But, in order to meet the SCS requirements for growing areas of the state, the TRPA is planning for additional growth and growth incentives in land use patterns in order to reduce the new GHG that will be created by the new growth.

In other words, under the rubric of SCS, the TRPA and its arm, the TMPO, presume they are required to plan for additional growth. This approach is reflected in all action alternatives, although most notably in the RPU Committee's most preferred alternative 3.

The oxymoron presented by the TRPA's increased density concept, and mirrored by the TMPO, touted as the “environmental solution” to future land use planning, is incongruent with the state's desire to reduce GHG for the future, and is out of compliance with the Compact's mandates to reduce VMT and to improve the physical and chemical constituents of the basin's air quality for breathing and seeing.

Creating growth and GHG in order to reduce GHG is a peculiar implementation strategy at best, and clearly does not meet the intent of SB575 for Lake Tahoe. CARB's process for TMPO's includes a recommended target be provided by the TMPOs for review (RTAC 2009).¹⁸⁹ What targets did the TMPO first recommend? Did those targets reflect options which met TRPA's Compact requirements? Did CARB make the decision to disregard TRPA's thresholds in favor of “per capita” reductions?

The EIR/S must analyze and disclose the total capacity of the existing infrastructure including all of the roads, all of the traffic generators including residential buildings, and disclose the total amount of VMT that can be accommodated without any additional growth. Further, the EIR/S must evaluate other options for reducing GHG emissions, which meet the Compact's mandate to achieve and maintain the thresholds as well.

¹⁸⁹

http://www.trpa.org/RPUEISReferences/3.5%20GHG%20Climate%20Changes/3.5_RTAC%202009_Final%20Report%20to%20ARB.pdf

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Increasing Basin-wide VMT in attempt to reduce “per capita” VMT violates Compact:

State law does not override the Compact’s mandates unless the state law provides a more stringent set of standards than the Compact, Article V(d) and Resolution 82-11.¹⁹⁰

- As reflected by the conclusions regarding Basin-wide VMT, TRPA has stated it will exceed the TRPA standard for VMT. This is done in order to meet a California directive (SB 375/575) to reduce “per capita” GHG emissions, not overall VMT, as required by the thresholds.
- Other impacts of the population increases associated with the proposed alternatives will negatively impact other threshold standards. Again, this is all apparently done in an attempt to meet CA GHG regulations. The RPU DEIS and RTP DEIR/S have also repeatedly relied on CA-based guidance documents, regulations, models, and other state-based tools that are not reflective of the Basin’s unique conditions or environment. Further, the entire concept that by increasing population we can decrease impacts only works (if at all) in areas experiencing major urban sprawl. The references used to support the assumed ‘benefits’ of the “smart growth concepts” in the Basin (*e.g. Niemeier, Bai, and Handy 2011; pp. 75-79; EPA 2001: p. 47*) are based on areas like Southern California and the San Joaquin Valley that do not in any way compare to the Lake Tahoe Basin.

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VMT and Existing Infrastructure:

Although VMT has declined due to the factors noted above, the same *infrastructure* that provided for the existing 1.5 basin-wide million VMT in 1981 is still in place. No roads have been removed. Instead, intersections have been significantly widened from the existing two lanes, turn lanes have been added – and all road improvements accommodated more VMT.

- In fact, that same infrastructure was great enough to permit VMT to increase by 20% from 1981 to 1995, and then increase again by 8.85% from 1995 to 1999 for a total VMT increase of 30.2% [2001 Threshold Evaluation, July 2002 AQ-5 TRAFFIC VOLUME]

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Modeling vs. Traffic counts:

It is also unclear which VMT estimates are tied to which traffic counts. Are the CA-side VMT estimates used for the GHG “per capita” analysis primarily associated with routes that bring visitors from Echo Summit to Stateline (noted due to the decline in visitation in the last six years)? That drew more residential traffic before the layoffs by the casinos? Between 1995 and 2005, the south shore employment decreased by 32%. The RPU DEIS and RTP DEIR/S fail to reveal that the 2005 Base Year reflects a significant drop in

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¹⁹⁰ “The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable State implementation plan or the applicable Federal, State, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this Compact.”

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employment on the very travel corridor on which it appears to base its SB 575/SCS VMT reduction.

What are the impacts that will occur when the site that is currently the “Hole in the Ground” (the bankrupt future Convention Center) and other developments already approved, but not currently generating traffic, are realized? What will the impacts on all of TRPA’s thresholds that are affected by VMT (e.g. water quality, air quality, noise, etc.) be when VMT eventually increases again Basin-wide simply due to existing infrastructure? What are the impacts on GHG emissions?

Also, will any efforts to reduce GHG emissions from VMT be overwhelmed by increases in other sources, including motorized watercraft and aircraft?¹⁹¹

It has become abundantly clear that more stringent control measures *are* necessary to achieve the purposes of the Compact and attain the level of air quality once experienced by Mark Twain (“*to breathe the air the angels breathe, go to Tahoe.*”).¹⁹²

The Relationship between the RTP and GHG

The DEIR/S alternatives, including the “No-Action” Alternative 1, consist of two highway additions (more roads, more VMT), one cross-lake waterborne project (all but Alternative 2), multiple bike projects, an increased use of the SLT Airport creating more aircraft emissions (all but Alternative 2), and undetermined increases in emissions from off-road motor vehicles (e.g. motorized watercraft, snowmobiles, and OHVs).

However, the impacts of these other sources have not been evaluated – both on baseline conditions as well as associated with the proposed alternatives. The RPU DEIS and RTP DEIR/S must assess all GHG emissions, Basin-wide, and the impacts of the alternatives. For example, in a previous review by TASC,¹⁹³ evidence suggested watercraft-related GHG emissions would increase by roughly 30% simply from increased watercraft on the Lake (associated with increased populations in areas of CA and NV). Also, waterborne transit has been shown to be a very large GHG emitter, despite the hope to reduce GHG.¹⁹⁴ The per person emissions of a waterborne trip compared to a driving trip are quite large, as revealed in TRPA air quality documents.

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¹⁹¹ These sources are discussed further in comments on the noise section, and in comments submitted by FOWS and others related to the Air Quality and GHG analyses in the documents.

¹⁹² Although the TER may suggest otherwise, a detailed review of the data show declining air quality trends in the last six years. See detailed comments provided in the letter submitted by Friends of the West Shore on the 2011 Threshold Evaluation Report, RPU DEIS and RTP DEIR/S.

¹⁹³ Comments submitted by TASC on 9/25/08: “Questions regarding Volume 4, Appendix M: for consideration at 9/25 Public Workshop”

¹⁹⁴ The RPU DEIS and RTP DEIR/S estimate waterborne emissions, although it is unclear whether the assumptions are appropriate, or how many passengers will ride waterborne transit.

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Assumptions regarding Transfers of Existing Development and Development Rights

The VMT and GHG emissions modeling methods made several assumptions (see RTP DEIS/R, Appendix C). We attempted to note the various numbers found throughout the many documents regarding the existing and proposed allocations for each alternative, and the general locations for these developments assumed for modeling purposes (See attached Modeling Assumptions-Summary). Our final review remains incomplete, as either the information wasn't available or too complex to discern. However, the table shows our best attempt to reflect the modeled assumptions.

How do these modeled locations compare to the predicted locations for coverage transfers?

Also, the RTP Appendix C (p. C.7-8) suggests that 250 existing homes will be torn down and transferred into the 'community centers.' How many existing residents are likely to actually tear down their homes in quieter, more rural areas in order to move into dense urban areas? Where will these existing homes be removed from? Will they come from areas like Christmas Valley, where due to a variety of factors, homes have less of an impact on water quality than a home built next to Lake Tahoe? Will this result in the removal of homes creating very little impact to add more development in areas where there will be much greater impact?

The RTP Appendix C (p. C.7-9) also estimates that 960 existing (but undeveloped) development rights will be moved into urban areas. We repeat the same questions as above.

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Comments on Noise – 2011 Threshold Evaluation Report, RPU DEIS and RTP DEIR/S:

Noise is often defined simply as unwanted sound. Quiet, the absence of noise, is a significantly important value that is unfortunately difficult to quantify. However, most of us rely on quiet for our own physical and mental health.¹⁹⁵ Consider visitors to the Basin who go hiking, camping, kayaking, etc., in order to get away from the noise and congestion of more populated areas to enjoy the "peace and quiet" Tahoe has to offer. Consider residents who struggle to afford to live in the Basin amid high-priced living expenses so they can enjoy Tahoe's unique beauty and "peace and quiet." In fact, the following information recently printed in the Sacramento Bee provides a good summary of these issues:

"Reports by the World Health Organization in 1995 and 1999 found that "community noise" – including sounds from traffic, airplanes, construction, rock concerts, and motorboats – can affect work productivity, hamper sleep, cause spikes in blood pressure and even harm the ability of schoolchildren to learn. Some of us are more sensitive than others to the psychological and physical effects of noise, the report notes, including the elderly and people with anxiety disorders." Further, many residents of the Sacramento area responded to the Bee's earlier request for comments

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¹⁹⁵ <http://www.euro.who.int/en/what-we-do/health-topics/environment-and-health/noise>

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about noise by stating their frustration over the loss of “quieter, more peaceful areas to enjoy”...(www.sacbee.com).

According to public input, Tahoe is expected to provide a quieter, more peaceful area to enjoy. Although noise planning has often been given less attention (and planning resources) than, for example, water quality or air quality planning, noise levels are important to all who live in or visit Lake Tahoe. People have expressed their concerns with noise in the Basin for years. When TRPA and the other Pathway 2007 agencies sought out public input at workshops in 2005, the public clearly expressed a desire that the Basin be quieter than other areas, and that the noise levels in the Basin be reduced (compared to existing levels) so that this desire could be met.

“Public opinion, derived through Pathway 2007 outreach efforts reflect:

- Desires that noise levels in general be reduced and that there is an expectation that noise levels in the Lake Tahoe region be quieter than in outside areas.
- Specific to noise from watercraft, the public in general expressed the desire that there be a reduction from existing noise levels. Varying suggestions from non-boaters was received on how noise levels could be reduced. Comments were also recorded suggesting no new watercraft restrictions be adopted if no other environmental issues are present (reflecting a need to solicit additional public input on this issue).
- Specific to noise from on-highway vehicles, the public expressed a uniformly strong desire to reduce traffic noise.
- There was a general desire to reduce noise from off-highway and over-snow vehicles, however some comments were received opposing prohibitions on off-highway vehicles.
- A general desire to minimize noise from aircraft using the Lake Tahoe Airport. Also a general desire to regulate noise coming from other noise sources such as from snowmaking operations, outdoor concerts, and from construction activities.
- There were numerous public comments supporting noise enforcement standards within the Lake Tahoe region.”¹⁹⁶

Unfortunately, the noise program has been poorly funded and often considered an “add on” of sorts. Noise requirements have been poorly enforced, if at all. As a result, the Tahoe Basin has continued to be subjected to ever-increasing noise levels. With the RPU DEIS, TRPA proposes to make matters worse, adding more people, traffic, and other noise-generating sources, yet at the same time, taking no responsibility for these impacts, as we discuss further in these comments. However, to summarize:¹⁹⁷

Single Event:

- Aircraft Noise: TRPA does not appear willing to enforce aircraft requirements;

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¹⁹⁶ http://www.enviroincentives.com/Pathway2007_Eval_Report.pdf

¹⁹⁷ This is a very basic summary; our detailed comments address the full suite of factors involved.

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- Watercraft Noise: TRPA says it can not enforce noise requirements because it lacks police power;
- On-Road¹⁹⁸ Vehicles: TRPA says it can not enforce noise requirements because it lacks police power;
- Off-Road¹⁹⁹ Vehicles: TRPA says it can not enforce noise requirements because it lacks police power;

Community Level (CNEL):

- All CNEL TRPA says the standards are too confusing.

Construction: TRPA says it does not count because it is exempt during daytime hours.

Historically, a relatively low noise level was an attribute of the Lake Tahoe Basin that was enjoyed by both visitors and residents. However, even going back over 20 years, the trend of increasing noise was recognized. The “*Report for the Establishment of Environmental Threshold Carrying Capacities*” (TRPA, 1982) indicated that background noise in the Region was rising as a result of increased levels of human activity. In fact, Congress recognized the importance of noise when creating TRPA’s 1980 Compact, which required the development of noise thresholds as well. Article II (i) specifically calls for noise thresholds to be developed:

“(i) “Environmental threshold carrying capacity” means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.”

In the earlier stages of the Pathway 2007 Regional Plan Update process, TRPA initiated public workshops and surveys to obtain feedback from the public regarding noise concerns in the Basin. These were eventually incorporated into the update documents (Pathway 2007 Draft Report, link above), and the public was provided with the following draft vision statements:

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¹⁹⁸ All on-road motor vehicles, including motorcycles.

¹⁹⁹ OHVs, snowmobiles, off-road motorcycles, etc.

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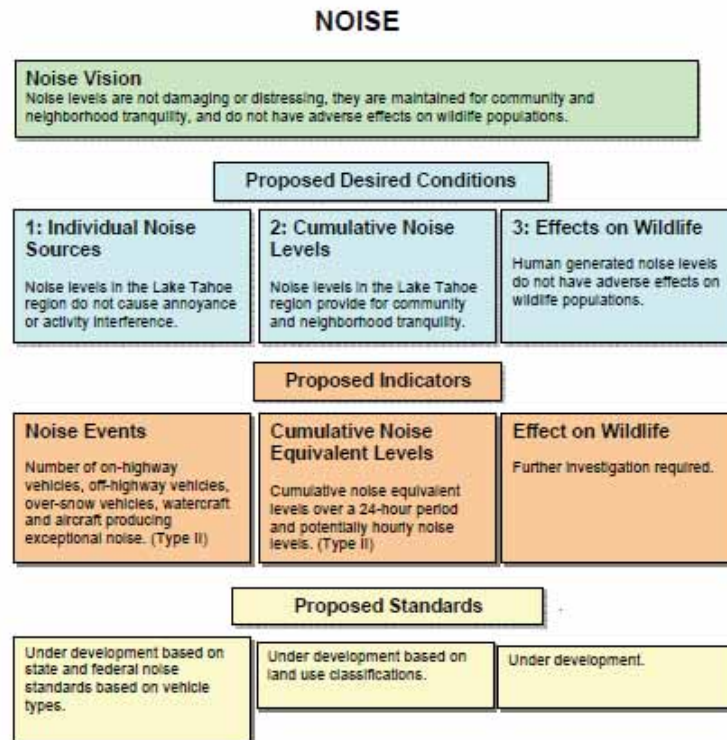


Figure 7-1. Noise Diagram

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The proposed Desired Conditions 1 and 2 from the Pathway 2007 process are modifications of the original value statements:

DC 1 [& 2]: Single event [and cumulative] noise levels are controlled to preserve the serenity of the community and neighborhood and provide abundant quiet recreation areas.

The proposed DC 3 relates to the protection of wildlife from noise:

DC 3: Noise levels are controlled to protect wildlife.

In summary, the public has made their desires very clear: Tahoe is to be quieter than other areas. Thus, it is surprising to see no proposed changes to the Noise threshold standards that would seek to improve conditions. Rather, as discussed below, TRPA appears to be complacent, ignoring aircraft noise, writing off single event noise, and focusing on how

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'difficult' it is to attain the CNEL standards. When will TRPA start to follow the Compact's intent, and the public's interest?

Specific Comments on 2011 Noise Threshold Evaluation:

TRPA begins the 2011 Noise TER chapter with the following:

"Noise, by definition, is "unwanted sound," and is therefore a subjective reaction to acoustical energy or sound levels. Due to the rural nature of the communities and the pristine natural areas in the Lake Tahoe Basin, sound levels that would go unnoticed in a highly urban or industrial environment outside the Tahoe Basin are likely to be considered noise, and have the potential to negatively impact community ambiance, recreational experience, and wildlife behavior."

We agree, however add that noise has been shown to affect human health as well, and this should be noted in the Report. We further refer to our comments on the 2006 TER and 2007 EA:

Noise is often defined simply as unwanted sound. Quiet, the absence of noise, is a significantly important value that is unfortunately difficult to quantify. However, most of us rely on quiet for our own physical and mental health. It has always been recognized that Tahoe's unique and beautiful environment should be protected from noise. At least, the noise level in the Basin is expected to be quieter than in outside areas. Congress recognized this necessity in TRPA's Compact by specifically requiring the development of noise standards.

Single Event Noise Standards:

In line with the pattern TRPA has taken in other threshold categories, TRPA diminishes the importance of the single event noise standards by the portrayal of 14 indicators under the Single Event Noise "Indicator Reporting Category." (p. 10-5). In previous threshold evaluations, single event noise was divided into two indicators: aircraft, and other single events (which included Watercraft, On-Road motor vehicles, Off-road motor vehicles, motorcycles and snowmobiles – 5 source categories). Thus, more attention was paid to these sources.

However, using statistics and aggregation of indicators (although TRPA explains historic aggregation as one of the reasons it has changed its methodology), TRPA diminishes the importance of each source, including aircraft. We refer to detailed comments on statistical manipulations in the air quality comments as further examples of the impacts of the 'new' review methodology.

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Aircraft Noise: N-1:

Noise is not cumulative, over time, like air pollution. It does not ‘build up’ in the atmosphere and then require time to dissipate. In the case of aircraft noise, noise exceedances would be expected to significantly decrease by mere enforcement of the standards.

The 2011 Threshold Evaluation Report includes the following:

Overall average number of aircraft generated single noise event exceedances/day (exceedance rate) reported by City of South Lake Tahoe Airport (2008 to 2010), and at Barton Beach measured by TRPA (2009 to 2011). Overall exceedance rate ranged from 0.037/day (1 exceedance every 26.7 days) in 2008 to 0.171 (1 exceedance every 5.8 days) in 2010. Source: City of South Lake Tahoe Airport, TRPA noise monitoring data.

First, upon what basis was it decided the number of exceedances/day was a more appropriate ‘rate’ to evaluate than number of exceedances/number of flights/day? Although we do not have the daily number of flights and exceedances, a glimpse at the annual data reveals that as there are fewer flights as of 2010, the number of exceedances has increased:

Airport Noise - Annual Values, 2008-2010										
Year	Traffic (Total Flights)	Total Exceedances	Total Community Events	Total A/C Events	A/C Inaudible/ Unidentified	A/C Exempt/ Military/ Medical	A/C within 1 dBA Reporting Limit	A/C in Noise testing regime	A/C Notified	Noise Complaints
2007 ^a	28,035									
2008	22,333	1,540	1,417	123	27	41	16	9	66	12
2009	23,540	1,109	691	417	65	199	31	5	86	3
2010	20,249	1,879	1,486	393	66	193	24	1	75	7
a Airport reports to TRPA were provided upon request to TRPA. The 2008 Annual Report provided the total traffic numbers for 2007, but no noise information was provided.										
b No information was included regarding how the CSLT determined the sources of noise events.										

Therefore, if one considered the number of violations per number of flights on an annual basis, 0.55% of the total number of flights in 2008 violated the standard, 1.77% in 2009, and 1.94% of the flights in 2010 violated the standard. Thus, even as the total number of flights have decreased, the number of aircraft violating the standards has increased, suggesting louder aircraft are using the airport more frequently.

Discounting what the CSLT has reported as “Exempt/Military/Medical” would result in the following ratios: 0.37% of 2008 non-exempt flights exceeded the standard, 0.93% in 2009, and 0.99% in 2010.

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However, the frequency of exceedances should also be evaluated, and if one examines the quarterly data, 2010 shows:

Airport Noise - Quarterly Values, 2009-2010					
Year	Quarter	Traffic (Total Flights)	Total A/C Exceedance Events	A/C Exempt/ Military/ Medical	Number of Exceedances due to Aircraft (Non- exempt)
2009	1	2,531	52	25	27
	2	3,553	100	42	58
	3	13,140	196	72	124
	4	4,316	69	44	25
2010	1	3,783	65	26	39
	2	3,065	55	25	30
	3	12,017	237	123	114
	4	3,885	36	19	17

Although this is not intended to substitute for an actual analysis, this information was assembled to show the importance of evaluating different parameters. Questions should include when are the exceedances occurring, why, what are the frequencies of exposures to nearby residents and visitors during any given time of year, and so on? Further, it is common to spend time outdoors in the summer months in Tahoe, and to have windows open in lieu of air conditioning. Therefore, what are the exposure levels during these warmer months - when people are more likely to either be outside in their yards and/or have their windows open, likely resulting in louder impacts from aircraft? These are the type of questions that need to be assessed to understand the true impacts of aircraft noise on humans.

Further, how many of the aircraft which violated the standard have manufacturing specs that suggest the aircraft would meet Tahoe's noise standards? How many did not? A review of the available reports indicates relatively few aircraft that exceeded noise standards were undergoing noise testing regimes. Is the CSLT regulating for aircraft noise levels, or simply hoping for the best?

The 2011 TER continues:

Confidence

Status – There is “moderate” confidence in the current status because although TRPA data were collected according to methods prescribed in TRPA's Shorezone Noise Monitoring Program (and reviewed by a noise expert), procedures for the

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Airport Monitoring Program are different than those used by TRPA. TRPA noise monitoring equipment is regularly calibrated, and sample design and effort is documented (TRPA 2009).

Did the Airport's noise testing measures meet the requirements listed in the noise standards for aircraft? How were they 'different' from the Shorezone data collection? Why is this relevant? Does it make the aircraft noise monitoring data invalid, and if so, why would TRPA approve a monitoring network for the airport that it does not feel accurately monitors for aircraft noise?

The Interim Target states:

Interim Target – Based on the current trend of this indicator, it is predicted that the exceedance rate will increase. However, by the next evaluation period, the interim target is expected to demonstrate a flattening in trend as a result of TRPA and other partners' efforts to work with the airport to find solutions to mitigate Noise Threshold Standard exceedances.

How many years ago did TRPA adopt the noise threshold standards for aircraft? Clearly well before the 2001 TER was developed, which included the following language in the Compliance Forms adopted by the TRPA Governing Board:

1. STANDARD

TRPA threshold - departures (all aircraft): 80 dBA at 6,500 meters from start to takeoff roll. 77.1 dBA at 6,500 meters from start to takeoff roll between 8 p.m. and 8 a.m. TRPA threshold - arrivals: 84 dBA at 2,000 meters from the runway threshold approach (general aviation and commuter aircraft). 86 dBA at 2,000 meters from the runway threshold approach (transport category aircraft). 77.1 dBA (all aircraft) 2,000 meters from the runway threshold approach between 8 p.m. and 8 a.m.

Note: Within ten years after adoption of the airport master plan, the single - event noise standard for all arrivals shall be 80 dBA

The Airport Master Plan Settlement Agreement was dated 1992. Therefore, in 2002, the standard became 80 dBA for all aircraft between 8 a.m. and 8 p.m. What more is it going to take for TRPA to enforce its noise threshold standards? Further, what will TRPA do differently now that will actually make this happen, as opposed to what TRPA has or has not done since 2002 to enforce the 80 dBA standard? This appears to be yet another area TRPA slides by through putting off enforcement to some future date. Had TRPA been enforcing this standard up until now, what would the trend line look like?

Target Attainment Date – Based on the current trend of this indicator, a target attainment date for Threshold Standard attainment cannot be accurately estimated.

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Does this mean TRPA acknowledges it will continue not to enforce its own threshold standard? Is this why the 2012 RPU DEIS Noise analysis lists the old noise standard for aircraft (p. 3.6-4 and -5)?

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Programs and Actions Implemented to Improve Conditions – TRPA has adopted aircraft type limitations for the Lake Tahoe Airport based on tested arrival and departure decibel levels. TRPA has also established Noise Threshold Standards for arrival and departures, depending on time of day/night. The City of South Lake Tahoe has published noise abatement guidelines for all pilots located on the South Lake Tahoe Airport website.

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Besides establishing the standards in the first place, what else has TRPA done to “Improve Conditions?” What does the CSLT do, besides maintain a website with noise information? Do pilots get fined? Restricted? Or do they just get letters letting them know they exceeded the standard?

Effectiveness of Programs and Actions – Existing programs do not appear sufficiently effective at achieving adopted Threshold Standards based on the evaluation of available data.

We ask whether Programs and Actions have not been effective because TRPA has not enforced the standard? And the CSLT has not complied with the Settlement Agreement it signed?

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What about the Brown-Buntin Associates report which evaluated the aircraft that were expected to meet the 80 dBA standard?²⁰⁰ The BBA report in fact states: “the Lake Tahoe Airport Master Plan requires that within ten years of its adoption the single-event noise standard for all arrivals shall be 80 dBA. This analysis examines the effects of implementation of the 80 dBA arrival noise level standard.” Has TRPA incorporated this into its evaluation of noise in any way? Or looked at 2011 aircraft noise technology?

Recommendation for Additional Actions – Further noise mitigation measures may be necessary to achieve existing zero exceedance aircraft Noise Threshold Standards. For example, further restricting aircraft type, flight frequency and/or the time of day aircraft are allowed to take-off and land may aid in mitigating aircraft noise. Alternatively, an investigation may be necessary to determine if existing Threshold Standards are achievable given today’s aircraft noise-reduction technologies (i.e., the types of aircraft using the airport may not be capable of achieving adopted noise standards). Although there is an established monitoring plan for single noise events for aircraft at the Lake Tahoe Airport, discrepancies of applicable Threshold Standards exist between the City of South Lake Tahoe and TRPA (i.e., 77 dBA Lmax vs. 80 dBA Lmax). In order to obtain higher confidence in status and trend

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²⁰⁰ This report was provided to member of the Noise Technical Working Group, titled: “Brown-Buntin Associates, Inc., TRPA Noise Thresholds Analysis” (7/23/02).

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evaluation, monitoring of aircraft needs to be standardized between monitoring parties.

TRPA suggests further restrictions on *"aircraft type, flight frequency, and/or time of day...may aid in mitigating noise."* How much would simple enforcement of the existing TRPA noise standards 'mitigate' noise?

We also note the passive way TRPA has described the following: *"i.e., the types of aircraft using the airport may not be capable of achieving adopted noise standards."* Perhaps the types of aircraft using the Airport should not be using the Airport? How many flights of the same variety (e.g. charter, commuter, etc.) are available that do meet the standard? Has TRPA evaluated this? Why is the monitoring of aircraft not standardized between parties? According to what legal opinion did the noise standards stop applying to the airport?

We acknowledge some exceedances may occur initially, perhaps when an aircraft's manufacturing specs have noted a certain noise level and Tahoe-specific factors cause this aircraft to generate more noise. But, in this case, what if TRPA developed a control measure that requires follow-up to every single event aircraft exceedance that is not due to military (exempt) or emergency aircraft.²⁰¹ The noise standard would not be changed, and the indicator would continue to prohibit any exceedances. Aircraft that can not meet the 80 dBA are not allowed to use the Airport (as required in the standard). If this has been knowingly violated, actions, including fines, must be taken. For other situations, TRPA has the information available to develop, through a full public process, guidelines that might allow for the dismissal of fines or other guidance.²⁰² Regardless, the end result would be aircraft meet the noise standards and noise levels in Lake Tahoe are reduced, as intended by the Compact.

However, if an exceedance occurred and there was no follow-up or review, then it would count against attainment status. This is not a 'new' concept. TRPA recommended it in 2001:

"TRPA recommends developing procedures for airport noise and other single events to determine when noise events should be considered or excluded in evaluating noise thresholds."

However, TRPA has failed to follow-up on this, and includes no consideration of this alternative approach in the 2011 TER, or in the RPU DEIS. Instead, TRPA repeatedly precedes the term 'standard' with 'the no-exceedance' or 'zero exceedance' standard, descriptors which have not been used in previous threshold evaluations. Combined with explanations about how difficult it is to meet these 'zero-exceedance' standards, the TER

²⁰¹ Although the CSLT may have no authority over military aircraft, nothing prohibits TRPA or the CSLT from addressing noise from military flights in some way. We note the 2001 TER recommended: "TRPA should re-evaluate the threshold and consider adding an exemption for military aircraft, or seek cooperation from the military to reduce flights (August 2002)."

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biases the reader against the zero-exceedance standard, making it difficult for anyone unfamiliar with the past noise evaluations to come to any conclusion other than to agree it's impossible to ever achieve these 'zero-exceedance' standards. This would be expected to result in apathy – *if it can never be achieved, why try so hard to achieve it?* This concept appears to dominate the threshold evaluation in all cases, since TRPA proposes very little action, if any, to actually reduce noise and improve enforcement of the standards.

Has TRPA considered proposals that would help *reduce* noise, rather than write it off because 'it's simply not possible to never have even one exceedance?' Surprising to readers who may only be reviewing the 2011 TER would be TRPA's recommendations to address these issues going back to the first TER (1991):

1991 TER:

NOISE		
a) single noise events	Single-event data are limited. <u>Most aircraft, snowmobiles, and motorcycles monitored attained the threshold standards.</u>	TRPA should undertake a long-term single-event noise monitoring program and supplement noise control measures.

1996 TER:²⁰³

Implement the noise mitigation measures listed in the South Lake Tahoe Airport Master Plan.

2001 TER:

A relatively low noise level is an attribute of the Lake Tahoe Basin that is enjoyed by both visitors and residents. However, the study, *Report for the Establishment of Environmental Threshold Carrying Capacities* (TRPA, 1982) indicated that background noise in the Region was rising as a result of increased levels of human activity. TRPA's noise thresholds are based on achieving the following objectives as they relate to noise:

1. Reduce or eliminate those activities in the Basin that produce damaging or distressing noise levels; and
2. Provide for community and neighborhood tranquility.

N-1 [Aircraft]:

1. TRPA should re-evaluate the threshold and consider adding an exemption for military aircraft, or seek cooperation from the military to reduce flights (August 2002).

²⁰³ The 1996 Recommendation was found in the "Status of 1996 Recommendations" section in the 2001 TER.

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2. TRPA will work with the South Lake Tahoe Airport to implement the reduced arrival noise levels (August 2002).
3. TRPA should clarify the threshold to establish when noise measurements apply to threshold attainment (August 2002).

Detailed recommendations found in the 2001 TER, Appendix B, include the following “Products”:

“TRPA will develop procedures for evaluating military flights as they apply to threshold attainment.”

“TRPA, with the assistance of Brown Buntin Associates, Inc., the South Lake Tahoe Airport, the Noise Working Group and other local and state agencies will develop guidelines for the airport to determine the applicability of certain flights to threshold attainment.”

Where is the follow-up to these recommendations? It appears, according to the 2006 TER (see below), that actions were taken, but never resolved. Why not? Did TRPA simply give up after 2006?

2006 TER

Unfortunately, the only recommendations in the 2006 TER were to re-initiate the noise monitoring the City and TRPA were supposed to be doing all along (in fact, the response to the “Status of the 1996 Recommendations in the 2001 TER was quite familiar:

“Although the noise monitoring system was put in place prior to the 1996 Evaluation, the monitoring equipment fell into disrepair. By January 2000, the program was fully operational. Some work is needed in establishing monitoring and testing procedures.”

The 2006 TER status and recommendations included:

The 10 year phase in of the 80 dBA noise standard is complete and is therefore the 80 dBA standard is in effect. As to developing procedures for allowing noise exceedances in special weather conditions none were promulgated due to the fact that the parties to the settlement agreement found it difficult to agree on this exemption.

The proposed 2006 interim targets for this indicator are as follows:

1. By September 2007, the City of Lake Tahoe shall commit funding for airport noise monitoring equipment.
2. By October 2009, reestablish the noise monitoring equipment at the airport.
3. By 2011, complete the evaluation of the two years of monitoring data.

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Threshold Target Dates

The proposed target date for threshold attainment is 2012.

Yet the RPU/RTP draft documents make no such reference to this, and in fact include the expanded use of the Airport in Alternatives 1, 3, 4, and 5 in the RPU DEIS. These transit ‘packages’ include “City of South Lake Tahoe (TVL) Aviation Capital”²⁰⁴ and the RTP Public Draft (p. 4-20) explains:

“Current plans at Lake Tahoe Airport include annual improvements averaging approximately \$1.5 million for runway, apron, and taxiway rehabilitation projects, new and expanded buildings, and an estimated \$800,000 for annual operating costs.”

The CSLT Fiscal Year 2011/2012 Annual Budget²⁰⁵ also includes expanded service:

“...there is renewed interest and opportunity to reestablish commuter air service at the South Lake Tahoe Airport. Innovative funding options will be explored, comparable air service in similar communities will be solicited and local partnerships with the Gaming Alliance and Heavenly Resorts will be leveraged to attract commuter air service to South Lake Tahoe.

Performance Measures: A Plan of Action specifically designed to bring commuter air service to South Lake Tahoe will be submitted to the City Manager in 2012. Results of the evaluation of service provided in comparable communities will be provided to the City Council and Airport Commission in 2012 and a partnership with the Gaming Alliance and Heavenly Resorts will be established by summer 2012 to restore commuter air service.”

What does this mean with regards to increased use of the airport, and resultant noise levels? Which is it? Does TRPA intend to abandon any responsibility over noise from the airport? How will this provide equal and superior protection? How will this meet the public’s desire for a quieter environment in the Basin (see Pathway 2007 Reports and documentation, including noise survey data, all of which are TRPA documents).

Other Single Event Noise: N-2:

1991 TER:

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²⁰⁴ RTP Public Draft, Figure 6-3: “Tier 1 Constrained Scenario Project List: Cost and Implementation Steps” (p. 6-9)

²⁰⁵ <http://ca-southlaketahoe.civicplus.com/DocumentCenter/Home/View/1445>

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NOISE

a) single noise events

Single-event data are limited. Most aircraft, snowmobiles, and motorcycles monitored attained the threshold standards.

TRPA should undertake a long-term single-event noise monitoring program and supplement noise control measures.

2001 TER:

“TRPA, with the input of the Noise Working Group and other consultants, shall develop a more thorough CNEL monitoring program, shall create and implement consistent noise monitoring program for single and community noise events, and shall re-evaluate the thresholds for the traffic corridors. Noise measurements need to be performed more often, perhaps on an annual basis, in order to determine if standards are being met...Product: Appropriate noise thresholds and control programs to be included in the 2007 Regional Plan.”

The 2006 TER notes the following:

[N-2]:

The 2001 interim target for this threshold stated that; “No more than five monitored single-event noise occurrences per year by December 2003”. Because more than five single event noise violations were recorded, the interim threshold target was not achieved.

Threshold Target Dates

The proposed target date for threshold attainment is 2012.

...2006 Status Evaluation Relative to Threshold Attainment Schedules

Threshold Interim Target Status

The 2001 interim target for this threshold stated that an interagency noise enforcement MOU would be adopted by June 30, 2003, a 2004 Noise Work program would be completed by June 30, 2001, and roadway pavement testing would be conducted by March 2003. The TRPA completed the 2004 Noise Work Program. However, the remaining targets were not completed.

Threshold Target Dates

The proposed target date for threshold attainment is 2012.

...[2006] Threshold Recommended Changes

The proposed indicator combines the N-1 Single Event Noise (Aircraft) indicator with the N-2 Single Event Noise (other than aircraft) into a single indicator named N-1 Single Event Noise Sources. This was done primarily to simplify the threshold and limit the number of indicators within the noise threshold. For the most part, very

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limited changes are proposed for this indicator. These changes fall into three primary categories: (1) change in indicators, (2) adoption of a single set of standards Basinwide for all single event noises, and (3) improvement of the existing standards. The public along with the technical working group expressed concern that the major challenge with the current threshold was lack of monitoring and enforcement. To address this, new indicators were developed for each of the single event noise sources. These indicators were specifically designed to monitor the enforcement and monitoring activities of the Basin agencies in order to provide valuable information on where resources should be allocated for the best possible impact. The proposed indicators include:

- Number of exceedances of the noise standard by noise source.
- Number of corrective actions taken by noise source.
- Percentage of planned monitoring completed by noise source.

Additional changes to the Single Event Noise Sources include the recommendation for the adoption of California's single event noise sources noise standards Basinwide. California's noise standards are considered the most progressive, and are necessary to preserve the serenity of the community and neighborhood.

What happened to these recommendations? The 2011 TER makes little to no mention of this, instead consistently reiterating the 'zero exceedance' standard for single event noise sources and including no discussion of any review of the indicators. We reiterate points made in comments on aircraft above for this category related to the alternatives TRPA could and should consider related to the noise standards, that would encourage noise reduction, enforce policies and regulations, result in actual follow-up to exceedances (which would be expected to, over time, to help reduce noise), and other options that would help reduce single event noise. Instead, it appears TRPA has abandoned all attempts at improving the noise threshold attainment, instead complaining again about how the 'zero-exceedance' standard can not be met, but making no suggestions about alternatives that could actually lead to reduced noise.

The 2001 TER included several recommendations as well (inserted below), and although we are encouraged by TRPA's implementation of at least some noise monitoring over the recent years, the 2011 TER continues to recommend the need for more monitoring and/or consistent methods. Further, the 2011 TER only discusses watercraft and aircraft, therefore the public is provided no information regarding the other sources of single event noise, or what TRPA's recommendations will be, and so on. In the meantime, ten years have passed, and noise continues to be a problem.

2001 N-2 [Other Single Event Noise]:

1. TRPA, with the input of the Noise Working Group and other consultants, shall create and implement a consistent noise monitoring program for single and community noise events. (See Recommendation D in Section III of the 2001 Threshold Noise Evaluation) [March 2004].
3. TRPA shall adopt measurement protocols that allow for boat noise enforcement (see Section III for details). (November 2002).

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4. TRPA should develop and implement a program to study the effects of noise on wildlife. (December 2002)
5. Utilizing data from the above wildlife study, TRPA shall adopt standards in cooperation with the U.S. Forest Service for wilderness and non-Urban areas (December 2004).

[Interim Target]:

By 12/03, no more than 5 single event noise occurrences per year.

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Noise Single Event Standards and TRPA's Role:

Although TRPA had made attempts in the past to improve the Noise Thresholds and increase monitoring, both of which could support actions to reduce noise and attain standards, we also note that with regards to all non-aircraft single event standards, there appears to be no significant changes made to reduce noise from these sources. Although enforcement of the 600 foot No-Wake Zone was finally improved by TRPA, TRPA has apparently instead blamed the conservation community for their inability to conduct an adequate boating program.²⁰⁶ Regardless, for other sources of noise, what did TRPA do to try to attain the 'no more than five' target? It appears TRPA set an interim target, but did nothing to try to ensure it was met, other than hope (and blame the failure on its lack of police authority). In the meantime, TRPA proposes to increase the noise sources in the Basin (people, cars, equipment, off-road recreational equipment, etc.), without any assessment of the impacts, yet apparently without taking any responsibility for them either. If TRPA cannot enforce the standards it has now, then TRPA needs to figure out what options are available to meet the standards, implement those actions, then ensure they have worked (through adequate, continuous monitoring), before TRPA adds more noise sources to the Basin through the Regional Plan it does have authority to implement. This was also suggested by Mr. Hunt in the peer review of the 2011 threshold evaluation (Appendix E):

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"The TRPA report also recommends that noise standards be eliminated in instances where TRPA lacks the authority to enforce compliance (page 13-12). The TRPA claims it does not have the *"authority and capacity"* to enforce some standards as they lack the necessary *"police powers or criminal authority to temporarily arrest an individual"*. This reviewer does not agree with this recommendation as the TRPA may have other alternatives to consider in lieu of elimination of standards. TRPA should consider delegating enforcement for selected noise standards to local law enforcement officers and/or health agents provided TRPA numerical standards are recognized by and/or incorporated into the local statutes for each of the affected towns and counties in the Lake Tahoe Region. Violations as confirmed my noise measurements could result in warnings and fines levied against the offender."

²⁰⁶ We note it was not the Conservation Community who elected to adopt new Shorezone standards based upon a flawed analysis. TRPA's frustration, then, seems to be that the agency 'got caught.'

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In the Recommendation for Additional Actions discussion on p. 10-11, TRPA takes an underhanded ‘hit’ at the conservation community who filed a lawsuit against TRPA regarding the 2008 Shorezone Amendments, which the courts agreed lacked adequate analysis of impacts. Here, TRPA claims “TRPA could also re-enact a prohibition on boats operating in the lake that have working, aftermarket exhaust bypass systems. However, this rule was invalidated by a Court decision in 2008.” But, this is not true. The court ruling did not change the noise **standards** for watercraft. As TRPA itself notes on p. 10-4, “*TRPA adopted Noise Threshold Standards for these noise sources are the same as those adopted by state and local jurisdictions, and represent noise levels from properly maintained and unmodified equipment.*” Thus, so long as the Noise standards for watercraft apply, they dictate the prohibition of watercraft that are using these aftermarket systems on the Lake. Further, looking at this from another perspective, if a boat *can* meet the noise standards with modified equipment, then it meets the noise standards, so what reason would TRPA have to prohibit this boat on the Lake (at least, with regards to noise²⁰⁷)? This misrepresentation of facts by TRPA is just another example of TRPA misleading the public.

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Cumulative Noise Equivalent Level (CNEL) – N3:

As the Pathway 2007 Draft Report summarized, noise has been an integral part of land use planning in the Basin. Or, at least the Compact required the adoption of noise thresholds. Unfortunately, noise in the Basin has generally increased as more people live here, visit here, and are active here, yet most environmental planning resources have focused on other thresholds. In each five-year threshold evaluation report, we see a common theme. Noise should be decreased, but we haven’t really monitored it. Unfortunately, we have seen the more recent development of a more apathy-based approach: we can’t enforce the standards for some number of reasons, and we can’t afford to have an adequate monitoring plan, so we should re-evaluate the standards (and of course, the recommendation to monitor always gets carried forward as well).

“Based on the present monitoring record, it is unclear whether the broad scope of CNEL non-attainment status is due to standards that cannot feasibly be achieved under any circumstance because they are inconsistent with other allowed standards and activities within the Regional Plan, or whether the absence of fully reliable measurement protocols are leading to invalid or unreliable conclusions about status, trend, and attainment. Given these uncertainties, the adopted Noise Threshold Standards should be thoroughly evaluated, and necessary changes considered to improve noise Threshold Standards within the Regional Plan’s systems.” (2011 TER, p. 10-23).

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Yet, as discussed in comments regarding the RPU analysis, TRPA responds to their inability to enforce noise standards by proposing alternatives that will draw more people

²⁰⁷ We make this statement with regards to noise emissions only, since motorized watercraft do create impacts to other TRPA thresholds (e.g. air and water quality).

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and noise sources to the Basin. Clearly this will not achieve the desires expressed during the Pathway 2007 process:

“Noise management has been an integral part of the land use planning and environmental improvement process in the Lake Tahoe Basin since the development of the TRPA environmental threshold carrying capacities. Visitors and residents have expressed their concerns about the quality of the overall noise environment (the lack of silence as well as the presence of perceived excessive noise levels) from identifiable noise sources such as on-highway vehicles, off-highway vehicles, over-snow vehicles, watercraft and aircraft. In developed areas of the Basin, noise from highways may create annoyance or activity disturbance such as speaking or sleeping. Noise from powered recreation equipment may also interfere with the enjoyment of a quiet dependent recreation activity such as hiking or cross-country skiing. Noise by definition, is “unwanted sound,” and is a subjective reaction to acoustical energy or sound levels.”

Just as past evaluations have continued to include recommendations to reduce single event noise, the same can be said for community noise as well.

1991 TER:

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b) cumulative noise levels (CNEL)	<p>TRPA sampled community noise at 57 locations. The following locations attained the threshold standards:</p> <p>12 of 14 high-density residential areas,</p> <p>6 of 8 low-density residential areas,</p> <p>13 of 13 commercial/public service/tourist areas,</p> <p>4 of 5 urban recreation areas,</p> <p>1 of 2 outdoor recreation areas,</p> <p>0 of 1 wilderness areas, and</p> <p>13 of 14 transportation corridors.</p> <p>TRPA has had problems applying the CNEL threshold in developing areas.</p>	<p>TRPA should consider lowering the commercial/public service threshold and should raise the wilderness/roadless area threshold to a realistic level.</p> <p>TRPA should maintain strong anti-degradation policies but acknowledge adverse noise impacts of build-out.</p>
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2001 TER:

N-3 [Community Noise]:

1. TRPA, with the input of the Noise Working Group and other consultants, shall develop a more thorough CNEL monitoring program. Noise measurements need to be performed more often, perhaps on an annual basis, in order to determine if standards are being met. (See recommendation D in Section V of the 2001 Threshold Noise Evaluation) [March 2004].
2. TRPA, with the input of the Noise Working Group and other consultants, should re-evaluate the thresholds for the traffic corridors. Any threshold changes should include corrections to the numeric values based upon roadway grades, pavement conditions, etc. (March 2004).
3. To help attain the roadway standards, TRPA recommends that a test be performed to evaluate different pavement types and their potential for noise reduction. (March 2003).

N-3 2006 Attainment Schedule

[Interim Target]:

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By June 30, 2003, adopt an interagency noise enforcement MOU. Complete a 2004 Noise Work program by June 30, 2002.
Conduct roadway pavement testing by March, 2003.

Appendix B includes:

“TRPA, with the input of the Noise Working Group and other consultants, shall develop a more thorough CNEL monitoring program, shall create and implement consistent noise monitoring program for single and community noise events, and shall re-evaluate the thresholds for the traffic corridors. Noise measurements need to be performed more often, perhaps on an annual basis, in order to determine if standards are being met...Product: Appropriate noise thresholds and control programs to be included in the 2007 Regional Plan.”

2006 TER

Table 9-5 shows the proposed standards for the cumulative noise levels. The standards are divided into land use classifications and transportation corridors which are defined as the width of the highway plus 300' out from the curbs of the highway. These standards are comparable to other areas with similar land uses and no changes are proposed for either the 24-hour or the transportation noise corridor standards at this time.

The addition of 1-hr standards for these areas is proposed. This standard is being developed to address short duration noise sources that have been shown to impact the desired condition for this indicator. The specific numbers for the proposed 1-hr standards are currently being developed and therefore are not shown. This change in indicator and standard is likely to be incorporated into the Regional Plan after further analysis by TRPA.

Recommended Changes for 2006

The initial change would be to renumber this indicator as N-2. The second recommendation would be to prioritize the current program and focus only on two or three recommendations. The first priority would be to establish a noise monitoring program for community event noises that would include monitoring frequency and the protocols for the actual measurements. The second recommendation should be to develop a plan to monitor, evaluate and recommend improvements to this threshold. Noise monitoring over the last four years included a one time estimate of the CNEL levels for 9 out of the 180 plan areas. As stated in previous threshold reports, improvements are needed in order to manage the monitoring needs of this threshold. Similar to the single event noise indicator, the third priority should be given to manage the noise associated with traffic which is the primary source of CNEL violations.

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2011 TER

In the 2011 TER, as expected, CNEL standards were found to be out of attainment.²⁰⁸ Although some measurements were taken in 2011 and included in some of the TER text, very little is known about the type, location, and extent of monitoring that was done. Noise monitoring locations are noted on the small regional maps (1 inch wide by 2 inches tall). Although this might provide readers an idea of the general vicinity, clearly it is not sufficient to assess where monitoring was conducted, and what other nearby activities or uses might affect noise measurements. For example, if one is recording noise for the “Critical Wildlife Habitat” category, were CNEL measurements affected by nearby roadway noise? Distant watercraft noise? Nearby hikers? Although the status is either attainment or non-attainment, information regarding the noise sources during the measurements is necessary to assessing what actions to take in the future.

Which, unfortunately, is yet another round of “we should do more in the future.” Examples include, but are not limited to, the following excerpts from the TER:

Recommendation for Additional Actions – CNEL for the Critical Wildlife Habitat land use category is out of attainment with the adopted Threshold Standard. Enforcement of existing regulations by responsible jurisdictions may aid in reducing CNEL, consistent with adopted Threshold Standards. Enhanced enforcement could include the preparation of a critical wildlife habitat map that could be used as outreach material to educate recreationists or operators of noise-inducing equipment. In addition, an improved monitoring and evaluation plan is needed to guide future CNEL monitoring efforts. It is recommended that this plan be comprised of a peer reviewed standardized methodology, which includes protocol and procedures to be used in noise monitoring efforts Basin-wide.

Recommendation for Additional Actions – CNEL for both land use categories are out of attainment with the adopted Threshold Standard. Enhanced enforcement of existing regulations by responsible jurisdictions may aid in reducing CNEL consistent with adopted Threshold Standards, such as enforcement of illegal vehicle noise modifications by state and local law enforcement jurisdictions. In addition, an improved monitoring and evaluation plan is needed to guide future CNEL monitoring efforts. It is recommended that this plan be comprised of a peer reviewed standardized methodology, which includes protocol and procedures to be used in noise monitoring efforts Basin-wide.

²⁰⁸ “In general, indicators for the Cumulative Noise Events Indicator Reporting Category indicate that the Regional status is somewhat worse than the established target, there was little or no change in trend, and confidence in status and trend was determined to be low to moderate (Figure 10-2).” [aka non-attainment].

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Recommendation for Additional Actions – CNEL for all land use categories and transportation corridors are out of attainment with the adopted Threshold Standard. Enhanced enforcement of existing regulations by responsible jurisdictions (e.g., enforcement of illegal vehicle noise modifications by state and local law enforcement) may aid in reducing CNEL consistent with adopted Threshold Standards. Encouraging low-noise pavement technology for transportation corridor projects may also aid in reducing CNEL values. In addition, a monitoring and evaluation plan is needed to guide future CNEL monitoring efforts. It is recommended that this plan be comprised of a peer reviewed standardized methodology, which includes protocol and procedures to be used in noise monitoring efforts Basin-wide.

Finally, although this general theme is carried through each CNEL category, we refer specifically to the recommendations related to the SLT Airport Corridor:

“Recommendation for Additional Actions – CNEL for the South Lake Tahoe Airport transportation corridor is out of attainment with the adopted Threshold Standard. Additional aircraft noise mitigation measures may be necessary to reduce CNEL, consistent with adopted Threshold Standards. For example, further restricting aircraft type, flight frequency and/or the time of day aircraft are allowed to take-off and land may aid in mitigating aircraft noise. Although there is an established monitoring plan for single noise events for aircraft at the Lake Tahoe Airport, there is currently no mutually established protocol for evaluating CNEL at the Airport. Therefore, the development of a monitoring and evaluation plan for the Lake Tahoe Airport is needed to guide future CNEL monitoring efforts. Further, the feasibility of meeting currently adopted CNEL (or single event) noise Threshold Standards for the Airport is uncertain and should be evaluated. Based on the evaluation, Threshold Standards should be considered for adjustment consistent with FAA, TRPA, and airport permit requirements. Modified Threshold Standards, if any, should be addressed and incorporated in updates to the Airport Master Plan.” (p. 10-26).

Where is the evaluation conducted by BBA regarding the types of aircraft that could meet the 80 dBA standard? This was performed before the 2006 threshold evaluation. As noise is a required threshold standard, any proposed changes must be analyzed by TRPA through a full, public review process. Impacts to noise standards, as well as other affected standards (e.g. air quality), would need to be assessed as well. Further, a loosening of the noise standards for aircraft to allow even more noise is contrary to direction in the Compact, contrary to what the public has said it wanted in the Basin, and certainly would not provide equal or superior protection of the environment.

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Changes to CNEL standards:

Although no changes are proposed with the 2011 Threshold Evaluation or the RPU DEIS/RTP DEIR/S alternatives, TRPA has carefully set the stage to do so, diminishing the value of the noise standards.

“Overall, the feasibility of meeting currently adopted Single Event and Cumulative Noise Events (CNEL) noise standards (maximum allowable ambient noise levels) should be evaluated and standards adjusted to levels that are protective, but realistically achievable. Furthermore, the method of determining noise threshold attainment should be reconsidered. In previous Threshold Evaluations, as in this one, if one noise exceedance was observed, it was concluded that the Region was in “non-attainment” for that land use category of single event type. Allowances for statistical significance or a certain percent of noise exceedances may be more appropriate given the transitory nature of noise and the feasibility of regulating driver behaviors or the types of vehicles entering the Region.” (TER Chapter 13).

TRPA has also referred to peer review comments regarding how the standards are too complex and resource intensive to apparently support the need to make them more ‘lenient’ (allow more noise) in the future. This is summarized upfront in Appendix E:

- Noise: The noise program is too complex and resource intensive. There are too many indicators, land use categories, and numerical thresholds that need to be monitored to evaluate attainment. Non-attainment should not be based upon a single exceedance of a standard, but rather on a percentage of events that exceed the threshold over a fixed time periods.

However, we note that the peer reviewers suggest this based on TRPA’s “claim” that it is too resource intensive. Mr. Hunt’s comments include the following (pages 3 and 5 of his comments in Appendix E):

“Attainment may not be possible given the current approach and the TRPA claim of limited resources...”

2] There are too many indicator categories for CNEL noise given the current approach and TRPA’s claim regarding lack of resources. Consolidation/combination of existing land use categories should be considered if this can be justified.” (Mr. Hunt, page 5).

However, TRPA has failed to consider other options to fund noise monitoring. Further, the noise TER appears to set the stage for not considering noise impacts very seriously, as clearly reflected in the inadequate evaluation of noise in the Draft EIR/EIS documents (see comments below).

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Finally, we note that CNEL standards are not unique to Tahoe, although the numerical values should be. CNEL standards are applied in other areas as well,^{209,210} thus the technical support behind them is not in question.

Noise Monitoring:

Clearly, noise monitoring has been infrequent and inconsistent. We remind TRPA that the Compact requires TRPA to monitor thresholds for attainment status. If TRPA does not have the resources available to do so, then TRPA must evaluate other approaches to obtain resources. However, the TER and the RPU and RTP documents fail to analyze alternative solutions.

We note that although peer review comments may suggest the current thresholds are too resource-intensive, comments make it very clear this is tied to TRPA's claim it does not have the resources to monitor, not that it's not important nor that other avenues for funding shouldn't be pursued:

"1] The noise program is too complex and resource intensive at present. There are too many indicators, land use categories and numerical thresholds that need to be monitored to evaluate attainment. Attainment may not be possible given the current approach and the TRPA claim of limited resources. These circumstances likely contributed to the TRPA recommendation to eliminate some standards and "*only retain standards and associated indicators which it has the authority and capacity to affect and measure*" (page 13-12)."

Comments on the RPU DEIS (and RTP DEIR/S) Noise Analysis

First, we refer to the comments submitted by FOWS and others regarding the inadequacy of the environmental impact analyses. Specifically, many of the flaws found in other sections (e.g. air quality, water quality) are repeated in the Noise analysis.

The RPU and RTP documents propose action alternatives that will each, to some degree, increase the population in the Basin to levels above those approved by the 1987 Regional Plan. This will, in itself, create more noise. Further, strategies in Alternatives 3 and 4 are aimed at increased densification of the Basin's "community centers," placing more residential and visitor units in the midst of the most developed and loud places in the Basin. Although this is typical in large cities, we refer to the FOWS comments regarding the unique values in the Basin, the mountain lifestyle people come here to enjoy, and the question of whether new and existing residents will want to move into these louder, more polluted areas.

²⁰⁹ For examples, California. http://www.sfu.ca/sonic-studio/handbook/Community_Noise_Equivalent.html;

<http://www.dot.ca.gov/hq/planning/aeronaut/documents/statenoisestnds.pdf>

²¹⁰ http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf

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This question is perhaps further compounded by the failure to address noise issues for decades, as noted in the comments on the 2011 TER for Noise. If TRPA has been unable to reduce noise in the past, and unable to enforce noise standards, what new mechanisms will TRPA employ in the future that will improve anything?

The 1983 Regional Plan EIS discusses the problems with noise and urbanization:

NOISE

Much of the noise generated in the Basin originates from transportation corridors and to a lesser extent, isolated or single event sources. With increased urbanization, Tahoe's background noise levels have risen.

CURRENT SITUATION

Average noise levels describe the general acceptability of a noise environment, but it is usually a specific noise source that annoys people. A number of factors other than just the level of noise may also contribute to impacts perceived by visitors or residents. These include the duration of the noise,

LIMITATIONS AND POTENTIAL

The level of noise produced from the airport depends on the types of aircraft that use the facility and the level of activity. Aircraft flights are loud and intermittent, and are therefore more noticeable than the more constant background noise level of traffic. Aircraft produce the most noise during take-off. Usually, noise abatement procedures entail reducing power settings soon after the aircraft has cleared the ground. This is not always feasible at Tahoe because the higher altitude, increased turbulence, and restricted visibility do not allow this practice for safety reasons. The 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. Low altitude flights and helicopter noise can be especially annoying to people and frightening to wildlife.

The level of traffic noise depends on volume, average speed, and the number of trucks. Traffic noise is increased by heavier traffic volumes, higher average speeds, and greater numbers of large trucks. Traffic noise is a combination of the noises produced by the engine, exhaust, and tires. The loudness can also be increased by defective mufflers or other faulty equipment. Any condition that causes heavy laboring of motor vehicle engines will also increase the noise levels. The noise produced from a road will also radiate in a cylindrical pattern and decrease by about 3 dbA for each doubling of distance from the road. 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.

What happens when you place residential units next to a major highway? Especially in an area where due to climate, people frequently have their windows open in the summer months? Will people now close windows, pump up the air conditioning, and create more energy demand (which depletes environmental resources in most cases when traced back to the source of power generation), and increase greenhouse gas emissions?

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Although the evidence does not support the assertion that people living in these dense areas will drive less, regardless, has TRPA considered the impacts of increased air conditioner use due to noise and emissions that make open windows undesirable? How do these emissions compare to the vehicle emissions that will accommodate these new residents and visitors?

Baseline Policies

The level of noise produced by traffic is not very sensitive to changes in traffic volume. Therefore, the 10% VMT reduction will result in only a slight improvement in overall noise levels. However, the proposed bus system may offset any improvements. Improvements in traffic flow will also decrease noise levels but the ferry system proposed in the transportation element will increase noise levels on the Lake. Increased amounts of vegetation in urban areas will help diminish noise transmission.

The most significant reduction in noise levels will result from implementation of an enforcement program to prohibit vehicles from the Basin that exceed the single-event noise thresholds. Measurements have shown that (10%) of the vehicles in a traffic stream produce approximately (90%) of the noise. Short-term construction activities allowed by all alternatives and the baseline will cause temporary noise impacts.

With respect to the airport, aircraft flights will impact residential neighborhoods, but the limited air carrier service proposed under the Baseline will not cause the neighborhood CNEL level to exceed the established standard. Aircraft will be required to follow noise abatement techniques prescribed in the Airport Master Plan. The airport will also undertake an acquisition program to purchase residential units within the 60 CNEL noise contour.

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Detailed Comments on RPU DEIS and RTP DEIR/DEIS

The RPU DEIS and RTP DEIR/DEIS are supposed to analyze the environmental impacts of the various alternatives. Yet the documents consistently either speculate, assume, and/or claim the "policy-level analysis" is not responsible for assessing the environmental impacts of the proposed alternatives.

"This EIS, consistent with its policy-level purpose, analyzes the environmental implications of the policies identified in each of the alternatives and provides the information necessary for the TRPA Governing Board to select the alternative that would best achieve TRPA's regional objectives. As such, the EIS evaluates impacts of the Regional Plan Update alternatives at a policy level. It is not possible to speculate on the specific type, number, location, or timing of future projects that would be proposed over the Regional Plan period, nor on the precise nature or degree of environmental impacts associated with such projects. 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. These later projects may include development, redevelopment, commercial and tourist uses, transit and

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transportation, recreation, public/quasi-public facilities, and environmental restoration.” (RPU DEIS, Land Use Chapter, P. 3.1-1).

Our comments below, in addition to comments submitted by FOWS and other groups referenced above, point to numerous flaws and inaccuracies. Additionally, throughout the chapters, it appears TRPA has taken a “trust us” approach, rather than providing the evidence to support claims being made. Further, what does TRPA mean when it says it is “understand that,” as noted in the quote above. Understood by whom? How does this ensure environmental impact assessment? We note this same reference in other chapters in the DEIS. For example:

“Based on the 2011 Draft Threshold Evaluation Report, it is understood that existing noise levels in many highway corridors currently exceed the applicable CNEL standards, particularly along segments of SR 28, 89, 207, 431, and 267 (TRPA 2012a).” (RPU DEIS, Chapter 3.6, p. 3.6-12).

Noise:

Unless otherwise noted, the discussions below pertain to the noise chapters in both the RPU Draft EIS (Chapter 3.6) and the RTP/SCS Draft EIS/EIR (Chapter 3.6).

TRPA is responsible for fully analyzing the environmental impacts of all proposed alternatives on noise in the Region. As noted in our comments on the TER, TRPA has taken a very loose, of not apathetic, approach at the noise standards, as if attempting to relieve the agency of any responsibility over noise, even though proposed alternatives will no doubt increase noise sources. Further, the concepts of dense communities above loud roadways are not appropriate for Lake Tahoe, and why residents and visitors love this place.

TRPA is responsible for two sets of noise standards: single event and cumulative. TRPA must address the environmental impacts of the proposed alternatives on all of these standards, regardless of whether changes are proposed to the standards. In fact, where TRPA proposes to change the standards, the environmental analysis must consider the impacts of alternatives on the standards as they are currently adopted and on the standards being proposed.

Instead, the noise analysis performed by the TRPA and TMPO seems more like a quick chapter thrown together to justify proposed increases in density rather than an objective and thorough quantitative analysis of impacts on noise. We also contend that the TRPA RPU must meet CEQA requirements as well, since the TMPO’s RTP is relying on the RPU as the Sustainable Communities Strategy (SCS) document to meet California SB 375 requirements, making the RTP and SCS both subject to CEQA.

Introduction to Noise analysis fails to adequately discuss Tahoe-Basin specific parameters

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The introduction to the noise analysis immediately begins explaining to the reader the technical side of noise. Although this information needs to be provided in the report, what is lacking is a description related to the Basin's unique environment, the public's interest in lower noise levels, etc. References from other locations are useful in explaining noise terms and findings, but are not applicable when assessing Tahoe's unique, protected environment. In fact,²¹¹ what might be the typical outdoor noise level for a quiet rural daytime? A backcountry hiking experience? A natural waterfall?

The introduction includes noise information related to buildings (p. 3.6-2), however in both examples, the only information provided is for when "windows are closed." What are the differences when windows are open, as is typical in the Tahoe Basin, especially during the warmer months? This is just one example of the failure of the document to take into account unique, local features that have an effect on how the alternatives will impact the environmental thresholds.

Further, in the discussion regarding the Effects of Noise on Humans, information regarding the effects in Tahoe, where people expect quieter levels. If a person lives or visits Tahoe to escape urbanization, expecting a quieter environment, then what are the impacts when that person is subjected to noise while relaxing on the beach or hiking on a forest trail – in other words, in a situation where expectations are raised? Would they be more annoyed? Would impacts to health problems be greater, especially if this happens repeatedly or when someone is here on vacation to get away from stress that may be causing health conditions.

In fact, evidence suggests that to account for perception in an environment of: "Quiet suburban or rural community (remote from large cities and from industrial activity and trucking)", the "Amount of Correction to be Added to Measured CNEL in dB" is +10.^{212,213} In other words, this suggests that when an indoor CNEL standard of 45 dB is said to be 'appropriate,' to account for the impacts on someone in their yard or on their deck in a quiet, rural community, the CNEL standard should be 35 dB. Although this is one reference, it reiterates the need for an actual analysis of noise levels in the Basin, including what the appropriate noise standards must be to attain the Compact's directive.

Also, what is considered "sustained exposure, or a short period" of exposure (p. 3.6-3)?

Do vibrations have different or more pronounced effects in the Tahoe Basin, given soil type, topography, etc.?

Where is the discussion regarding the effects of noise on wildlife?

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²¹¹ With Reference to table 3.6-1.

²¹² http://www.sfu.ca/sonic-studio/handbook/Community_Noise_Equivalent.html

²¹³ "As an example, the standards for quiet suburban and rural communities may be reduced by 5 to 10 dB to reflect their lower existing outdoor noise levels in comparison with urban environments." <http://www.ci.san-bernardino.ca.us/civica/filebank/blobdload.asp?BlobID=12375>

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On page 3.6-4, Table 3.6-3 includes an incorrect standard for noise. As noted in our comments on the 2011 TER, the noise standard for all arrivals is 80 dBA. TRPA adopted amendments to the Code and Noise threshold Standards (Resolution 82-11) in August 1992, amending the single event noise standards for aircraft. The amendments rely on the Airport Settlement Agreement, which stated that within ten years, all aircraft must meet the 80 dBA standard. Although the CSLT has apparently argued this phase-in, a review of aircraft that could achieve the 80 dBA standard was conducted roughly ten years ago, and we again review FAA circular 36-3H,²¹⁴ which indicates numerous aircraft which can meet the 80 dBA standards.

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The footnote regarding the watercraft standards seems inappropriate. This is referring to something that is not proposed in the RPU update.

Changes proposed to Goals and Policies in Alternative 3:

The RPU DEIS states that:

The Noise Subelement of the Goals and Policies document contains applicable goals and policies, as described below. (Note: Non-substantive revisions to the Noise Subelement are proposed as part of Alternative 3. See Appendix A for those revisions.)

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The claim that proposed changes are “non-substantive” is simply not true. The proposed changes set the stage for a future, yet-to-be determined Airport Settlement Agreement update to simply ‘change’ the thresholds for single event and cumulative aircraft noise (see below). In other words, this appears to adopt a placeholder where TRPA can simply “insert” new, less protective noise standards at some point in the future without any environmental review or public process. This is not a “non-substantive revision” – it changes TRPA’s noise thresholds!

²¹⁴

http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/AEAB4E3E783D2B6086256E3700762A57?OpenDocument&Highlight=ac-36

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GOAL #N-1**SINGLE EVENT NOISE STANDARDS SHALL BE ATTAINED AND MAINTAINED.**

People can be annoyed by a specific noise source. Thresholds ~~were~~ have been adopted that apply to aircraft, boats, motor vehicles, off-road vehicles, and snowmobiles to reduce impacts associated with single noise events.

POLICIES

N-1.1. ~~UNLESS SUPERSEDED BY AN UPDATE TO THE 1986 AIRPORT MASTER PLAN, AN ORDINANCE AND ENFORCEMENT PROGRAM SHALL BE DEVELOPED TO PERMIT ONLY AIRCRAFT THAT MEET THE SINGLE EVENT NOISE THRESHOLDS TO USE THE AIRPORT.~~

~~Amended 06/28/97~~

~~TRPA – Goals and Policies~~

~~CHAPTER II - LAND USE ELEMENT~~

~~Noise Subelement~~

~~Public Review Draft~~

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~~Revised 04/23/2012~~

~~The 77-1 dBA single event threshold applies between the hours of 8:00 p.m. and 6:00 a.m. The Airport Master Plan shall provide for implementation and enforcement of the single event noise thresholds for aircraft. Review of the phasing schedule for the 80-dBA standard for aircraft arrivals shall be conducted at five year intervals, consistent with the airport master plan and the periodic threshold reviews. TRPA and the City of South Lake Tahoe (owner/operator of the airport) will continue to analyze the airport's environmental impacts, the best available aircraft technologies, and the needs of the community to develop plans for threshold attainment with regard to airport operations.~~

~~transportation improvement programs. The mitigation measures may include set-backs, earth berms, and barriers.~~

N-2.2. **REDUCE NOISE-RELATED IMPACTS ASSOCIATED WITH THE AIRPORT SHOULD BE AT AN ACCEPTABLE LEVELS.**

~~A master plan and accompanying EIS must be completed to evaluate the noise impacts from aircraft flights into and from the Lake Tahoe Airport. The Airport Master Plan should include specific recommendations on aircraft type and the number of flights per day per aircraft type necessary to attain the environmental thresholds. The Master Plan should also include implementation provisions for attaining the noise thresholds.~~

We also note a proposed change in the policies for motor vehicle noise, changing a requirement from “will” to “shall” – which is typically less restrictive. We refer to our comments regarding TRPA’s need to meet standards, period. Where TRPA can not enforce standards with criminal authority, TRPA needs to consider what options are available, rather than abandon noise standards.

Noise standards and Local Jurisdictions:

The document notes that “*Although the local jurisdictions have established noise-level standards, such policies are not described in detail here because, for all projects within the Lake Tahoe Region, the TRPA-adopted noise threshold standards and Code take precedence over local jurisdictions’ noise ordinances.*” (p. 3.6-7).

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How will this be implemented by local jurisdictions given the proposed Area Plans? What authority will TRPA retain over noise in projects? How will TRPA ensure local jurisdictions are ensuring attainment of TRPA's noise thresholds (in fact, especially when TRPA has failed to do this itself)? Will we see more "Snowglobe" events that create extensive and disruptive noise to residents without warning for nights on end,²¹⁵ which we understand, was not subject (or at least placed under) TRPA review?

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Failure to Analyze Single Event Noise in Proposed Alternatives

The RPU DEIS fails to address noise from single event sources that are regulated by the threshold standards. The document erroneously claims that:

"None of the Regional Plan Update alternatives would result in changes to goals, policies, or implementation measures pertaining to single-event noise, and no features of any of the alternatives would be expected to affect the frequency or intensity of single-event noise incidents. 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. Similarly, no changes to levels of activity by motorized watercraft, motorcycles, off-road vehicles, and over-snow vehicles are anticipated under any of the Regional Plan Update alternatives because they are not expected to result in additional boating facilities, trails, or recreation areas for these types of vehicles."

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Airport:

First, the statement that the airport activities will not be increased is in conflict with other information. Alternatives 1, 3, 4, and 5 all include transit 'packages' which list "City of South Lake Tahoe (TVL) Aviation Capital"²¹⁶. The RTP Public Draft (p. 4-20) explains:

"Current plans at Lake Tahoe Airport include annual improvements averaging approximately \$1.5 million for runway, apron, and taxiway rehabilitation projects, new and expanded buildings, and an estimated \$800,000 for annual operating costs."

Appendix F in the RTP includes the following (p. F-7):

FAA Airport Improvement Program - This Federal Aviation Administration (FAA) program provides federal funds for airport improvement projects. The South Lake Tahoe Airport is eligible for these funds.
\$17,850,625 assumptions through 2023
Source: City of South Lake Tahoe

²¹⁵ <http://snowglobemusicfestival.com/connect/news/>

²¹⁶ RTP Public Draft, Figure 6-3: "Tier 1 Constrained Scenario Project List: Cost and Implementation Steps" (p. 6-9)

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Although the TRPA and TMPO environmental documents fail to specify what these 'improvements' mean, the City of South Lake Tahoe's May 2011 General Plan²¹⁷ includes a clear intent to increase the use of the airport, including establishment of future regional jet service.

Policy TC-5.1: Ensure Continuation of Existing Airport Uses and Provide Opportunities for Expanded Uses

The City shall improve the airport for general aviation use and provide opportunities for future regional jet air service.

Policy TC-5.2: Expand the Airport's Role in the Region

The City shall further develop South Lake Tahoe Airport as a transportation hub and diversify services to strengthen the financial base of the airport.

Yet the RPU DEIS fails to evaluate any impacts from increased aircraft at the Airport, which will affect air quality, noise, water quality, greenhouse gas emissions, and other threshold resource areas.

This is clearly misleading to the public. Those reading the other sections of the document, and the RTP DEIR/DEIS, will see proposed increases in aircraft use, yet those reading the Noise section are assured this will not happen. Which is it? Further, the impacts of any increases must be analyzed.

Other Single event noise sources:

There is a confusing lack of analysis of any increases in off-road vehicle use, even though the alternatives add more people to the Basin (residents and visitors), but appear to consider no regulation or limitations on additional sources of noise pollution.

Not only does this defy logic – if you increase the population by thousands of people, increased recreation can be expected – but it defies TRPA's own conclusion in the RPU DEIS Recreation Chapter noted above that existing facilities can handle the increased use associated with increased population growth.²¹⁸

However, the Noise analysis fails to analyze the existing conditions, let alone increases, in noise from these sources associated with the RPU alternatives. This also provides for no assessment of mitigation measures, therefore no reductions in existing noise levels from these sources can apparently be expected, although the 2011 TER finds them out of attainment.

The only reference to the noise from these sources in the new Plan alternatives appears to be a statement that, in addition to claim there will not be an increase in activity (noted above), we need not worry because noise standards will still apply:

²¹⁷ http://sltgpu.com/pdf/FinalPD/SLTGPU_PD_5-Trans_Circ_Final_2011-05-17.pdf

²¹⁸ "The increase in population could be accommodated by existing facilities in the Tahoe Region." RPU DEIS Chapter 3.11, Recreation).

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“Furthermore, the types of motorized watercraft, motorcycles, off-road vehicles, and over-snow vehicles, as well as on-road vehicles, are not expected to change as a result of the Regional Plan Update alternatives and TRPA single event noise standards, shown in Table 3.6-3, would continue to apply to all of these noise sources.” (p. 3.6-8).

However, this provides little reassurance, since TRPA has failed to enforce its noise standards for years, uses the 2011 TER to say it can not do so for various reasons, and proposes to ‘reconsider’ standards for aircraft and CNEL at some future point (all as noted in comments on the TER’s Noise chapter above). What is TRPA going to do to reduce noise?

Why were the roadway segments in Table 3.6-5 selected? What areas of the Basin are represented by this modeling? How do these areas compare to the places where CNEL monitoring was recently performed?

Also, what will be the impacts of the increased VMT that can be expected as the economy turns around, and the number of people in the Basin begins to increase? Much like air quality, TRPA should be building in a ‘cushion’ that recognizes these impacts will occur from already approved development.

Further, the noise modeling has not accounted for any local physical factors. What information is available regarding any calibration of the model to actual noise? What are the impacts of the model not considering these extra parameters? How will the model be calibrated on a regular basis to ensure the predictions have been adequate? Did the model account for Tahoe’s local fleet mix and speed? What other noise sources will combine with traffic noise and further impact community noise levels?

“It is important to note that the noise modeling output is limited for several reasons and likely is not representative of actual noise levels under each alternative. First, the noise 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 segments. Nor does it account for changes in ground cover (e.g., grass, shrubbery, pavement) or lack thereof, which may influence the way sound is absorbed or reflected; changes in topography along modeled roadway segments; or the type of roadway surface (e.g., asphalt, concrete). The modeling also 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 become more urbanized and more densely developed.

The DEIS also describes how the model only evaluates regional changes in traffic noise, not individual areas.

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In addition, the level of refinement in which the modeling was performed is considered to be approximate given that 24 roadway segments were modeled to analyze Region-wide changes in traffic noise (as shown in Exhibit 3.3-2 in Section 3.3, Transportation. However, this scale of analysis is appropriate for a policy-level review of a long-term, regional-scale plan. In other words, the modeling uses regional changes in traffic conditions to characterize regional changes in traffic noise levels rather than analyzing individual roadway segments between pairs of consecutive intersections, as would be typical for a project-level analysis.

How, then, can the model be calibrated with on-the-ground noise measurements if it does not forecast noise for a roadway segment (where measurements would be taken)? We find our answer a few pages later, where the document states:

“...the resultant modeled noise levels were not adjusted using on-the-ground 24-hour roadside noise measurements.” (p. 3.6-11).

We suspect, the answer will be: that will be done at the project-scale, etc. However, TRPA's Regional land use policies will increase the number of people in the Basin in numerous locations, so once again, when will the cumulative impacts be addressed? For example, adding more density at South Stateline is expected to increase the number of people traveling along highway 50 from Sacramento to Stateline. Thus, noise impacts would be experienced by all areas along highway 50 from Echo Summit to Stateline. However, if only analyzed at the project level, how will the cumulative impacts on noise in Meyers, for example, be evaluated? If there are projects adding units at South Stateline, off Ski Run Blvd., near Al Tahoe Blvd., and at the Tahoe “Y” – where will the cumulative impacts for all of those projects be analyzed?

Further, the traffic-related noise modeling relies on 2010 traffic counts for the baseline. However, the modeled traffic noise levels represent only the *relative change* in traffic noise that would occur under each alternative.

However, the modeling accurately represents the *relative change* in traffic noise that would occur based on the projected change in traffic volumes, and is most valuable for an overall comparison of alternatives.

But, this does not account for the increases in traffic that would occur without any additional development; basically, the increases that will come with improvements in the economy alone. Thus, there will be the 2010 traffic noise (which already exceeds noise standards according to the 2011 TER), the increased traffic supported by the current infrastructure that will occur as the economy improves (around 7% or more, according to reviews of the VMT numbers by FOWS), and then the additional traffic noise associated with the alternatives 2-5. Where is this analyzed? How will TRPA attain the current noise standards under current conditions, let alone when more sources are added to the Basin?

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The analysis also includes a statement that is not only confusing, but appears to suggest that TRPA is not concerned that traffic corridors are exceeding the CNEL standards:

“Based on the 2011 Draft Threshold Evaluation Report, it is understood that existing noise levels in many highway corridors currently exceed the applicable CNEL standards, particularly along segments of SR 28, 89, 207, 431, and 267 (TRPA 2012a).”

What is “understood?” The TER found that the roadways were exceeding CNEL standards, thus the CNEL standards are not being attained. What should be “understood” is that TRPA needs to take actions to meet its noise threshold standards, not simply say ‘oh well’ and write them off, as this statement seems to suggest.

Comments on Significance Criteria:

TRPA has stated that noise from construction apparently does not matter during the hours of exemption: 8am to 6:30pm. The Code (Chapter 68) reflects this as well:

The standards of this chapter shall not apply to noise from TRPA-approved construction or maintenance projects or the demolition of structures provided such activities are limited to the hours between 8 a.m. and 6:30 p.m.

However, noise from construction can be significant to those subjected to it for months or years on end. Although there is a reference to ‘all feasible noise control measures,’ what, exactly, will this mean? What is feasible? What the construction company happens to already have? Will it be infeasible to purchase additional equipment or make modifications that will reduce noise because it will cost more? Nothing in the use of ‘feasible’ provides any assurance that all possible measures will be taken to reduce noise during the ‘exempt’ hours. The Code requirements do not mention any means for reducing construction noise during these ‘exempt’ hours, so where are these regulations that TRPA will used to require implementation of all feasible noise control measures?

Further, as TRPA’s plan alternatives may result in significant construction throughout the Basin, where numerous projects may be ongoing during the same time, there is a reasonable expectation that noise from multiple projects could be cumulative. This needs to be analyzed by the Regional Planning agency, not on a project-by-project basis. Further, construction involves extensive vehicle traffic, including large, loud haul trucks and other vehicles that will use the Basin’s roadways on a regular basis. What are the cumulative impacts of these vehicles on roadway noise? What does TRPA consider “excessive” noise (as found on page 3.6-10)?

Also, for years construction noise has been the topic of much debate. CNEL measurements have found violations in noise standards, at times due to nearby construction activities. However, there has been an ongoing, unresolved situation where

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'exempt' construction noise is violating CNEL standards, however no actions have been taken to address this conflict.

Further, 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 TER or RPU/RTP analyses. This needs to be evaluated in the EIS/EIR.

The next significance criteria involves a "long term noise level that exceeds the [ETCC] noise standards." What is considered "long term?" How can TRPA allow any noise levels that exceed the ETCC noise standards? They do not include exemptions for certain time periods of excessive noise.

This same question regarding the definition of "long term" applies to the next two criteria as well.

The last significance criteria states: "a new land use in a location where it would be incompatible with ambient noise levels." The use of "new land use" is very specific – in most cases, alternatives would expand existing uses, or make other changes to designations and boundaries that a developer could easily suggest is not a "new land use." According to this statement, then, the impacts of these 'expanded' uses would not be considered significant even if they were incompatible with ambient noise levels. Will TRPA consider the ski villages that could be developed on currently vacant land adjacent to ski resorts a "new land use"? Or, will they instead say these would not be 'new land uses' because the areas are currently zoned for recreation?

Impact 3.6-1 addresses long-term traffic noise levels. In all cases, the predicted noise levels will increase (Table 3.6-6). How can TRPA propose alternatives that will contribute to further non-attainment of thresholds? Further, as noted above, there are several factors that would suggest the modeled noise values have underestimated actual noise increases that would occur (e.g. increased traffic supported by existing infrastructure). Where are the measures that are evaluated for reducing noise to attain threshold standards?

The analysis also suggests there will be no new 'stationary sources' of noise, or any 'new types' of noise sources in the Region. How does TRPA define a new 'stationary source' of noise? A new "type" of noise? Would a proposed amphitheater be considered a new type of noise in a community where no such noise source currently exists (e.g. Homewood)? Will the new Calpeco project included in the cumulative effects chapter increase the noise associated with those facilities (stationary source)? Will ski resort expansion add more noise? What about events like "Snowglobe" – aren't these new 'types' of noise, let alone in areas that have no other similar sources of such noise?

TRPA also states that Alternative 1 represents no-project conditions. Although true, we again note that TRPA has failed to implement numerous parts of the 1987 Regional Plan,

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including measures to attain the noise standards – for over twenty years. Thus, would TRPA continue to “perpetuate” the status-quo?

The discussion under Alternative 1 (p. 3.6-13) fails to include the proposed expansion of the SLT Airport – a project which will certainly have noise implications. (The same comment applies to Alternatives 3, 4, and 5). Also, the use of VMT here is confusing, as the traffic analysis for noise impacts relied on 2010 traffic counts, yet the discussion here uses projected VMT. The analysis needs to be consistent, and rely on consistent numbers.

Also, VMT is supposed to reflect the impacts of all traffic – residents, visitors, drive-through traffic, etc. However, did the traffic estimates for future alternatives also account for increased visitors, or just increased residential units?

What are the noise emissions associated with the Waterborne Transit? How will these affect cumulative noise on and off the Lake?

How will proposed changes to Recreation Land Uses affect noise?

The document claims to “mitigate” increased traffic noise through the following “possible” measures:

Within 12 months of adoption of an updated Regional Plan, TRPA will 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 CNEL standards. Until that time, TRPA will continue its existing practice of requiring measures to be developed on a project-specific basis. Measures may include those required as conditions of approval for development projects and those to be implemented by TRPA to address cumulative, regional noise levels. Traffic noise mitigation measures will be implemented through local government and/or TRPA permitting activities. Such measures may include, but are not limited to, the following:

› Construction of barriers, berms, and/or acoustical shielding—Any barriers shall blend into the overall landscape and have an aesthetically pleasing appearance that is compatible with the color and character of the general area, and not become the dominant visual element of the community. Relocation of existing vegetation and/or landscaping may also be necessary to achieve an aesthetically pleasing appearance;

› Replacement of driveways that provide access from highways to individual buildings with a common access way that routes ingress and egress traffic to nearby intersections in order to reduce the number of gaps in barriers and berms;

› Planting of dense vegetation in key locations where noise absorption is needed;

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- > Use of noise-reducing pavement, including repaving existing roadways with noise-reducing pavement —All pavement must be suitable for the climate of the Tahoe Region, snow removal needs, and particulate matter standards;*
- > Reduction of speed limits and/or implementation of traffic-calming measures that slow travel speeds, if feasible and practical;*
- > Establishment of setback requirements for new development in specific areas exposed to highway noise;*
- > Realignment of segments of the highway, if feasible, to reduce noise-sensitive areas to exposure of traffic noise from that highway segment;*
- > Acquisition of additional right-of-way adjacent to specific roadway segments to remove existing noise-sensitive receptors, including existing residences;*
- > Establishment of programs to pay for noise reduction such as low-cost loans to owners of noise-affected property or establishment of developer fees;*
- > Noise-reducing acoustical treatment of existing buildings; and*
- > Additional measures that would, based on substantial evidence, reduce the number of vehicle trips associated with project operations, such as an employee carpool or van pool program, shuttle bus service for residents or tourists, parking fees, and bicycle amenities.*

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However, there is no analysis of if or how much these actions would reduce noise. Further, some of these actions appear to be completely unrealistic, yet thrown in ‘the mix’ to make mitigation options look better.

- How much will vegetation reduce noise, and according to what studies? Are studies applicable to Tahoe-specific factors?
- Is there noise-reducing pavement that is suitable for the Tahoe environment? Has this been tested already?
- Can TRPA affect speed limits? We note the recent changes in speeds along Highway 50 (South Lake Tahoe) and Pioneer Trail by Caltrans based on CA law – did TRPA have a say in these limits?
- Because TRPA proposes to increase density in existing ‘urban’ areas, is it realistic to even apply ‘set-backs’ to new development?
- Who will acquire new Rights-of-Way to remove existing noise receptors? TRPA can’t. Will Caltrans? NDOT? How fair would it be to force residents to move because TRPA has failed to enforce noise standards and instead, increased noise in the new RP?
- There are at least two problems with the next two “options – both based on the idea of retrofits for existing structures. First, regarding “low-cost loans” for noise-affected properties, why should existing property owners have to pay for retrofits to reduce

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noise caused by new development approved by TRPA? How is this fair? Even if the developer pays fees to cover such ‘retrofits’, then we ask the next question: what “retrofits” can be taken to reduce the noise experienced in one’s back yard, front yard, outside deck, walking along the street, and from inside the home with windows open – all common activities in the Tahoe Basin? People do not live here so they can close up their homes, seal everything off, and never go outside, so how would ‘retrofits’ – we presume this is for structures – reduce the ambient noise in and around homes?

- Further, increasing ambient noise would further contribute to threshold non-attainment, which is contrary to the Compact.
- Regarding the last bullet item, if there are additional measures that can reduce traffic noise, why is TRPA not already implementing them, given noise standards are already out of attainment? This appears to be another suggestion included to suggest there are these future actions available, when they are already required or encouraged, just not enforced.

We also note another example of deferred mitigation here, which is prohibited by CEQA and TRPA’s Compact.²¹⁹

The “significance after mitigation” is flawed in numerous ways as well:

“Significance After Mitigation

It is unknown at this time whether all individual proposed projects would be able to incorporate design and operational measures that would prevent an increase in traffic noise levels that exceed applicable TRPA-designated CNEL standards and would not result in increased traffic noise levels in areas where TRPA-designated CNEL standards are already exceeded. However, TRPA would only approve projects that can demonstrate compliance with TRPA’s threshold standards (i.e., CNEL standards). Therefore, this impact would be **less than significant** for all Regional Plan Update alternatives.”

How can TRPA approve a project without knowing whether it will exceed noise standards in the first place? How can any projects that will contribute to threshold non-attainment be approved? Also, increases in traffic noise in areas where TRPA CNEL standards are not already exceeded should not be disregarded. Finally, haven’t approved projects already had to demonstrate compliance with threshold standards? That certainly has not been working so far. What will TRPA do differently now?

Construction Noise:

The analysis first discounts any noise produced during the hours of 8am to 6:30pm, yet such noise could be significant, affecting humans and wildlife. For example, the noise levels produced by “typical equipment” (Table 3.6-7) are in ranges that, according to Table 3.6-1,

²¹⁹ We reference FOWS comments regarding CEQA applicability and deferred mitigation.

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represent noise from “Rock Bands,” Jet flyovers at 1,000 feet, gas lawnmowers from 3 feet away, and large diesel trucks. These are certainly high noise levels that can cause damage in just one occurrence, let alone over a period of weeks, months, or years.²²⁰ OSHA or other requirements may protect the construction workers through protective gear (e.g. ear plugs, etc.), but people and wildlife nearby will not be wearing protective noise gear. That this noise is considered to have no affect is not supported by any evidence.

In addition to selecting an inappropriate significance criteria, the document refers to another round of deferred mitigation measures that TRPA may require. In all cases, the noise reductions from these measures have not been identified or analyzed. The result is still a net increase in noise on the site, as well as along Tahoe’s roadways that will be used by the construction vehicles. What are the cumulative impacts of this?

We also raise a question that should be analyzed in the document – is the current exemption even appropriate? Does it account for workers who work late evenings over overnight and must sleep during the day (a common schedule for Tahoe residents, especially near the 24-hour operations at North and South Stateline)?

Ground Vibration:

Are these numbers reflective of conditions in the Tahoe Basin? To topographical features have an impact on vibration? Further, according to Table 3.6-2, people perceive vibration at 65 VdB. At 75 VdB, many people find it unacceptable. Therefore, why does TRPA select a maximum level of 80 VdB to be acceptable?

“No construction or demolition activity shall be performed that would expose human activity in an existing building to levels of ground vibration that exceed FTA’s 80 VdB standard. The vibration control program shall also include minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving, blasting) for the purpose of preventing negative human response. Established setback requirements may be waived with a project-specific analysis by a qualified specialist that indicates that the buildings would not be exposed to ground vibration levels in excess of 80 VdB, confirmed by monitoring.” (p. 3.6-22).

Land Use Compatibility:

The document acknowledges that the alternatives will place more people in areas with higher noise levels:

Implementation of any of the Regional Plan Update alternatives could result in the development of new residential and tourist accommodation uses in community centers where the noise environment is typically influenced by multiple noise sources, including highways and roadways; transit vehicles; delivery trucks serving commercial establishments; heating, air conditioning, and ventilation equipment on buildings; and landscape maintenance activities. All new residential units

²²⁰ For example, the HMR project is estimated to take at least nine years of construction to complete.

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constructed in these areas would achieve an acceptable interior noise level of 45 dBA CNEL, as required by Section 1207 of the California Building Standards Code and the 2006 International Residential Code (International Code Council 2006), which is followed by Washoe, Carson City, and Douglas Counties (Washoe County 2012). However, depending on their design and location, the outdoor activity areas of new residential and tourist accommodation uses may be exposed to exterior noise levels that are incompatible with such uses.

Do the California Building Standards Code and other Codes referenced here account for Tahoe's unique environment and culture, where people tend to spend more time outside of their homes, leave windows open, etc.? Although the document does note new residential and tourist uses may expose people to exterior noise levels that are incompatible with such uses. What about people in existing units who will have their exterior noise levels increased by the new development?

Yet again, we find more deferring mitigation that does not provide for any substantial assurances that impacts to exterior noise levels will be mitigated:

Mitigation Measure 3.6-4: Develop and Implement an Exterior Noise Policy for Mixed-Use Development.

Within 12 months of adoption of an updated Regional Plan, TRPA will coordinate implementation through TRPA-approved plans, project permitting, or projects/programs developed in coordination with local or other governments of an exterior noise standard, and related policies, for outdoor activity areas of mixed-use development. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. Traffic noise mitigation measures will be implemented through local government and/or TRPA permitting activities. Development of the exterior noise standard will be based on health criteria for noise exposure and will take into account the following:

> Pertinent guidance provided by the California Governor's Office of Research and Planning (OPR 2003: p.253-254);

> Noise exposure standards established by local jurisdictions in the Region, including Douglas County Code 20.690.030, the Placer County General Plan (Placer County 1994: p. 139, 141), and the El Dorado County General Plan (El Dorado County 2004: p.116-117);

> The health-related effects of noise exposure;

> Any unique characteristics of the noise environment in the Region; and

> Proximity and access to quiet outdoor areas from community centers in the Region (e.g., undeveloped areas, areas zoned by TRPA for urban outdoor recreation, rural outdoor recreation, or wilderness and roadless).

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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.

Several problems exist, including but not limited to:

- Providing mitigation in “mixed use” areas does not address increased noise experienced by the remaining land uses in the Basin, including in existing residential areas;
- Are noise standards established by the local jurisdictions (which often apply County-wide, and were not created for Tahoe’s unique conditions), appropriate for the Basin?
- How does providing access to nearby quieter areas mitigate for the noise one will endure in their yard? Deck? From their house or apartment/condo unit, when they have the windows and sliding glass doors open in the warmer months?
- Finally, experience has shown that TRPA’s claim it will not approve projects that exceed noise standards is not supported by evidence. Rather, it may be a claim shown by the use of models and statistics in permit applications, but in reality, noise levels have continued to rise.

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Impacts of Noise on Wildlife:

Where is the analysis of noise impacts on wildlife? As one of the peer reviewers note:

Another concern is that it is not clear whether or not monitoring these species addresses the problems that increasing population and development commonly introduce, such as habitat fragmentation, loss of connectivity and travel corridors, adequate size of habitat compartments, harassment by humans, and displacement by disturbance tolerant species. Finally, I have concerns that the monitoring of wildlife seems only weakly linked to the other assessments, such as vegetation, recreation, soil or noise. This appears to be a general weakness that could be improved by approaching the monitoring program from a landscape perspective that takes a comprehensive ecosystem approach that would be appropriate for the TRPA.

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Other Strategies that should be addressed in the Noise analysis:

“Jake Brakes:”

The 2011 TER, Chapter 13, notes that jake brakes are a common noise problem:

“Noise standard exceedances related to transportation corridors were more directly tied to certain types of motorcycle exhaust systems and large truck “jake braking” than to overall tire-on-pavement noise.”

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The DEIS should analyze the benefits of a ban on “jake brakes” in the Basin. This is not uncommon – many local places have such noise ordinances.²²¹ Some areas in the Basin may be more impacted by noise from these sources than others due to factors like topography, or where there are extended downhill grades on the roadways used by trucks (Echo Summit, Brockway Summit into Kings Beach, etc.), which the model doesn’t account for. For example, residents of Christmas Valley are often subject to loud, echoing noise from trucks coming down Echo Summit on Highway 50 in the early morning hours – a situation only made worse by the tendency to leave windows open during the summer months (many residents do not have air conditioning, however, it would be unfortunate if TRPA policies promoted the use of polluting, noise-generating air conditioning devices in an environment where natural, non-pollution options are available for cooling homes – opening windows). The DEIS could evaluate variations to the ban, including exemptions under emergency circumstances to protect safety, and what the differences are between modified jake brakes and unmodified jake brakes on the types of trucks using the Basin’s roadways,²²² and what options would best protect residents and visitors from noise and the safety of the truck drivers and those around them. However, unfortunately, this isn’t even discussed in the DEIS or DEIS/R.

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Additional Comments:

Air Quality:

We add the following comments and questions to other comments submitted on the Air Quality 2011 TER and the RPU/RTP environmental documents:

- As noted in a review of the current monitoring performed in the Lake Tahoe Air Basin (LTAB), monitoring sites have been decreasing since 2006. TRPA began operating a site at its office building in 2011. We were provided with a quarterly report from a portion of the 2011 monitoring, but have the following questions:
 - Is monitoring ongoing? Where are the data reported? Will data be used to make planning decisions by TRPA?
 - What constituents are currently being monitored?
 - How do measurements at this site compare to other monitoring sites in operation during the same time period?
- What is the current status of the Bliss S. P. IMPROVE aerosol samplers that TRPA relies on for Regional Visibility? Are they operating? Which agency is overseeing operation? Where are data reported?
- What is the status of the nephelometer at the Bliss site? Is it still in operation? If not, why not?

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²²¹ <http://www.essortment.com/jake-brake-banned-trucks-57551.html>

²²² <http://www.wdtv.com/wdtv.cfm?func=view§ion=5-News&item=Jake-Brakes-Have-Fairmont-Residents-Fed-Up1163>

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- The DRI studies referred to in the 2011 TER recommend that a SLT aerosol monitor for sub-regional visibility be installed in South Lake Tahoe (again) to monitor TRPA's sub-regional visibility standards. There is no indication that this is being pursued, yet the RPU/RTP documents conclude that even as particulate matter is expected to increase with each alternative, sub-regional visibility will somehow be attained. Will a new site be established?
- An ozone sampler was installed at the Bliss S. P. site around July of 2011. However, there is no reference to this anywhere in the documents. Is this sampler operating? What entity is collecting the data? What data are available? How do ozone measurements at Bliss (if being collected) compare to ozone measurements at the new TRPA site, the new Tahoe City site, and the Echo Summit site?

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Although the data for some of the newer locations may be more recent than periods evaluated in the 2011 TER, because the RPU and RTP environmental documents have declared air quality trends are improving, and/or rely on measurements from several years ago to represent "baseline" conditions (e.g. ozone from the SLT Airport site through 2009), the most recently available information must be evaluated if the RPU/RTP analyses are to be technically adequate. Further, because air quality throughout the Basin varies, as shown by a review of historical AQ data from all available sites, the RPU/RTP documents can not apply a 'one-size-fits-all' approach to the analysis. Emissions in South Lake Tahoe will have a different impact than emissions in Tahoe City or Incline Village. Further, the RPU evaluates air quality standards that are different in each state, while inappropriately relying on one site – the previous SLT Airport site – to represent "baseline" conditions for the "Study Area" (that is, the entire LTAB). As evaluated in other comments, evidence does not support the claim that this site represents conditions for the entire LTAB. Further, how can TRPA evaluate separate standards for NV while relying on data from a site in California?

016-203

Dark Skies

None of the proposed alternatives examine the inclusion of regulations to protect Dark Skies. At most, there is a reference that Dark Skies will be addressed in the Area Plans.²²³ Yet this has been stated by the public as one of the resources they want protected in the Basin. People want to be outside, looking up at the stars that they can't see in larger cities.²²⁴

016-204

In this case, the "work" for putting together the proposed Code has already been done. The Town of Mammoth Lakes, California, has adopted Dark Skies regulations that would be appropriate for the Basin, and should be examined in the RPU alternatives. See: <http://www.monocounty.ca.gov/cdd%20site/Planning/Documents/Chapter23DarkSky.pdf>

²²³ Alternative 3 would: "Require that Area Plans include dark-sky lighting standards, including the use of cutoff shields, to minimize light pollution and stray light."

²²⁴ <http://www.cp-dr.com/node/716>

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This would ensure a consistent plan is taken throughout the Basin to protect night skies. Much like air quality does not recognize state lines, light pollution does not pay attention to planning boundaries.

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Stream Restoration Priority Areas:

The RPU DEIS identifies “Stream Restoration Priority Areas” (e.g. Chapter 2, p. 2-34), however this appears to be an exercise in mapping, at best. First, the mapped Areas do not include the intervening areas²²⁵ that discharge directly into the Lake from urban areas (examples include, but are not limited to, unnamed drainages at the SLT “Y”, Camp Richardson, and So. Stateline). There are also no policies in the alternatives that would address the pollution entering the Lake from these areas.²²⁶

Second, there are no proposed changes in the alternatives to actually expedite the restoration of these areas. Why did TRPA map them? What is the purpose? What regulations and incentives will assist in prioritizing restoration of these areas? Or, does TRPA intend public funds through the EIP projects to pay for restoration, while lands owned by private developers get the free financial incentives to build more and then rely on these restoration projects to ‘treat’ the additional pollution they have created?

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“The Stream Restoration Priority Areas identify regionally important areas where expedited environmental restoration should be promoted in future planning efforts. No currently proposed provisions would apply specifically to these areas.”

The RPU DEIS needs to analyze methods that actually prioritize the restoration of stream zones. Simply mapping them without any regulations to restore them is ridiculous.

Vegetation/Old-Growth:

Alternative 2 would “Allow removal of large trees for EIP projects without requiring that the tree removal be specified in an adopted master plan.” (RPU DEIS Chapter 2, p. 2-46).

What are the environmental implications of this change? How many large trees would be cut? Within urban boundaries, and outside of urban boundaries? Where is TRPA’s plan for achieving the old-growth threshold standard? This appears to allow any EIP project, or any project linked to an EIP project (see below), to simply cut any large trees without any regulation. Has TRPA again selected “one threshold” over another? Where is the public process for evaluating the removal of large trees? What EIP projects will this affect?

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²²⁵ “Lake Tahoe is fed by 63 tributary streams and 52 intervening zones that drain directly to the Lake.” Hydrology.

²²⁶ For example, the Tahoe Pipe Club has recorded pollution from many of these areas entering the Lake, untreated. See attached List of Pipe Club videos.

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Linked EIP Projects:**15.6. LINKED PROJECT STATUS**

The Governing Board may, upon making the findings in 15.6.1.A below, and after holding a public hearing, designate a project application within a special category: "Linked Project Status" or "Linked Industrial Project Status." Designation allows the applicant and TRPA to engage in negotiations for approval of a development project that encompasses or is linked to a parcel beyond the proposed project area and accomplishment of one or more EIP improvement projects. Linked industrial project status may be granted to noncontiguous parcels for land coverage calculations pursuant to subparagraph 30.4.1.C.2.a(v).

016-207

What are the implications of this linkage concept given the proposed exemptions and other incentives which accommodate EIP projects? Can a developer simply pay towards an EIP project "somewhere" and as a result, benefit from less environmental regulation on their own parcel? We note the new March 2012 code section here does not appear insignificant.

Forest Service Plans:

Has the TRPA/TMPO coordinated with the LTBMU regarding parking and transit. Specifically,

- Parking management: Where parking is prohibited along highways, where is the analysis of where people visiting the recreation areas will instead park? What transit services will be provided?
 - o What will the impacts of this be during the off-season as well, when USFS parking lots are closed, yet people are still able to access trails? For example, after Caltrans placed No Parking signs along Highway 89 where the TRT crosses from the Big Meadow Trailhead parking area to the trail, people instead parked up the highway on the dirt shoulders because the USFS had not opened the lot yet. These types of situations must be considered before changes are made. How much erosion was caused by vehicles parking on the dirt shoulder versus the paved pull-out that had just been prohibited as an option? No alternative transit services provided access to the trail, so there were no other options other than to park along the unpaved highway.s
- Recreation and Transit: What are assumptions regarding transit service to recreational areas, including beaches, day-use areas, hiking trails, etc.

016-208

Scenic and Community Impacts:

We refer to the attached comments submitted by Ms. Shiela Brady, Landscape Architect, regarding our concerns about the scenic impact of the proposed alternatives. Her conclusions include:

"The Draft RP could result in significant scenic quality impacts, if provisions for additional building height and mass are implemented. The Draft RP could also

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impair progress towards meeting scenic thresholds by encouraging intensive development without appropriate mitigation. The approach used in both the Draft RP EIS and the RTP/SCS Draft EIR/EIS for identification of significant impacts and mitigation measures begs the question of whether proposed development envisioned under the Draft RP would meet scenic thresholds. The assessments identify significant impacts on scenic quality and scenic resources, but fail to determine how such impacts would be mitigated. It assumes that all impacts would be avoided as projects go forward under the existing regulatory structure. This is highly improbable in any case, but especially given the devolvement of responsibility for impact assessment and design review to various local lead agencies.”

The additional height and mass proposed with the action alternatives, especially with Alternative 3, will overwhelm the local community character of several areas. Although the public is provided with a Land Use map delineating High Density Tourist Districts, Regional Overlay Districts, and Town Center Districts, it is difficult to imagine what the proposed increases in density, height, and mass will look like, or the amount of coverage that will be increased in our urban areas. For example, a recent development in Meyers completely overwhelms the nearby established businesses (including Lira’s Supermarket and Roadrunner gas station):



Even when the new buildings are complete and painted in similar shades, they will still be the most massive, dominant buildings along either side of the highway in Meyers. Yet, the proposed Town Center designation for Meyers appears to encourage more of these developments on both sides of the highway, and on lands between S.R. 89 and the Truckee River (which currently have a few houses and what was once a small wedding chapel, but is otherwise fairly open). This is what people will see along the highway corridor, and from the many vistas around the southern end of the Basin. How can this not be a scenic detriment?

Also, what happens when buildings like this surround smaller, long-time established businesses that locals’ frequent?

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RTP and 2022 Olympics:

There has long been discussion regarding bringing the winter Olympics back to the Tahoe Region. However, what has not been discussed are the enormous environmental impacts would occur. Tahoe simply does not have the space or the structure to support what is being proposed. Hosting the winter Olympics in 2022 is certainly a far greater situation than hosting in 1960. Yet the environmental appropriateness, impacts, etc., have never been examined.

Rather, the RTP advocates for the Olympic bid (see excerpt below), putting off examination of whether the infrastructure exists to some future unknown date, or, never. When will this be considered? How will the environmental thresholds that were put in place to protect Tahoe's unique and fragile environment be protected? Once again, we see another event that could be a clear example of loving the Basin to death. At what point will it simply be too much?

As the bid is clearly being considered (and is therefore a reasonably foreseeable future impact), as it is in the RTP, the environmental impacts to all TRPA thresholds must be fully examined as well. This is not a one-weekend special event that draws a few extra thousand cars for a day or two. How many people could this bring into the Tahoe Basin? How many vehicles? How much new soft coverage will occur from the compaction of thousands of feet?

“Regional partners from the Reno-Tahoe area are discussing the possibility of submitting a bid for the 2022 Winter Olympics. This would mark the second time that the Region has hosted the Olympics—the first being the 1960 Winter Olympic Games held at Squaw Valley. Bringing the Olympics again to the Reno-Tahoe area would focus the spotlight on the incredible recreational and sporting amenities offered by the Region, showcasing its ability to host premier sporting events. Preparation for the Olympics, with its multi-media, multi-venue format, could provide the opportunity to not only bring needed infrastructure improvements and jobs to the Region in a relatively short timeframe, but also to create a long-lasting image that can serve the area for years to come. Having an efficient and flexible transportation system with sufficient capacity in place for the Olympic Games will be critical to the Games' success. Although regional partners have been laying the groundwork for an Olympic bid for many years, intensive preparation for the Olympics will occur after official host site selection by the International Olympic Committee (IOC) in 2015. At that time, transportation improvements that have been vetted and studied by regional, national, and international Olympic Games Committees could be included in Regional Transportation Plan updates. The timing of the TMPO's RTP update, which will happen in 2016, will coincide well with the Olympic timeline. However, as planning and design of new services will likely begin before the next RTP, as much information as possible about transportation infrastructure and service expansions is included in *Mobility 2035*.” (RTP Public Draft, p. 8-1/2).

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Section VII: Scenic

June 25, 2012

To: Tahoe Regional Planning Agency From: Sheila Brady, Landscape Architect

Memorandum: Comments on the Draft Tahoe Regional Plan, Draft Tahoe Regional Plan Update Draft EIS, April 25, 2012, and Draft Regional Transportation Plan/Sustainable Communities Strategy Draft EIR/EIS, April 25, 2012.

A. Introduction

The purpose of this memorandum is to provide comments on the draft Tahoe Regional Plan, April 25, 2012 (Draft RP), proposed Code of Ordinances (Code), the Draft Regional Plan Update Draft EIS, April 25, 2012 (Draft EIS) and the Draft Transportation Plan EIS, April 25, 2012 (Draft TP/SCS EIR/EIS) with regard to scenic resources. The memo addresses proposed changes in goals, policies, ordinances and implementing measures as they may affect scenic resources.

The outline of this memo is as follows:

- A. Introduction
- B. Proposed changes in the Draft Regional Plan that could affect Scenic Quality
- C. Proposed changes in the Draft Code of Ordinances that could affect Scenic Quality
- D. Comments on the Draft Regional Plan Update EIS
 - 1. General Comments
 - 2. Specific Comments
- E. Comments on the Regional Transportation Plan/Sustainable Communities Strategy EIR/EIS
- F. Conclusions

A. Introduction

The mission of the proposed Draft Regional Plan Update effort is stated: “The *Tahoe Regional Planning Agency leads the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe region, while improving local communities, and people’s interactions with our irreplaceable environment.*”²²⁷ (page v-1, Draft RP). The last phrase of the sentence has been added to the 1987 mission statement, and indicates a major change in direction for TRPA, towards amelioration of urban areas. Towards this end, the goals, policies and implementing measures of the Draft RP have been changed to encourage development within urbanized areas of the basin. The implications of these changes are substantial, and are likely to encourage intensification of development in urban areas in the Tahoe region.

²²⁷ Citations from the Draft Regional Plan and Draft Regional Plan Update Draft EIS are shown in italics.

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The new goals and policies are intended to reduce the amount of developed land outside of urban areas, in order to restore natural and sensitive lands through transfer of use into urban areas. The overall effect would be more intensively concentrated urban areas and reduction in development on environmentally sensitive lands outside urban areas. The degree to which the mission of the draft RP will be achieved will depend on the economic viability of the strategy to attract new development and redevelopment to the urban areas, and the effectiveness of transfer strategies proposed in the Draft RP.

The rationale for the change in direction is contained within the Introduction to the Draft RP:

“Starting in the 1990’s, Threshold Evaluations and other studies made it clear that the strategy of regulation and land acquisition alone would not be enough to successfully achieve and maintain environmental thresholds. The environmental impact of “legacy development” that was constructed prior to the initial Regional Plan continued to adversely impact the Region. In response, federal, state and local government dramatically increased funding for stormwater management infrastructure, wetland restorations and other environmentally beneficial projects through the.....EIP. Trends towards threshold attainment improved measurably, but thresholds for water quality and other resources were still not being attained.....

To better address these water quality issues, one of the primary goals of the 2012 Regional Plan Update is to accelerate private investment in environmentally-beneficial redevelopment activities to complement the ongoing investment in public projects targeted at threshold gain...”(page 1-4, Draft RP)

The assumption underlying the change in direction in the Draft RP, then, is that accelerated private development, coupled with “environmentally beneficial” activities, will improve water quality and, in turn, other threshold values sufficiently to justify the inevitable impacts associated with development.

While this assumption may hold true for water quality and some other threshold values, it may not be true for scenic quality, which tends to be adversely affected by increases in development intensity.

Scenic quality has been maintained and, in general, improved since adoption of the 1987 Regional Plan. The Thresholds Evaluation Report, dated May 3, 2012, which monitors scenic improvements along roadways and shorelines, identifies trends as either “moderate improvement”, or “little or no change.” The Draft Plan (and Draft EIR/EIS) make the point that most scenic quality improvements have occurred through development and redevelopment. This is somewhat misleading. Scenic quality values rarely improve when new development, especially private development, occurs on previously undeveloped land. Redevelopment, on the other hand, can dramatically improve scenic values if the redevelopment is a marked improvement over prior conditions, as in the case of the South Shore Redevelopment Area, and does not impact existing views or other scenic resources through increased building height, mass or siting. However, improvements in scenic quality are not universally the result of development and redevelopment. Unlike some other

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resource categories, scenic quality thresholds can often be met by maintaining and protecting identified scenic resources, and through landscaping, revegetation, modifications to existing structures, roadway improvements, and undergrounding of utilities, rather than through urban development. Views of the lake and mountain background are major components of scenic resources, and the scenic resource threshold is a non-degradation standard. New development and redevelopment that intensifies land use, often through building height and mass increases, can remove or impair those scenic views. While redevelopment has improved scenic quality for many areas, such as the South Shore Redevelopment Area, this is not always and for every scenic unit true. A case in point is the decline of scenic quality in the shorezone. In 1982, four of the 33 shoreline travel units (12 percent) were rated below 7.5, and thus out of attainment. In 2011, 12 shoreline units (36 percent) were out of attainment. Seven shoreline units had a rating higher than their original 1982 rating, 17 had a rating equal to the 1982 rating, and nine had a rating lower than the 1982 rating.²²⁸ Shoreline units have declined in ratings in segments where intensification of land use has occurred.

In assessment of potential effects on scenic quality, the non-degradation standard for scenic resources, as well as the travel route ratings, must be evaluated. Each project must be evaluated on a case by case basis to determine potential scenic quality impacts.

The question examined in this memo is the degree to which scenic quality would be enhanced or diminished under the proposed goals, policies, and implementing measures of the Draft RP, and whether the mission of the Draft RP could be accomplished without exceeding scenic thresholds. Changes proposed by the Draft RP that could affect scenic resources are identified. The assessment in the Draft EIS is then reviewed to determine the extent to which it adequately identifies potential effects on scenic resources, and identifies effective mitigation measures.

B. Proposed Changes in the Draft RP that could affect Scenic Quality

Chapter II. Land Use Element.

Land Use Policy LU-1.2 has been added. It states “Many of the Region’s environmental problems can be traced to past and existing development which often occurred without recognition of the sensitivity of the area’s natural resources.

To correct this, environmentally beneficial redevelopment and rehabilitation of identified town centers, regional centers and the High Density Tourist District is a priority.”

Under Land Use Goal LU-2, the Regional Plan shall specify the total additional development, which may be permitted within the region, not to exceed stated limitations.

These limitations include existing development rights for 4,091 residential units. Recreation uses are limited by the same total capacity limits as in the 1987 RP. Amounts of Tourist

²²⁸ Thresholds Evaluation Report, May 3, 2012, Chapter 9. Scenic Resources, page 9-11

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Accommodation and Commercial uses in urban areas (including Community Plan areas, town centers, regional centers, and high density tourist districts) are to be determined by future plans. Land coverage limitations would apply to all new projects and activities; however, coverage transfer allowances under the draft RP are generally expanded for uses in plan areas from 50% to 70%. New policies would allow non-conforming coverage to be maintained with relocation, and, in area plans, a comprehensive coverage management system as an alternative to parcel level limitations.

Policy LU-2.12C would allow multi-residential, tourist accommodation and commercial floor area bonus units in exchange for removing and retiring excess coverage onsite. This policy would encourage greater intensity of use through the exchange of coverage for height.

Policies LU-3.3 and LU-4.1 are added to the RP, and most explicitly describe the Draft RP's intent to encourage land use intensification in urban areas through development incentives and transfer of development rights. Land use classifications are clarified, and *"existing urbanized areas are identified as town centers, regional centers and the high density tourist district. Town centers, regional centers and the high density tourist district are the areas where sustainable redevelopment is encouraged."*

LU-4.5-7 provides for area plans, which supercede *"existing plan area statements and community plans or other TRPA regulations for areas"*. Area plans are the mechanism to achieve intensification of land use in urban areas and to devolve more planning responsibility to local authorities. Chapter 13 of the Code of Ordinances spells out area plan requirements.

Policy LU-4.7 proposes transfer of authority for area plans from TRPA to local, state, federal and tribal governments, with final review capacity retained by TRPA. Development review functions would also be transferred to other government entities, once area plans were approved.

Land use policies LU-4.9 and LU-4.10 would require that *"area plans demonstrate that all development activity within town centers and regional centers will provide threshold gain, including but not limited to measurable improvements in water quality."*

The term "threshold gain" has not been defined by the Draft RP.

If proposed land use goals and policies prove to be effective, the magnitude of development foreseen under the draft RP is greater than the level that has occurred, or was envisioned under the 1987 RP. It would have major implications for land use, and in turn for scenic quality. The urban areas of the basin would begin to look more like conventional towns, with distinct boundaries, increased building mass and height, a trend that has been taking place, but at a slow rate, during the last 35 years under the 1987 Regional Plan. The rate at which non-urbanized areas of the basin are restored would be accelerated, and the distinction between urban and non-urbanized areas would be more pronounced.

Chapter II. Community Design Element

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Policy CD-2.B Building Design allows building heights greater than those in the 1987 Regional Plan. This change in policy has the potential for significant effects on scenic resources, increasing substantially allowable building heights for all uses. Outside town centers, the two story height limit has been identified as a range from 24-42 feet. Within town centers with Area Plans, building heights up to 56 feet would be allowed. In the regional center, heights up to 95 feet would be allowed. Within the high density tourist district, heights up to 197 feet would be allowed. The existing policy states that additional building height requirements shall be allowed for unique situations. The Draft RP changes “shall” to “may”, and adds “buildings *within Ski Area Master Plans,....affordable housing, and essential public safety facilities.*” The change in policy broadens application of this provision, and indicates that additional height allowances above those already specified may be granted.

Other changes in language in this policy, such as changing “shalls” to “shoulds” generally provide greater flexibility in height standards.

Policy CD-2.B6 provides some amelioration of the effect of buildings higher than two stories by requiring transitional height limits or other buffer areas when adjacent to areas that are do not allow heights above two stories.

Policy CD-2.C, D, and E offer some clarifications of earlier design standards, and in the case of D. Lighting, would ameliorate lighting of night skies.

Chapter II. Scenic Subelement

The language of the Scenic Subelement has been updated and clarified. The first paragraph replaces the third sentence (“*the maintenance of the Basin’s scenic quality largely depends on careful regulation of the type, location, and intensity of land uses.*”) with the following citation from the Bi-State Compact: “*Maintenance of the social and economic health of the region depends on maintaining the significant scenic...values provided by the Lake Tahoe Basin.*”

The final sentence of this paragraph has been added: “*The Scenic Subelement establishes Goals and Policies intended to preserve and enhance the Region’s unique scenic resources by advancing the scenic threshold standards.*” The term “advancing” is a change in direction from the 1987 RP, which required that specific scenic thresholds be achieved, and included those thresholds in the text of this subelement.

This change conforms to the new direction taken by the Draft RP, to encourage use intensification in the Tahoe region as a way of improving environmental conditions, rather than using environmental standards to determine location and intensity of uses.

Chapter VII. Implementation Element

Policy IAP-1.2 of the Interagency Partnerships goal of the Implementation Element states that “*No project may be approved unless it is found to comply with the Regional Plan, with ordinances, rules and regulations enacted to effectuate the Regional Plan, and not exceed thresholds.*”

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This policy establishes the link between Regional Plan policies to maintain environmental thresholds, and enforcement of those policies in the development review process. Under Area Plan provisions of the Draft RP, the extent to which this policy will be carried out will depend on the capability of local, state and federal partners to determine the effect of proposed projects on the thresholds.

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C. Proposed changes in the Draft Code of Ordinances that could affect Scenic Quality

Chapter 4: Required Findings. Section 4.4.1 of this chapter expressly requires that “to approve any project TRPA shall find....that B. The project will not cause environmental threshold carrying capacities to be exceeded.” The Code defines environmental carrying capacity as “an environmental standard necessary to maintain a significant scenic.....value of the region.....” (Section 1.4.3, Code of Ordinances)

The question arises as to whether Area Plans would be subject to this requirement, since Area Plans would not themselves be “projects.”

Chapter 13. Area Plans. This chapter transfers review authority for Area Plans from TRPA to other government agencies. TRPA would remain as an “oversight agency to ensure local governments properly implement or ‘conform’ to the Regional Plan. Large projects will continue to be reviewed directly by TRPA.”

In the interests of facilitating development and devolving responsibility for local projects to local authorities, this chapter creates a mechanism whereby local governments can bypass the TRPA regulatory process, except for “large” projects (“large” is not defined by the chapter). TRPA would become more a regional agency than one responsible for local activities.

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Section 13.1.3 states “This chapter establishes a conformity program that enables the Agency to transfer limited development permitting authority to local governments with conforming Area Plans. Furthermore, this conformity process defines which development activities will not have a substantial effect on the natural resources in the region and are thus exempt from TRPA review and approval, allowing such activities to be implemented through the terms and procedures of a conforming Area Plan. This section of the chapter apparently provides for projects contained within an Area Plan to be approved with a different set of standards than for projects outside an Area Plan. Moreover, the “conformity process” is not defined or described by this Code section.

This provision, if enacted as written, would provide a mechanism whereby an Area Plan (and, presumably, projects within the Area Plan), since it is not a “project”, could avoid altogether the Code of Ordinances Chapter 4.4.1.B required finding that “the project will not cause the environmental threshold carrying capacities to be exceeded.”

Section 13.5.2 states that “this section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code.”

Section 13.5.3 contains minimum development standards. These standards include higher

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height limits and densities in urban areas, and are intended to implement Policy LU-4 of the Regional Plan, and incorporate changes to Community Design policy. 2-1.

Proposed review standards require that Area Plans demonstrate that all development activity within town centers, regional centers and high-density tourist districts *"will provide or not interfere with Threshold gain."* (Section 13.6.5B and C). This language is a departure from Section 4 of the Code, and may represent a weakening of the existing requirement that development activities do not exceed environmental standards. "Threshold gain" is not defined in this section.

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Chapter 37. Height

A new paragraph has been added to Section 37.4 Height Standards for Buildings, as follows:

37.4.2. Maximum Height for Buildings on Slopes

For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the maximum height shall be determined as follows: *A. For purposes of measuring height, the building may divided into up to three distinct, attached segments (e.g., steps or terraces);*

B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, including any additional height approved under Section 37.5, as measured from the lowest point of natural grade of each segment; and C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.

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The effect of this change would be to allow buildings on slopes to be 150% (half again) as high as currently permitted. For instance, the height of a building on a 16% slope with a 10:12 roof pitch would be increased from 40 feet to 60 feet. This is a significant increase that could have substantial effects on scenic quality.

An addition to this chapter would allow public safety buildings additional height of 14 feet if on sloped sites:

37.5. 2. F. Additional Building Height for Essential Public Safety Buildings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of "Public Safety Facility, Essential" in Ch. 90: Definitions, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

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Section 37.7. This section sets forth findings for additional building heights:

Finding 1 (Section 37.7.1), requires that, *"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*

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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 9 requires that *"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."*

Presumably these findings would apply to any buildings, including those within urban areas with Area Plans where additional heights are encouraged; however, that link is not explicit in the Draft RP or the Code, and the degree to which buildings at proposed heights could meet these findings is not determined by either the Draft RP or the Draft EIR/EIS.

Chapter 66. Scenic Quality

This chapter sets forth the scenic quality standards that must not be exceeded by any development project in the Tahoe region. No substantive changes to the chapter are proposed.

Despite the Draft RP change in direction towards accelerated development, the regulatory structure for ensuring that scenic quality thresholds are maintained is still in place in the Draft Code of Ordinances. However, Chapter 13. Area Plans of the Draft Code raises the question of the intent of the Draft RP, and the linkage between provisions of this chapter and RP implementation. (See discussion above for Chapters 4 and 13.) The requirement that Area Plans will "provide or not interfere with threshold gain" is imprecise and not explicitly linked to scenic thresholds in the Draft RP.

D. Comments on the Draft Regional Plan Update EIS

1. General Comments

The Draft EIS is a policy document, as provided for by CEQA, and as such is not required to address project-specific impacts resulting from the proposed changes to the Regional Plan. The Draft EIS describes the purpose of the document as follows: *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*

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*consistent with the Plan.*²²⁹

For purposes of impact analysis, the Draft EIS assigns varying levels of future development to a set of five alternatives. These alternatives are intended to embrace the range of feasible approaches to the future development pattern of the Tahoe Basin. The boundaries of the town centers, the regional center and the high density tourist district are shown on maps (Exhibits 2-7 through 2-11). However, no additional information is provided on where within these districts development is intended to be sited. The Draft EIS then provides a general analysis of impacts resulting from the various strategies and levels of development associated with each alternative.

In the case of this Regional Plan, which would accelerate and intensify development in specific areas of the basin over the next 20 years, a key question in determining potential scenic impacts is 1) where will the development be located? and 2) what will it look like?

These questions could be more clearly answered than they are in the Draft EIS by making assumptions regarding location and character of future development within each urban area (town center, regional center and high density tourist district). These assumptions would be based on an analysis of available vacant land, coverage, and properties that are candidates for redevelopment. Although this analysis may have been done in preparation for the Regional Plan, it does not appear in the Draft EIS.

Unlike many policy-level environmental documents, which address general impacts because specific impacts cannot be known, this Draft EIS could go much further in delineating probable specific impacts, due to the limited area available for continued development, the limited amount of development envisioned under each alternative, and the detailed nature of the regulations regarding coverage, height and transfers of development rights that accompany each alternative. It would be possible to construct hypothetical scenarios for each alternative that identify likely sites into which development would be directed or transferred within each town center, the regional center and, especially, the high density tourist district.

Particulars of site design, such as lighting, landscaping, signage, and building design, as they are enumerated in the Community Design Subelement and the Code of Ordinances, are appropriately left to future assessment of specific projects. However, the location, height and mass of major developments that are likely to occur under the Draft RP are appropriate subjects for this EIS.

The magnitude of development, even under the maximum alternative 4, represents a relatively modest level of new development, accompanied by transfer of coverage from outside urban areas. In The Draft EIS, however, there are unanswered questions as to where and how this development will occur. Would the 197 foot height limit in the high density tourist district be used only for redevelopment of existing buildings already at this height (i.e., the Casino towers)? or would new 197 foot towers be permitted, in addition to those

²²⁹ Draft Regional Plan Update EIS, Introduction, page I-5.

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that already stand? Would new 197 foot high towers meet scenic thresholds? Where would six story buildings (heights up to 95 feet) be located along the Highway 50 in the regional center, and still meet scenic thresholds? Most importantly, to what degree would the Draft RP achieve its goals of achieving and maintaining environmental thresholds?

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These questions cannot be answered unless assumptions as to location and mass are made and tested against the scenic thresholds. Common sense would argue that new towers and buildings of this height would not be able to meet the scenic threshold standards in all cases. The Draft EIS addresses the issue by identifying potentially significant impacts of increased building heights, but does not identify measures that would effectively mitigate the impacts.

2. Specific Comments on the Draft EIS

Comments below focus on the impact assessment for Alternative 3, which is the basis for the Draft Regional Plan.

Section 3.9.2. Regulatory Background and Section 3.9.3. Affected Environment of the Draft EIS

Both of these sections contain a cogent and thorough discussion of scenic conditions and the regulatory context. There are, however, some statements made in this section that warrant closer examination.

Page 3.9.12 states that “Improvements *in scenic quality have resulted primarily where development has been removed or redeveloped*”. This statement is not necessarily substantiated by findings of the periodic thresholds monitoring of scenic quality (Thresholds Evaluation Report, May 3, 2012). Major improvements in scenic quality in both roadway and shoreline units have also resulted from revegetation efforts, landscaping, roadway improvements, and undergrounding of utility lines, activities not necessarily associated with removal or redevelopment. Travel and shoreline units vary widely in scenic character, from undeveloped natural areas to highly developed urban segments. Effects of development can vary widely from one unit to another.

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The Draft EIS makes the assumption that development and redevelopment will improve scenic quality. In some areas, redevelopment has had a positive effect on scenic quality ratings; in others, the effects have been questionable and sometimes deleterious. As discussed in this memorandum, reductions in scenic quality have occurred in some shoreline units due to redevelopment. The Draft EIS does not demonstrate that scenic quality ratings would necessarily improve with implementation of the Draft Regional Plan.

Section 3.9.4 Environmental Consequences and Recommended Mitigation Measures

Methods and Assumptions

This section of the DEIS describes the methods and assumptions used for the Draft EIS, and states that the alternatives are examined “*in light of the potential for development or*

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redevelopment, the nature and character of that possible development, and where it would be likely to occur. This assessment is a comparative analysis of the likely effect each of these regulatory and incentive packages would have on the scenic environment. For all the alternatives, the existing scenic thresholds would remain as they are today, as would the scenic review process and the SQIP."

This section further states "Because *no specific projects or development proposals are proposed or would be approved as a result of this Regional Plan Update, assumptions must be made about the likely type, location and scale of development, redevelopment and restoration under each alternative.*"

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This approach is appropriate and logical for an EIS for the Regional Plan. However, the Draft EIS assessment does not in fact carry out these objectives, and lacks information regarding the "likely type, location and scale of development, redevelopment and restoration", except in the most general terms.

Significance Criteria

Significance criteria are identified in the Draft EIS to determine significant adverse effects on scenic resources. These criteria do not include or reference the scenic thresholds, which precisely address requirements that must be met for any project in the Tahoe region. While the new criteria used in the assessment may be suitable for programs or projects in other areas outside of the region, they are not acceptable criteria within the Tahoe region, for which scenic significance criteria are already established by the scenic thresholds.

The criteria listed in the Draft EIS are more general than those in the scenic thresholds, and, as such, are not appropriate for an environmental assessment that purports to evaluate "likely type, location and scale of development" of alternatives. These significance criteria highlight the central question at issue: what effect will the Draft RP have on scenic thresholds? Given the level of analysis in the Draft EIS, it is not possible to determine whether or not the effect will be significant, or even if development under the Draft RP could be approved without exceeding scenic quality thresholds.

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The significance criteria do not address effects on scenic policies of other governmental entities within the Tahoe region, including the US Forest Service, which has a separate set of criteria for scenic management, and state and local governments.

Impact Analysis and Mitigation Measures

This section of the Draft EIS provides a comprehensive discussion of the probable effects of the RP alternatives, insofar as those effects can be determined from the generalized descriptions of the alternatives. However, 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 RP.

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The Draft EIS identifies the significant effects of Alternative 3 (the Draft RP alternative) resulting from the Draft RP provisions for increased building heights in the town centers,

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regional centers and high density tourist district.

Impact 3.9-1. Scenic Quality.

*Alternative 3 would establish mixed use as a new land classification within 10 Town Centers, a Regional Center, and a High Density Tourist District and would include redevelopment incentives..... These areas targeted for redevelopment generally correspond to travel units that need additional scenic improvements. Greater redevelopment incentives are likely to result in a greater pace and degree of redevelopment activity, resulting in beneficial scenic impacts. Alternative 3 would also modify how maximum allowable height is measured on slopes greater than 10 percent to encourage stair-stepping of structures. The resulting increased visual mass and magnitude may result in impacts to scenic resource views. This impact of Alternative 3 would be **potentially significant**. (page 3.9-17, Draft EIS)*

Although discussion of “beneficial (sic) scenic impacts” is misplaced in this summary of impacts, the impact statement regarding increased height and mass provisions is clear.

Probable scenic impacts of additional height are further described in the Draft EIS as follows:

*“Although aesthetically sensitive redevelopment design would create the opportunity for scenic benefits, permitting heights up to 56 feet in the Town Centers and up to 95 feet in the Regional Center could result in buildings that are incompatible with the natural, scenic, and recreational values of the Region because of their size.....Despite existing scenic quality ordinances, building and site design standards, and new approval requirements for increased building setbacks that require more stringent height limitations and/or other supplemental design standards, the impact of allowances for increased height in community centers would be **potentially significant**.” (page 3.9-26, Draft EIS)*

*“Allowance of new or redeveloped towers in the High Density Tourist District that are greater in visible height and mass than the existing buildings would increase the mass of tall structures from many near-ground and distant viewpoints, particularly where buildings extend above the tree canopy.....The existing casino towers already have visual prominence, and the additional height allowance would depend on (1) adoption of design standards before any opportunity is available for increased height or mass and (2) findings that identified scenic views would not be adversely affected. In spite of these factors, allowance of additional visible building height and mass could render new and redeveloped towers even more prominent in the Region, resulting in increased visual intrusion and adverse effects on the natural, scenic, and recreational values of the Region. Therefore, this impact is **potentially significant**.” (page 3.9-27-28, Draft EIS)*

*“Alternative 3 includes a provision to promote a stair-stepping appearance of buildings on stepped slopes, which has the potential to result in buildings up to 63 feet high (total) with individual step facades up to 42 feet on sloped sites throughout the Region and without any supplemental approval requirements. The additional height would allow more visual massing than is allowed today and potentially result in a situation of visual dominance on the parcel..... Therefore, the increased height permitted by this provision would be **potentially significant**.” (page 3.9-28, Draft EIS)*

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In summary, all increased height provisions of the Draft RP would result in potentially significant impacts. To what extent development in urban areas would meet scenic quality thresholds cannot be ascertained without additional detailed information regarding the probable sites for major developments. It is possible that very few developments in urban areas at the proposed allowable heights would meet scenic thresholds. Given the proposals in the Draft RP for Area Plans with local review authority, there could be increasing pressure to relax or override scenic thresholds, which could, over time, substantially erode scenic quality.

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Less than significant impacts identified in the Draft EIS include effects on visual character and night lighting.

Impact 3.9.2 Visual Character. Because Alternatives 2, 3, and 4 specify that local planning instruments would be updated or developed to include design and development standards that represent the vision and desire of the local community for visual character, the impact would be less than significant.

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Assessment of the effects on visual character is deferred to a future date, dependent on development of Area Plans.

*Impact 3.9.3 Adversely Affect Nighttime Views in the Region. The impact of outdoor lighting on nighttime views is considered to be **beneficial** under 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.*

There is not sufficient information presented in the Draft EIS to determine that the increase in night lighting in urban areas would not have a significant impact on night skies, despite lighting standards contained within the Code to deflect upward light spill. Further analysis is needed to determine the probable increase in levels of night lighting resulting from new development. Estimates of increased percentages of night lighting based on anticipated levels of development would be feasible, and essential to providing enough information to determine impacts. Some night lighting, such as that in ski areas or safety lighting within highly developed urban areas, cannot be entirely shielded. Those impacts should be identified, based on more detailed projections of development.

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Some of the probable impacts of the Draft RP are not identified in the Draft EIS. One is the effect on scenic thresholds. While it is likely that there would be some improvements in scenic thresholds in some parts of the Tahoe region, it is difficult to contemplate that additional increases in height would not adversely impact scenic thresholds. Impact 3.9-1 identifies a potentially significant scenic impact resulting from increased building height and mass. How then can development envisioned under the Draft RP meet scenic thresholds?

Another unidentified potential impact would be 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 in the Draft EIS is the likely erosion of scenic quality due to improper or inadequate review and implementation of projects by local agencies. The

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large number and disparate nature of agencies that would be authorized to approve Area Plans could lead to fragmented, uneven and possibly inadequate review, given the complex nature of the thresholds requirements.

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Mitigation Measures

Mitigation measure 3.9-1a would require that higher buildings allowed under the new height provisions in town centers and the regional center comply with applicable code requirements (Chapter 37. Height Standards) and Section 37.7, Findings for Additional Building Height, or equivalent findings established in an Area Plan. Because those findings would be required for any approval of buildings with additional height, this measure would merely defer consideration of the impact and mitigation until a future date. Responsibility for mitigation is deferred to the local lead agency. The measure would not effectively mitigate the impact.

Mitigation Measure 3.9-1b would require that development of any high rise structure that would project above the forest canopy *"shall not increase the visual prominence over baseline conditions as viewed and evaluated from key scenic viewpoints....."* This measure would apply only to those structures that would project above the forest canopy. Such a limitation may not apply to all new proposed high rise structures, and therefore, would limit the effectiveness of the mitigation measure. This measure does not address the implications of the Section 37.7 Findings and the requirement that any new or redeveloped high rise structure would have to meet scenic thresholds. Because those findings would be required for any approval of buildings with additional height, this measure would merely defer consideration of the impact and mitigation until a future date. Responsibility for mitigation is deferred to another agency. The measure would not effectively mitigate the potential impact.

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The assessment and proposed mitigation rely heavily on the existing TRPA regulatory framework to mitigate possible impacts, with the result that mitigation is deferred to a later date, and, in the case of Area Plans, to government entities other than TRPA. The regulatory framework cited in the Draft EIS includes Chapter 37.7 findings, the scenic thresholds, the Community Design element of the Draft RP, and design standards contained within the Code of Ordinances. Under the Draft RP, responsibility for development and design review would be transferred to the local lead agency for the Area Plan. TRPA would retain oversight authority; however, the complex and often technical process of project review would devolve to the local lead agency, which may not be trained or equipped for such a role. Because they defer consideration of impacts and mitigation to a future date and responsibility to another agency, the mitigation measures proposed by the Draft EIS are inadequate to effectively mitigate significant impacts.

Cumulative Impacts

Even though projected cumulative development (reasonably foreseen development projects and currently unknown projects) as described is substantial, the cumulative assessment concludes that projects *"may not be approved if they degrade the scenic quality of the Region."*

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Therefore, through compliance with existing regulations, new development and redevelopment in the Region over the life of the Regional Plan Update, including cumulative developmentwould not contribute to or result in a cumulative impact related to scenic quality." The assessment begs the question of impacts by relying on compliance with regulatory framework to avoid impacts.

Assessment of cumulative impacts in the Draft EIS provides a cursory and general identification of potential scenic quality impacts:

"Regional Plan Update Alternative 3...could result in potentially significant contributions to cumulative scenic quality impacts (Impact 3.9-1). To mitigate for....impacts resulting from three - or four-story buildings in the 12 Town Centers....and from three-six-story buildings in the Regional center, Mitigation Measure 3.9-1a requires compliance with specific findings and performance standards for additional building height. To mitigate for potentially significant scenic impacts resulting from buildings up to 197 feet in the High Density Tourist District....Mitigation Measure 3.9-1b requires achievement of performance standards for any proposed development in the High Density Tourist District.Mitigation Measure 3.0-1c requires amendment of the Code to require that the maximum height of the ground floor segment not exceed 28 feet for stepped buildings on slopes."

The assessment adds nothing new to the impact assessment in the Draft EIS, and for mitigation measures again relies upon the existing regulatory framework to mitigate impacts.

E. Comments on the Lake Tahoe Regional Transportation Plan /Sustainable Communities Strategy Draft EIR/EIS

The Lake Tahoe Regional Transportation Plan/Sustainable Communities Strategy Draft Environmental Impact Report/Environmental Impact Assessment (RTP/SCS Draft EIR/EIS) uses the same approach to impact assessment and mitigation as the Draft EIS. The scenic quality impacts and mitigation measures identified in the RTP/SCS Draft EIR/EIS also rely heavily on future compliance with the existing regulatory framework to reduce or avoid impacts. Impact 3.9-1 identifies the following potentially significant impact for all alternatives:

3.9-1 Effects on Existing Scenic Quality or Scenic Resources. Transportation projects included in the RTP would be designed consistently with TRPA scenic requirements. Many projects would provide the opportunity to enhance scenic quality and community design in urban areas through community revitalization, urban trail corridors, or implementation of complete streets. Nonetheless, new transportation facilities may alter or cause degradation to the existing scenic quality of Roadway or Shoreline Travel Units or damage scenic resources in rural areas as a result of construction activities and the introduction of new or expanded facilities or structures. TRPA scenic requirements in the Code of Ordinances would avoid and reduce adverse effects and many projects would improve existing scenic quality; however, the potential for development of transportation facilities to degrade scenic quality in rural areas and the shorezone/shoreland cannot be entirely dismissed. Although attaining and maintaining threshold standards, including those protecting scenic quality, is an inherent objective of the RTP/SCS, there would be a potential for a significant scenic impact related to implementation of

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new projects, because considerable discretion needs to be applied to projects to determine how scenic impacts would be avoided, or if needed, what compensatory scenic mitigation may be required. A potentially significant impact on scenic quality and scenic resources is recognized for all five RTP/SCS alternatives.

This impact description is general, and provides little information on the exact nature and type of impact that is likely to result from project components. It relies heavily on the existing TRPA regulatory framework to avoid or reduce impacts.

Mitigation measure 3.9-1b, applied to identified impacts throughout the assessment, states *"Considerable discretion is involved in determining how new structures will either avoid adverse scenic impacts or if needed, apply compensatory scenic mitigation. Transportation facilities, including new buildings and structures will be required to undergo detailed design review and determinations of consistency with TRPA scenic requirements during project planning and environmental review... If projects are found during the project review to be potentially inconsistent with scenic requirements or potentially may not help attain and maintain scenic threshold standards, project proponents will work with TRPA to modify project design or identify project-specific scenic mitigation measures to ensure that all required scenic requirements and threshold standards are met, specifically: Travel Route Ratings, Scenic Quality Ratings, Public Recreation Areas and Bike Trails Scenic Threshold Standards, and Community Design."*

This measure defers both definition and responsibility for mitigation to the existing TRPA regulatory framework and lead agencies.

F. Conclusion

The Draft RP could result in significant scenic quality impacts, if provisions for additional building height and mass are implemented. The Draft RP could also impair progress towards meeting scenic thresholds by encouraging intensive development without appropriate mitigation.

The approach used in both the Draft RP EIS and the RTP/SCS Draft EIR/EIS for identification of significant impacts and mitigation measures begs the question of whether proposed development envisioned under the Draft RP would meet scenic thresholds. The assessments identify significant impacts on scenic quality and scenic resources, but fail to determine how such impacts would be mitigated. It assumes that all impacts would be avoided as projects go forward under the existing regulatory structure. This is highly improbable in any case, but especially given the devolvement of responsibility for impact assessment and design review to various local lead agencies.

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Section VIII: Soil Conservation

TAHOE AREA SIERRA CLUB COMMENTS ON THE DRAFT DOCUMENTS LISTED:

SOIL CONSERVATION THRESHOLD, 2012 THRESHOLD REVIEW, 2012 REGIONAL PLAN AND EIS AND APPENDIXES AND TECHNICAL APPENDIXES, REGIONAL TRANSPORTATION PLAN AND EIS, AND THE CODE OF ORDINANCES.

The 2012 Regional Plan must “achieve and maintain the environmental threshold carrying capacities” Art V(c). Thus, the contents of Chapter 5, Soil Conservation, is an integral part of the EIS Chapters 3.7 and 3.8, appendix H, the Regional Plan Alternatives, especially LU 4.5-10, and the Code of Ordinances, as well as the RTP and its EIS in terms of impervious cover and stormwater runoff. Thus, all of these pieces must be reviewed and analyzed in the context of the Regional Plan EIS.

Soil Conservation, or conserving soil, is a simple concept for Lake Tahoe. The lake, after thousands of years of being replenished by rain and snowmelt filtered through natural soils and native vegetation, was famed for its crystal clarity. Congress took note of that crystal clarity in choosing to create a Bi-State Compact to protect the lake.

But man’s intrusion soon resulted in impacting that clarity. Fortunately, it was recognized that the adverse impacts of rain and snowmelt running off asphalt, concrete, roads, parking lots, roofs and even turf, and thence into the streams and lake was a bigger problem than had been understood. The USFS brought in a geomorphologist, Robert G. Bailey, who applied new science about impervious cover to the Lake Tahoe basin. The USFS, with TRPA as a partner, produced Bailey’s study, entitled Land-Capability Classification of the Lake Tahoe Basin California-Nevada, 1974, accompanied by a map (Land Capabilities, 1971) that described the basin’s land classifications and relative responses in order to regulate impervious cover in the basin. The new regulations limited the amount of pavement and roofs and other hard coverage for new development, and was generally followed for the next 40 years.

Significantly, the 2012 Plan uses its 2011 Threshold Evaluation Chapter 5, the Technical Appendix to the EIP, and Section 3.7 EIS, to introduce a new version of applying coverage limits and turns serious impervious cover science on its head. Instead of applying the Bailey limits of the coverage standards to each parcel, the Plan here proposes to apply it to Tahoe as one watershed, rather than its 64 watersheds and 52 intervening areas. Under the RP, the entire basin is to become a single watershed, and all of the land in the basin becomes land in that one watershed, thus all the land in the basin can be used to determine the total amount of impervious cover. Under this new concept, the agency has determined that all of the non-urbanized areas that lie above or adjacent to the existing urban areas (and 75% of the land in the basin, as merely part of the land over which coverage could be applied at the Bailey

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standards, or used to allow unlimited impervious cover in the urban areas that surround the lake. (See RPEIS Geology and Soils Chapter 3.7, Threshold Evaluation Soils Chapter 5, Regional Plan Conservation Chapter 3.7, Regional Plan Land Use 2.1, Natural Hazards limit on floodplain designation, Hydrology and Water Quality pg 32-36, and EIS Appendix H), and is referred to in various other sections of the EIS including Implementation and Alternatives).

The process is not credible, and it throws into question the capacity of the agency to protect the lake from Tahoe's urban pollutants, including fine sediments, phosphorus, and nitrogen. Instead of rallying to stop additional cover and to reduce existing cover, the Regional Plan and Regional Transportation Plan provide for more coverage by increasing the size of the pie. This results in more parking lots, more dense building, more roofs, sidewalks, walkways, paved bike trails, more new road pavement, and more commercial facilities. There are even suggestions of adding 500 sq ft decks to every house, more parking for recreational activities, and more coverage in very fragile Class 1A lands, known for their quite steep, rocky landscape, from which runoff is highly flashy and overwhelms neighborhood detention basins. (Example, Lincoln Creek, Douglas County, NV)

One example is in Kings Beach, where the existing urbanization is about 117 acres and is about 28% covered. (IKONOS Excel Spreadsheet (found in TRPA Archives, 2002). But the TRPA RP (Chapter 13.5.3) proposes to re-zone Kings Beach to "Town Center" at 70% impervious cover, with the expanded pool of land that offsets the total impervious cover. Thus Kings Beach could add an additional 43% pavement, roofs, etc equal to 50 more acres of hard cover, or more than 2,178,000 sq ft. For a small town, the impacts, immediately adjacent to the lake, would be horrendous. Algae blooms and milfoil die-offs as a result of the astounding amount of nutrients in the stormwater runoff from the adjacent paved surfaces and roofs would result. A future summer at the Lake at the Kings Beach State Park would be a nightmare.

A second serious issue is the use of the new 2007 soil survey, to replace the old soil survey from 2001. While that agency asserts that the two surveys are similar and offers an explanation of the differences, they fail to explain the difference in the most basic element – the intent of the survey. The 1971 soil survey was used as the basis for a geomorphic classification of the land. The survey was used, not just for the soil type, and slope, but for other aspects of the soil, including vegetation, aspect, and potential for flooding. As the Bailey report states "nature has balanced physical variations in the local environment with differing vegetation covers, resulting in stable slopes. Such ecological balances are often extremely delicate. Failure to recognize the nature of the balance, and consequently the limits of vegetative disturbance permissible before such balances are upset, has led to land development in places where only ecologic damage can be expected." Further, the report states, "The [soil] classification is an interpretive grouping of kinds of land made primarily for the purposes of erosion control and maintaining ecological balances." (Bailey, emphasis added). (See pages 14 -17 of Bailey for further discussion of the morphologic patterns of the geomorphic settings used in the study).

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In contrast, the 2007 soil survey was “based only on soil type, erodability, and slope”. (TRPA, Threshold Review, Chapter 5 p 5-5.) The end result of the change in intent, plus changes in methodology, has resulted in more acres of fragile soils reclassified to a less fragile state, and thus available for more development.

Another result of the 2007 survey was that lands in floodplains, determined in the Bailey study to be Stream Environment Zones (SEZ), were not mapped as SEZ by the new study for two reasons – the soils were not classically SEZ, and some had dried too much to retain evidence of water. Since streams and rivers do flood, and globally floods appear to be increasing significantly, Tahoe floods are quite likely to be larger as well. Flooding is an overlooked hazard (see SEZ comments) by the agency that development in flood plains can worsen. Floods that float cars and damage houses cause additional water quality damages.

HISTORY

The lake was already beginning to exhibit signs of degradation in the 60s- - algae on rocks and pier pilings that had never been there before, algae blooms, and plumes of dirty water rushing into the lake from streams running from newly developed areas. Forty summers ago, the lake was about 43 feet clearer, and the nutrient concentrations that feed algae were 373% less. The lake’s clarity fluctuates with the weather – temperature, wind, volume of rain and snowmelt, and over the last ten years it has fluctuated up to almost four feet between years.

Note that the trend is still steadily down, and the clarity of today is a far cry from the clarity of forty-four years ago – winter clarity of 110’, summer clarity of 94.1’ compared to 2011, when winter clarity was 84.9’ and summer clarity was 51.4’

History of the Thresholds and Regulations that Protect Tahoe

The Tahoe Regional Planning Agency (TRPA) is mandated in its Regional Plan (Article V(b) Tahoe Regional Planning Compact, 1980) (Compact) to develop and adopt environmental threshold carrying capacities (ETCCs or thresholds) to maintain a significant “set of the basin’s natural value[s], which it defines as “a scenic, recreational, educational, scientific or natural value of the region..” (Article II(ii))(Compact) defines and lists five standards that must be adopted and names them as “air quality, water quality, soil conservation, vegetation preservation and noise.”(Compact, Article II (ii))

The Threshold Standards are foundational standards for the agency and distinguish the revised Compact from the first TRPA Compact by directing, through the threshold standards concept, a significantly better job of protecting the Tahoe basin from the litany of environmental problems described in the declarations in Article I .

While the revised Bi-State Compact required the adoption of the Threshold Standards (thresholds), it gave the agency, with the help of the federal government, 18 months to develop the threshold standards. Those standards included the five mandated threshold standards, plus four others – scenic, recreation, wildlife and fisheries, all of which were

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adopted by the TRPA. The Compact also mandated the TRPA to adopt a revised plan “that, at a minimum, the plan and all its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities.” Article V(c)

Thus, the Compact was quite clear that the ETCCs were to be both achieved, and maintained, and it specifically says that the threshold standards must be met by the plan and all its elements. The Compact stated that “it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities” (emphasis added, Compact, Art II(b)).

The Soil Conservation threshold was adopted in two pieces – first, attainment of a limit on Impervious Coverage (hard coverage such as asphalt and concrete and roofs) on the basin’s natural resource of soil, and second, the protection and restoration of stream environment zones (SEZ) both as defined by Robert G. Bailey. (Land Capability Classification of the Lake Tahoe Basin, California-Nevada, 1974) (Bailey).

In order to attain the standard for conservation of soil, the agency identified levels of soil cover as restricted by the Bailey report, but the agency added damaging exceptions and overrides for several uses. All public roads were exempted, based on the old plan, and, in counting coverage, were not counted. Thus a significant amount of impervious coverage tracking was erased from the records of the time, and other exceptions inhibited the future protection and conservation of the soil.

The revised Compact also requires that the “governing body shall continuously review and maintain the regional plan”(Art.V(c). The TRPA determined, at the time of the adoption of the ETCCs, to produce and publish a review of the ETCCs every five years in order to comply with that direction.

The agency’s history of evaluating and planning future improvements to Soil Conservation, or conservation of soil, is addressed in each of the following Threshold Reviews, in terms of the agency’s intent to achieve the threshold standard.

The 1991 Review of the Soil Conservation Threshold stated that:

- o “Natural watersheds are very effective at removing nutrients from incoming precipitation. Removal rates up to 100 percent have been observed in natural areas. Overland runoff is rare in natural areas.”
- o “If rain or snowmelt exceed a soil’s infiltration rate, water will flow overland. Vegetation removal, soil compaction, and soil removal decrease infiltration capacity.”
- o “Urbanization of the watershed increases runoff and yields of sediments and dissolved nutrients. In developed areas, man-made drainage ways [gutters

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and drain pipes] increase drainage density and short-circuit natural treatment systems. The control measures of the Regional Plan [limits on impervious cover and BMPs] are designed to counteract these impacts”

- “Increased sediment production affects fish spawning, turbidity of receiving waters, channel stability, aesthetics, fish habitat, and nutrient loading to Lake Tahoe.” pp. 22-25, (1991 EVALUATION, Environmental Threshold Carrying Capacities and The Regional Plan Package, TRPA, Nov 20, 1991)

The 1991 Evaluation also listed 4 recommendations for improvement under section I. Measures in Place for Soil Conservation(no page numbers):

- Expand BMP monitoring
- Require retrofit of BMPs on existing uses
- Expand monitoring and implement revegetation
- Limit land coverage to the limits of the Bailey Report.

The 2001 Review (TRPA July 2002) of the Soil Conservation Threshold stated:

Since the late 1970’s agencies have used the Bailey system “to analyze applications that add new land coverage to existing developed lots”these programs were developed as erosion control techniques to mitigate the deleterious effects to water quality that result from excessive land coverage.” (Chapter 4 Soil Conservation, p4-1).

The 2001 Review recommended eight measures to advance the path to achievement of the threshold standard. It also asserted responsibility for restoring 625 acres of SEZ by October 2006.

And the 2001 Review was forthright in honestly disclosing that the attainment status for all three evaluations, 1991, 1996 and 2001, was non-attainment.

By the 2006 Threshold Review, the TRPA was beginning to change its approach to the threshold standards. From the former detailed review and efforts to describe the status of each indicator, the report began to narrow its scope, reduce the level of evaluation, and produce a more general review. This resulted, for Soil Conservation, in a report that began to explore the potential for changing the Bailey coverage standards, reduce future work products, monitor less, and generalize the evaluations. For example, and in comparison to the previous reviews, the 2006 Review reports the status of the eight 2001 recommendations to improve the Impervious Cover regulations as two completed, five incomplete, and one “ongoing”. The “ongoing” recommendation was to “amend excess coverage mitigation program to increase the retirement of hard coverage.” The review says that “the removal of existing coverage allows soil resources to be restored.” The effort to amend the excess coverage mitigation program is today, ten years later, still “ongoing.”

Also, a primary 2006 Recommendation is to change the threshold standards and instead focus on a new desired condition in which “The effects of impervious cover and disturbance are fully mitigated on a stormwater zone basis.”

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This contrasts with the past, when impervious cover limits and removal were the mitigation for polluted stormwater runoff to the streams and the lake. The comparison is from using the natural systems to using engineered systems, and abandoning the ecosystem values of soil.

Stormwater Treatment replaces limits on Impervious Cover

In terms of energy, money and effort, the agency then spent its time working to upend the Bailey system and install a mitigation for significantly more impervious cover in exchange for engineering and technology to solve an ecosystem problem. Reports, including the Lake Tahoe EIP 2010-2020: An Economic Analysis Private Source Stormwater BMP Expenditures on Redevelopment Projects (which showed it would take large redevelopment projects at the rate of 1.4 per year to meet the treatment solutions' funding needs) (March 2010, Tetra Tech and USACE) were prepared for the Regional Planning purposes that furthered the desire to build the agency's way out of its failure to reverse the decline of the lake's clarity.

This decision and its following actions mark the watershed moment when the TRPA collapsed its ecosystem protection efforts for soil and launched its concept of engineering solutions to problems it had allowed to increase.

Regional Plan

Today, the 2012 Regional Plan, the Regional Plan EIS, the Regional Transportation Plan and EIS, the 2011 Threshold Evaluation Review can be seen in this new frame – from its Compact-mandated mission to protect and restore the basin, to a mission to endorse significant expansion and attempt to mitigate the problems that that level of urbanization that might support building its way out of failure. The Regional Plan Land Use section is replete with these plans, as they emerge in LU2.1, a section which completely removes previous land use plan language to reduce impervious cover and LU 4.5, LU4.8-10. (See TRPA's track changes copy of the new Regional Plan to see what was deleted).

The Regional Plan has upended the Compact's fears of urbanization of the lake, claiming that more urbanization will be the panacea for Tahoe. RP LU2.1 is the essential piece of the plan for increased urbanization as desired by the TRPA. In the meantime, an economist has analyzed the plan and announced that it is the reverse of an operable transfer and removal incentive program that relies on monetary incentives to be effective. (Anthony Kalbfus, Economist, submitted with NTPA comments).

In the case of Soil Conservation, instead of limiting impervious coverage and requiring on-site stormwater treatment for new commercial, industrial and large housing and tourist projects, the plan will require existing property owners to join stormwater treatment programs on an area-wide basis to benefit those same new developments. (TRPA, July, 2008)

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**TECHNICAL MEMORANDUM 4PUMP AND
TREAT FEASIBILITY STUDY**

The TASC has recommended that the TRPA review the Seattle and Maryland Stormwater Manuals and ordinances (CITEXX) in order to re-think the more effective and less costly to the taxpayer on-site treatments that retain up to 90% of annual precipitation and through the use of infiltration galleries and swales, infiltrate the runoff into the ground as it once was known to do naturally. . Seattle is a large city and has taken on Stormwater as a serious issue due to its role in high runoff into Puget Sound. Seattle and Maryland have also embraced the 2003 Impacts study, cite earlier.

TASC urges the TRPA to respect the Soil Conservation Threshold for impervious cover standards, even though they are now known, due to new science, to be greater than limits that would significantly decrease degradation of the nearshore of the Lake as caused by the nutrient input of the streams, rivers and intervening areas that discharge to the lake, plus the large number of drainage pipes that empty directly into the Lake. (PipeClub videos, 2010-2012)

Soil Conservation outside of Lake Tahoe basin.

The Center for Watershed Protection, which produced the 255-study monograph titled Impacts of Impervious Cover on Aquatic Systems (Impacts) and determined that impervious cover began to show adverse impacts at 10% cover, has become the critical study that other areas and other states have inculcated into their plans, codes, and design manuals to clean up their stormwater discharges to streams, lakes, bays, estuaries and the ocean.

The Seattle Stormwater Manual, Volume 3, requires removal of impervious cover and infiltration, two key concepts in the State of Maryland and Kings County, Washington, as well as the California Bay Area. (Maryland Stormwater Manual, Volumes I and II 2000 plus amendments, the Washington state Kings County Stormwater Manual, and the California Bay Area Stormwater Managers Association Manual, (date,BASMAA)

For example, pervious pavement is not just blindly accepted in Seattle as it is in the TRPA Regional Plan. In Seattle, it requires five pages of a checklist to assure it is designed, installed, maintained and repaired in a manner that assures ongoing operation will produce the same results as stated in its approval for each project. The RP policy is severely critiqued by the EIS (Section 3.8-44) as” 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

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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.**"

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The contrast between the two different approaches between the stormwater manual and the Regional Plan represents an insight into the low level of commitment by the TRPA to assuring that stormwater treatments functions effectively and is a plus mark for the EIS in disclosing the potentially significant impact.

The TASC urges the TRPA to assure that the agency and its Regional Plan act as a guardian of the Tahoe basin, and require all new projects to contain, retain and treat 90% of stormwater on-site. Such facilities must be built before or during the construction of the project, unless a fully operational, effectively functioning alternative treatment system, with the proven capacity for the new projects, is in place.

Impacts of Impervious Cover on the Lake and Streams of Lake Tahoe

Since the first Bailey report, on the 1971 Land Capability map, Impervious Cover was cited as "the single most critical element in land disturbance related to the more basic environmental problems facing the Tahoe basin, namely: water quality degradation, flooding, and soil erosion. It was considered to be the most accurately measureable and constant expression of development impact." (Bailey, 1971 map text, second paragraph) In perfect affirmation, the 2003 Maryland Watershed Center report (Impacts), noted that its study was focused on impacts of impervious cover on aquatic life in streams, but it also notes that the impacts on lakes (as downstream receiving waters) are similar to streams. "In most lakes, however, even a small amount of watershed development will result in an upward shift in trophic status." (Impacts, pg 16.)

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And this statement gets to the crux of the Soil Conservation issue and the TRPA's problem, which is not how much impervious coverage is acceptable in terms of percent of cover, but what is the trophic status as a result of impervious cover. And the answer is in the UC Davis Tahoe Research Group's continuous monitoring of the lake since 1968, which shows a 373% increase in the trophic status of Lake Tahoe. (EIS, 3.8-10) and which is in violation of the Water Quality, Pelagic Lake Tahoe Threshold, which is for an improvement in trophic status, back to the baseline status of 52gmC/m squared/year.

The EIS has failed to disclose or analyze the trophic status of the lake in reference to the Impervious Cover threshold.

Tributary Water Quality Standards in Relation to Impervious Cover

The EIS discloses that none of the monitored tributaries meet the standards, and only one is showing improvement. Most aren't even on a path to meet the preliminary target, and half

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are not monitored at all. There is no report on the relationship of the tributary standards to the stream quality and then to the quality of the nearshore of the lake. The EIS does not disclose that there is no connection even analyzed between the impervious cover, the stream conditions and the aquatic impacts in the nearshore. . The agency should be concerned with protecting stream quality, stream habitat, fisheries, and other benefits of clear-running streams, in addition to the beneficial impacts that would have on the nearshore of the lake.

This is a failure of enormous importance to the underpinnings of the Regional Plan, which is that their solution to Tahoe's ecosystem problems is to build their way out through market economies, transfers of coverage, and increased populations.

Transferring Impervious Cover instead of Removing and Restoring Land.

The Regional Plan's transfer of coverage provisions make it even more difficult to meet the Impervious Cover part of the Soil Conservation Threshold as the concept does not reduce coverage, and instead creates more disturbance and more coverage. Construction's adverse impacts on water quality are realized as cover is both removed and installed. It is not an equal trade.

The EIS fails to analyze the differences in the impacts of the trades.

Second, it's not a simple matter of moving cover from sensitive lands to more resilient lands, and calling it a benefit. The issue is If the sending parcel is sensitive and has poor connectivity to streams and the lake while the receiving parcel has little connectivity, then the delivery of runoff pollutants to nearby water is assured, and the impact is substantially greater than if the cover in the sensitive area had been removed and retired.

For example, transferring from Class 3 lands in an area with no discharge to water, to a Class 6 or 7 land is a densely covered community or town center that has little effective stormwater treatment functioning - - and the new coverage discharges even more pollutants to the receiving waters, or to a conveyance to receiving waters.

To state again, transfers incentivize increased cover in the more dense urban areas and increase volume and velocity of stormwater runoff. While many think that consolidating Impervious Cover is some kind of efficiency tool, in reality it increases costs by requiring ever-more technological and engineering solutions to the runoff created.

The EIS has been silent on the unintended consequences of the program. The EIS is inadequate in its failure to disclose the connectivity issue, the potential for increase in pollutant discharge from the program, and the costs of treating stormwater runoff in densely covered areas.

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TRPA's proposed Regional Plan with its extensive construction alternatives could obligate the agency to supply the funds to design, build, and maintain in perpetuity an advanced system to treat the stormwater from the dense cover envisioned in the Plan, before new cover is created. Otherwise much of this fanciful planning is dependent on magic money, magically appearing.

The EIS's Appendix H Transfers. This appendix offers even more cover to be installed, in its proposed is Policy (2.11.A) that permits the transfer of more cover – and that is non-conforming use coverage. This policy would permit a transfer program to transfer Impervious Cover that is not allowed in the Bailey standard. An example is if an area has 95% cover, it exceeds Bailey standards by 40%, and all of that is non-conforming. Under the previous plan, non-conforming cover was to be reduced to the allowed level. But in this example and under this policy, the owner would be able to transfer all the 95% to a new site. The EIS has failed to analyze the impacts of the excessive runoff from such a policy. Nor is there any criteria suggested to prevent the excess coverage transfer to resilient sites with no connectivity to the lake or streams.

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Transforming Soft Cover to Hard Cover

The document provides no scientific explanation of how hard coverage such as pavement could possible function the same as soft coverage – which is usually old (legacy) roads that are thought to be impervious to penetration by rain and snowmelt, and excess fill deposited in SEZ. Most of the soils in the basin are amenable to restoration. Legacy roads can be easily restored – IF they are not able to infiltrate precipitation, and fill that has been used to park on is usually easily restored with a rake.

The EIS does not disclose that the concept of altering soft to hard is a paper exercise and a marketing ploy, not an ecosystem protection ploy. Until there is credible science to defend this effort to find inexpensive “impervious cover” to transfer and transform into pavement or roofs, it is unconscionable for the Regional Plan to continue to permit such transfers.

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Failure of the 1-inch Storm Rule to Protect Soil.

In over-covered areas, the 1-inch storm standard can be too little to protect downstream soils, or protect streams and the lake from excess runoff. Requirements that adequate performance/maintenance be documented with a requirement to timely replace/rebuild non-functioning BMPs. High and over-covered areas in directly connected catchments increases the percentage of rain and snowmelt that would be discharged due to the excess impervious cover, and makes it more difficult for area-wide BMPs to infiltrate or fully treat pollutant loads.

The EIS fails to analyze the adequacy of the 1-inch storm standard in relation to the increased cover that the plan allows.

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Also, given advances in scientific understanding over the past two decades, is the 1-hour storm design even appropriate as a basin-wide standard? How do differences in precipitation in different parts of the Basin affect stormwater and runoff? What about different soil types? Are designs for west shore appropriate along east shore, or vice versa? In fact, TASC reviewed several studies associated with the Boulder Bay project evaluated such details and significant differences in runoff were noted with different designs.
(http://www.trpa.org/documents/CEP/Boulder_Bay/FEIS/Appendix_AB_Supplemental_WQ_Study.pdf).

“It is important to note that when stormwater is allowed to run off of the project area, that runoff contains sediment (including fine sediment), nitrogen and phosphorus, the primary elements leading to loss of Lake clarity. It is also critical to understand that the 20yr/1hr storm and the 100yr/1hr storm are design specifications and are not representative of how precipitation and runoff actually occur. In reality, storms often occur in a series, which can result in nearly saturated soils or partially filled storm-water infiltration galleries, tanks or detention basins, thereby reducing conceptual design capacities of storm water management strategies. As a result, we could have a relatively dry year in terms of total moisture, which produces significant runoff because the storms that did occur were abnormally large or occurred in close succession. In order to truly understand the potential for runoff, and as a result the transport of fine sediment, nitrogen and phosphorus, we must model actual data to accommodate the following: • Multiple storms back-to-back; • Longer duration storms; • The timing of storm events (fall, winter, spring); and • The impact of periodic events such as El Nino years.”

The EIS should analyze whether the 1-hour storm design standard is even appropriate, and whether it's appropriate throughout the Basin.

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Section IX: Soil Conservation Threshold, RPU, and RPU DEIS

June 28, 2012

Tahoe Area Sierra Club.

RE: TRPA's Proposed Changes to the Soil Conservation Threshold Standard, the Soil Conservation inclusions in the Regional Plan Land Use and Conservation Chapters, the Regional Plan EIS, and Appendix H of the EIS.

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The Tahoe Regional Planning Agency (TRPA) has proposed a re-interpretation of the Bailey Land Capability Classification Study, 1974 (Bailey Study). The Bailey Study identified impervious coverage, as not the only source of water quality problems causing Lake Tahoe's initial loss of clarity but "to be the most critical element in the land disturbance that has created the basic environmental problems facing the Lake Tahoe Basin - - water quality degradation, flooding and soil erosion." It is also considered the most accurately measurable and constant expression of development impact." (Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, Robert G. Bailey, USDA, 1974. pg 25).

The 2012 Regional Plan EIS proposes to radically revise use of the Bailey Classification methodology though consideration of development within the physical context of the entire Lake Tahoe watershed. In my opinion, this is an inappropriate watershed scale that will allow for virtually unlimited development while still ostensibly meeting Bailey Land Capability criteria established by TRPA in the 1970s.²³⁰

The policy and practice of the TRPA, since February 1972, is to use the Bailey system on a parcel or site scale in order to reduce adverse impacts on the waters of the Tahoe basin from new development by limiting impervious coverage of specific lands. The EIS acknowledges the historical application of the Bailey system in stating "The land capability map developed by Bailey (1974) was conducted at a large scale and focused on areas where development was likely, rather than on remote public lands" (p. 3.7-12). The focus at a large scale (where features are considered in detail) and on areas to be developed was likely made by Bailey

²³⁰ <http://www.trpa.org/default.aspx?tabid=187>

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because development on public lands would not occur at an appreciable scale and be removed from consideration. Instead, by focusing on a large scale (or a subwatershed scale), Bailey split the Tahoe Basin into units of appropriate scale where development would occur and where changes in coverage could predict the degradation of water quality.

The EIS, instead proposes to consider the entire 201,000 acres of existing coverage (essentially the entire Lake Tahoe watershed) as mapped in 2007 by the USDA Natural Resource Conservation Service (NRCS) in evaluating coverage (EIS, p. 3.7-12). The EIS proposes to use the 148,000 acres of generally undisturbed Forest Service land, most of which lies above the 53,000 acres of the covered urban land to determine that the total coverage in the basin is only 3.6%, (EIS Table 3.7-5 and 6) and therefore well below the Bailey standards. A finding that the basin is well below the Bailey standards would allow the agency to permit thousands of additional acres of coverage.

Little discussion is provided in the EIS of this rationale. Discussion is limited to a paragraph on page 3.7-12 where the EIS states that the 2007 NRCS Tahoe-wide land coverage map was used to determine “maximum allowable coverage of 19,984 acres or approximately 10 percent of the Region’s land area.” This is nearly twice that of the Bailey map, which allowed for maximum coverage of 10,941 acres, or approximately 5.4 percent of the Region’s land area (p. 3.7-10). The development of 19,984 acres in the Lake Tahoe Basin is beyond the scale of any scenario that has been envisioned and would allow for virtually any conceivable project to gain approval.

The EIS provides no sound technical basis for the shift in an analytical methodology that nearly doubles the amount of coverage and has been used for nearly four decades. In my opinion, utilizing the entire Lake Tahoe watershed is an inappropriate use of scale. By considering the entire Tahoe watershed, impacts from urbanization and construction of impervious cover are easily diluted by public lands, which are largely unchanging. At this scale, the plausible development scenario and concomitant loss of pervious cover will result in an exceedence of the Bailey standards.

The importance of impervious coverage has recently been identified in a research monograph that states “more than 225 research studies have documented the adverse impacts of urbanization on one or more of these key indicators” which are listed as four broad categories of change, “changes in hydrologic, physical, water quality, or biological indicators”. (Impacts of Impervious Cover on Aquatic Systems, Center for Watershed Protection, March 2003, pg 1). (Impacts). While the Impacts study reports on the impacts on streams, it also notes that the impacts on lakes (as downstream receiving waters) are similar. “In most lakes, however, even a small amount of watershed development will result in an upward shift in trophic status.” (Impacts, pg 16.) The study suggests that deep lakes may exhibit exceptions, but, as has been found at Lake Tahoe, one of the deepest lakes in the country, the primary productivity measurements (measure of nutrients) have been continuously taken by UC Davis Tahoe Research Group since 1968 and have exhibited a 373% increase.(p4-16, Water Quality Threshold Evaluation, TRPA). An increase in trophic status is a significant indicator of the impacts of impervious cover, as studied by the Watershed Protection Center (Impacts.)

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The new science available through the 2003 Impacts report established that Impervious Cover is shown to begin to cause adverse impact on streams at the 10% cover level and “Impacted up to 25% cover (Figure 1, p 2, Impacts 2003 and 3rd bullet, pg. 3). The significance of the new cover impacts is well below the maximum cap of 30% required by Bailey, and significantly below the maximum caps of 50% and 70% permitted in the TRPA’s 1987 Regional Plan. . In the meantime, as the greater coverages were permitted, the Lake’s clarity decreased by a range of 33.5 to 38 feet, from the 104.2 ft threshold standard. Primary Productivity increased by 373%,(TRPA Reg. Plan EIS, 2012, Chapter 3.8, pg 3.8-10) visibly showing the extent of the impacts of impervious coverage in the nearshore.

In the meantime, the Lake standard for clarity has been exceed by 33.5 feet of the water quality standard. The Primary Productivity standard has increased by 373%, (EIS, 3.8-10) visibly showing the extent of the impacts of impervious coverage in the nearshore.

In TRPA’s own words, “Land coverage has been an essential element of the Tahoe Regional Planning Agency’s environmental plan to protect Lake Tahoe.”²³¹ The EIR should be revised to carefully reconsider the rationale that would allow for nearly doubling coverage and in radically revising a program that has been used by TRPA for decades.

Matt Hagemann, P.G., C.Hg., QSD, QSP

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²³¹ <http://www.trpa.org/default.aspx?tabid=187>

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Section X: Hazards and Public Safety

REGIONAL PLAN, EIS, REGIONAL TRANSPORTATION PLAN, RTP EIS, CODE OF ORDINANCES

CHAPTER 3.14 HAZARDS AND PUBLIC SAFETY

TASC is concerned with public safety from known hazards in the Lake Tahoe Basin. But the TRPA, in focusing on just three hazards, does the public a great disservice, and appears to have little interest in the serious consequences of ignoring factual information regarding earthquakes and known mapped earthquake faults in the Tahoe basin.

Chapter 3.14.1 states: "This analysis focuses on potential public safety effects related to implementation of the Regional Plan Update due to natural hazards that exist in the Lake Tahoe Region (wildland fire, flooding, and vector-borne diseases). This analysis does not address hazardous materials; the transport, use, storage, or disposal of such materials for specific projects would be too speculative for meaningful analysis in a policy-level document."

The Sierra Nevada was formed by both mountain building and significant activity on earthquake faults, most notably the 8.6 earthquake near the mine on Big Pine Creek, in the late 1880s. The Tahoe Basin has been mapped for faults by the USGS in the lake off Tahoe City and lying along much of the east shore. Brockway Springs has its own hot water pool, another indicator. The 4.2 earthquake in the recently mapped fault complex (widely reported by major news media and in ScienceDaily.com just north of Lake Tahoe on June 22 this week is an indicator of the potential for more earthquake activity at any time.

Further, the most recent release of identification of a significant fault stretching from south of Echo Summit to the complex mentioned above, is a wake-up call for the TRPA to include such maps and information in the Natural Hazards EIS analysis for the benefit of the public and for the agency to assure that new development is very carefully analyzed for its potential impact on public safety.

The EIS fails to discuss any of the above noted fault areas, although the two older faults appear on federal maps and the California-Nevada Fault Map, which can be easily accessed at: <http://earthquake.usgs.gov/earthquakes/recenteqscanv/FaultMaps/120-39.html>

The recently identified fault (recent in terms of the last four years of data collection) has been thoroughly mapped. "ScienceDaily (May 24, 2012) — Results of a new U.S. Geological Survey study conclude that faults west of Lake Tahoe, Calif., referred to as the Tahoe-Sierra frontal fault zone, pose a substantial increase in the seismic hazard assessment for the Lake Tahoe region of California and Nevada, and could potentially generate earthquakes with magnitudes ranging from 6.3 to 6.9. A close association of landslide

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deposits and active faults also suggests that there is an earthquake-induced landslide hazard along the steep fault-formed range front west of Lake Tahoe.”

The ScienceDaily website www.sciencedaily.com/releases/2012/05/120524123236.htm reveals the fault map at a usable scale. The agency should take note that this new fault runs through the Homewood Ski Area Master Plan site. The visible fissure that is an indicator of the fault lies on the face of the ski area is well-known to the local residents, to whom it is obvious that the proposed and permitted hotel lies near to the fault line.

The agency’s avoidance of mentioning existing faults, let alone newly identified large faults by geologists at the USGS, UNR, UCB, and US Army Corps of Engineers is an inexplicable stance in terms of the agency’s obligation to public safety, and a failure of the EIS to disclose the presence of such large faults.

The TRPA hides behind the fact that they are not “required” to reveal earthquake hazards that have not been approved by the California Alquist-Priolo Earthquake Fault Zone Act and mapped accordingly. Thus the public cannot expect that the TRPA will reveal known faults in the basin, until they are mapped, approved, and otherwise anointed by the State of California despite the fact that there is a danger to the public if permitted to construct buildings that are not protected from Tahoe-specific faults that are known to the agency.

The EIS has failed to disclose any earthquake and fault hazards and has failed to urge the agency to plan for such possibilities.

FLOODING

The EIS discloses 100-year flood plains, yet offers protections in a most non-protective - - for public safety - - manner. While the Bailey Land Capability map and report note the need to protect soils and water quality from flooding, the agency’s Regional Plan Goals and Policies are quite reticent about factual protection.

3.14-2 states the policy as “**Policy 2:** Prohibit 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.”

The highlighted exception appears to remove all prohibition on constructing, grading and filling in the 100year floodplain, and allow all development that is necessary to implement the goals and policies of the Regional Plan. Since the Regional Plan is focused on growth and development/redevelopment and not on ecosystem protection, it seems that the agency will find it necessary to approve buildings in the 100-year floodplains.

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A key policy is stated in the Hazards Policy, but the cautionary Federal Direction has been removed in **NH-1.2 Natural Hazards** The Tahoe Region *Basin* is often subject to rain or storm events which cause extreme fluctuations in stream flows or wave run-up which can result in flooding and damage to property. Grading, filling, and structural development within the flood plain causes alteration of the stream flow and may accentuate downstream flooding. *Development within the flood plain is subject to damage and inundation as a result of flooding and is generally prohibited by Federal regulation (Executive Order No. 11988, 1977 and No. 11296, 1966)*

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But that language leaves open the fact that new buildings would be built in the 100-year floodplain, as disclosed in 3.14-2 “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. For Alternatives 1 through 5, this impact would be less than significant.

The EIS discloses that the policy would allow new building, and while the new building would be protected from being flooded, the new building or fill would, in fact, allow exacerbation of flooding by removing space for floods to flow, and causing floods to flow further into unmapped areas.

The EIS concludes that that impact would be less than significant, but the EIS fails to analyze the impact on water quality of additional structures in the flood plain.

SEICHE

The EIS, relegates seiche to flooding in the Natural Hazard and Public Safety Chapter, barely addressing the public safety issue, except this sentence “ As addressed in Section 3.7, Geology, Soils, Land Capability, and Coverage, a potential exists for both tsunami and seiche-related waves up to 30 feet to occur along the shores of Lake Tahoe.”

Please note that a seiche can be triggered by a large landslide into the lake, caused by heavy rain or an earthquake, or by an earthquake without a landslide. A lake cannot experience a tsunami, which is a similar event in an ocean.

In fact, the new fault mapped near the edge of Lake Tahoe should have alerted the agency to the increased potential for seiche in the basin. Fortunately El Dorado County Public Health Department hosts an annual disaster training, focused on a specific disaster. IN 2008, the county’s Golden Guardian Lake Tahoe Functional Exercise featured the potential for a seiche at the south shore.

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And in the late 1960s, the California Department of Mines and Geology presented information to the City Council of South Lake Tahoe as to the potential height of a seiche wave at Bijou at 50 feet high.

The TRPA Code of Ordinances defines a seiche as an oscillation of lake waves, but a 30 to 50 foot high wave could not possibly be thought of an “oscillation”. But the EIS notes technical issues about what the agency knows about the science of seiche, and the information that they must acquire, before the agency could actually mention a seiche in the same phrase as public safety.

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Section XI: Stream Environment Zone

SOIL CONSERVATION THRESHOLD, REGIONAL PLAN AND EIS, CHAPTER 5
THRESHOLD REVIEW, REGIONAL TRANSPORTATION PLAN AND EIS, AND
CODE OF ORDINANCES

STEAM ENVIRONMENT ZONE (SEZ)

Stream Environment Zones are the second part of the Soil Conservation Threshold. The threshold requires, through preservation and restoration of a percentage of SEZs, a 5 percent total increase in the area of naturally functioning SEZ lands.

Code of Ordinances 90.2 provides a definition of SEZs that is tortured at best and hard to track down:

“Stream Environment Zone

Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The precise definition is an area determined to be an SEZ by application of the criteria set forth in TRPA's Water Quality Management Plan for the Lake Tahoe Region, Volume III, SEZ Protection and Restoration Program, dated November 1988. The criteria for identifying SEZs in Section 53.9 shall be used for purposes of implementing IPES.”

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The definition provided by the Bailey Land Capability map, from which the term SEZ devolved to describe Class 1B lands, is different:

“1.b. Poor Natural Drainage – These lands are naturally wet and poorly drained.

Interchange between surface water and ground water systems is occurs here. These areas – represented by streams, marshes, flood plains, meadows, and beaches - - are critical in management and protection of water resources. In principle, land use policy for these areas should reflect the roles of floodwater and sediment storage, wildlife habitat, and fish spawning grounds.”

Note that the Bailey definition includes flood plains and floodwater, which is conspicuously missing from the proposed Code definition.

The TRPA has attempted to reduce the amount of countable acres of SEZ in the basin, in order to help their level of achievement of the threshold appear to be closer to attainment, and to reduce the amount of land with restrictions on building.

The EIS fails to analyze the impacts of development of the lands that would be newly released from building prohibitions under this definition. Further, the EIS fails to disclose the number of acres that have been recommended to be reduced from the former SEZ category.

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Chapter 5 of the Threshold Review also fails to include floodplains in the SEZ definition and focuses as well on the wetness of the lands. There is a significant error in that approach, in that over the past forty years, precipitation has been less than in the years leading up to 1971, as reported in the annual DWR's California Water Project Bulletin 132-07. Thus it is an error to make decisions based on recent history for precipitation, when century-long cycles can change significantly. For example, the east side of the Sierra suffered through a 150-year long drought from the early 1200s to about 1350. And in the years including the 30s to 60s, water was plentiful. For TRPAS to act as if the Tahoe basin would not be in a wet cycle again is certainly folly. One has only to watch the extreme gyrations in weather that have brought massive floods to places around the world, to realize that floodplains may very well flood again.

The SEZ threshold report describes stream environment zones and their role in the Tahoe ecosystem quite well especially as relates to their ability to filter stormwater pollutants.

The TRPA, obligated as it is to protect and restore SEZ, should be committed to finding more acres of SEZ to restore, rather than produce reports such as Chapter 5 that attempt to explain away acres of SEZ that otherwise should be restored in the urban areas and to count public land restoration toward their total restored, in order to reduce the total left to the TRPA under the threshold standard.

Thus, there are many acres of former SEZ that have been filled, drained, intruded into, and paved that could be restored as is done in many other communities, including Napa, Los Angeles, Berkeley, El Cerrito, Susanville, and even Markleeville. The "Y" at the south shore was once almost an island - - there are many opportunities between the headwaters of the drainage that meanders through that area and the eventual discharge to the lake to widen, remove pavement, open up culverts, and other work to daylight these areas that is substantially less expensive than the major stream and marsh restoration and has the potential to greatly expand infiltration of stormwater runoff. Many of the 52 intervening areas that drain into the lake would provide opportunities, plus areas equally disturbed that empty into streams and rivers that empty into the lake. As the State Board notes in its film "Slow the Flow", it's less expensive to treat water at the source.

The State Resources Water Quality Control Board has adopted a Slow the Flow program in its Stormwater Runoff Program that helps communities to daylight drainages.

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 inclusive version focused on restoration.

The Regional Plan Goals and Policies further reduces the agency's intent to protect and restore SEZs in the language of Policy SEZ 1.1 produced here in its track changes form:

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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.

The removed language is indicative of the intent of the TRPA. However, it fails to meet the Compact language in V(c) that requires that the Plan to adopt policies that will achieve and maintain the Threshold standards, and thus is in violation of the Compact.

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CAROL Chapman
Lake Tahoe Visitors Authority

I wasn't going to come and speak, but a couple of recent experiences prompted me to share them with you as I think they are valid to the regional plan update process.

I just flew back from L.A., where the largest international tourism trade show is still in full swing. My responsibility was to meet with the media from all over the world. One of my appointments was with a journalist from the United Kingdom, who had indicated he had been to Lake Tahoe about five years ago. He asked me, "Have they cleaned the place up yet?"

Have they cleaned the place up, yet. By the way, his readership is affluent. They take his advice on where to go and where to stay and where to spend their money. They stay longer and they spend more and they tend to be those people who influence others to visit as well.

At the same event, Roger Dow, CEO of the United States Travel Association, introduced the US Secretary of Commerce, who delivered a message from the President, announcing that the United States now recognizes the power of tourism and travel and will reinforce that with the formation of an international tourism organization. As international travelers yourself, you will likely soon see some of the US messaging in countries like Britain, China, Australia and Brazil, and we will hopefully see an increase in

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international visitation because of it. So, the question is, will we be prepared with the environment and the infrastructure to host them? Will the place be cleaned up?

Last week, I was at the Nevada Commission on Tourism's Rural Roundup, held this year at the Hyatt at Incline Village. One of the speakers, talked about the "experience" economy. We were an agricultural economy, then an industrial economy, transformed by that into a service economy and now an economy driven by the demand for a truly transforming experience. And while we have part of that experience in the form of our fabulous outdoor recreational opportunities, we lack the infrastructure that is the other part. So, if you're wondering why our annual occupancy is less than 30% while the competition is at 60 or 70% and our average daily hotel rate hovers around \$100 and other destinations in our set is over \$230, it's because our experience is incomplete and inferior. And for every room we sell at \$100 because we don't have the experience today's traveler demands, we get \$13 in room taxes that can be circulated back into our economy instead of \$29. We absolutely need the RPU to complete the experience. And we need it sooner than later.

My father used to say that you can't invite someone into your house until it's cleaned up. We have a unique opportunity but a small window to take advantage of it to clean up this house and invite people in. People from all over the world. People who want the complete package, the experience. People who will pay for it, who will stay longer for it, who will talk to their friends about it, who will write about it and who will come back

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again. It's really overdue that we clean up. And we can't do it without the TRPA taking the courageous steps towards getting this regional plan done.

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Carol Chaplin
Lake Tahoe Visitor's Authority

6.28.2012

Carol Chaplin, Lake Tahoe Visitor's Authority said I won't speak to the environmental benefits that will be realized through the RPU as you have many qualified professionals already weighing in and since you typically hear from us tourism folks when we are proponents is that we are for good or bad a heavily tourism driven economy and that economy is languishing. Our occupancy is in the tank far below our competitive set and our infrastructure is aged and our amenities are inadequate. So I really won't dwell on that, but I will come back to an anecdotal story on the infrastructure from an experiential standpoint and you can always depend on our tourism folks to have some stupid story so you get to share that with me. What I think is important is the RPU focuses on restoring Lake Clarity and creating livable and walkable communities and that these priorities were defined through the Pathway 2007 process which I was a part of.

More than a year of meeting where it seemed we had common goals and we seem to move forward in consensus and yet today we have several good projects mired in litigation over the very things that we were agreed upon during those meetings. Environmental benefit, quality of life, modest size and scope, green building practices, etc. What is also important is that the plan still manages growth and it is committed to protection and restoration. It promotes the concept of sustainable town centers. It recognizes efficiencies with agencies, government and private business.

Important also is if the RPU doesn't move forward we will continue to lose water quality, we continue to lose jobs and schools and other elements of life quality. And from a standpoint of a resident here for 30 years now, I have two kids in the Lake schools on Douglas County side and we lost our middle school two years ago, so my seventh grader goes to high school and that school has 231 students. They share teachers with Zephyr Cove Elementary School and as you can imagine struggle to compete with other schools in advance placement and elective courses even in providing the basic courses. We have the basic and nothing more.

So now to my story, I was recently in Europe and having dinner with some Canadian folks and they learned where I was from and what I did for a living. I learned what they thought of our destination. They game in the winter, Heavenly happened to be on wind hold that day. They didn't know what to do. There were a couple of restaurants and they didn't understand how we could move around the community. Remember that in the wintertime a lot of these destination folks don't have cars. So what did they do? Well they gave me some honest feedback and they would never come back. A couple of them actually left and went to Napa, so we lost the long term stay and they found another destination that was more appealing. In the case of the Napa folks or the people who went to Napa, they had more to do. They had accommodations that were nicer, restaurants, plentiful shopping and a feeling of a place and personality. And then what happened, they told 10 people because that is how many people were at the table. And some of them won't come back and some won't come at all. That is what we are up against. Not only that but we are up against the world and not just the region in tourism competition. We have been saying for years that we are a world class destination and we are not. Not when people won't come back or leave early for another one.

We are barely hanging on and as TRPA Board Members you have the ability to set a different in motion. I hope you move forward and I hope you approve the RPU and the transportation plan and I hope we can all support you in that effort. Thank you.

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Sandy Evans-Hall
North Lake Tahoe Chamber and Resort Association

6.27.2012

Sandy Evans-Hall, North Lake Tahoe Chamber CBB and Resort Association said our organization formed a technical advisory group specifically for the purpose of reviewing the Regional Plan and the Code of Ordinances and we chose to look through the lens of how the draft plan and Code might be able to help us achieve our organizations' really number one goal. And that goal is by 2016 we would like to see the lodging and commercial environment North Lake Tahoe Shore be upgraded. To be able to include 3 new or redevelopments consistent with our environmental stewardship goals of which there would be a minimum of one hundred quality lodging units, so that is something that we really want to see in North Lake Tahoe. Our task force consisted of several members of the Board of Directors of our organization, as well as the community that are fairly familiar with the existing Code and they included Gary Davis, who is with the Gary Davis Group, Wyatt Ogilvy, Phil Gillanfar, Ron Parson, Wally Auerback, David Tierman, Ron Treebeas and Alex Mourelatos. We met on four different occasions and we divided up the Code of Ordinances and we did a little bit of research each on their own. A member of TRPA staff, John Hitchcock was present of three of those meetings and it was really great to have his technical advice.

I will summarize some of the list of suggestions and we also prepared an attached table which we have provided to you so you can look through some real specifics that we came up with. But our list of suggestions was that Alternative 3 could be acceptable as long as it could be modified to include more incentive to develop tourism-based commercial in North Lake Tahoe. This would be accomplished by either transferring 200 bonus residential units into TAUs or to take the TAUs that were proposed in Alternative 4 and bring them into Alternative 3. Commodity pricing is also a concern that would need to be addressed. In areas of fewer TAUs as supply and demand equation could nullify the incentive to develop simply due to cost. The commodity bank system by an agency such as the Tahoe Conservancy, TRPA or some other entity might be able to help with keeping these costs down.

The fact that the Tahoe City is both a stream environment zone and a town center will need to be addressed as either an exception in the Regional Plan or there might need be an allowances be made within the area plan comprehensive coverage management that could still incentivize redevelopment. It is necessary to remember that other areas around the Lake may need different treatment or flexible alternatives and not to base all regulations on mitigating the issues in South Lake Tahoe. I think Jennifer did a good job of explaining some different alternatives or scenarios that would require this type of flexibility.

The incentive system is a good start but will need to be tested and possibility modified against economic models of today's market place. Multiple forms of ownership as well as use should be allowed to be aggregated for density purposes. So that is an example where we are seeing both a multi-family homeownership, single family ownership but not the need to have to subdivide. We want to be able to aggregate those ownership models within one project. The science based foundation within the Threshold Evaluation is very important and consistent monitoring in order to truly align development regulations within packs will be critical overtime.

Flexibility with coverage requirements should be clearly tied to the ability to mitigate impacts to the Lake. 100% coverage should be okay as long as that property is doing everything they can to mitigate the impacts to the Lake. The general feeling of the group was that the Regional Plan Update is going in the right direction. Consistent Threshold monitoring, short four year lifespan, incentives for redevelopment, local jurisdictional governance, focus on town centers, comprehensive coverage management approach versus parcel by parcel approach, those are all really, really good steps. Thank you for taking the socioeconomically conditions into consideration with this plan and truly working on the triple bottom line.

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TRPA Governing Board:

I am unable to attend the Governing Board meeting tomorrow, April 26. I wanted to express my opinion on the length of the comment period for the regional plan update. I support a 60 day comment period and strive for approval of the plan by the designated deadline of December 2012.

Given the ongoing monitoring, scientific foundation for threshold management and four year updates providing future flexibility, I believe that 60 days is ample time to process and discuss this plan. I will do everything I can to engage and educate our constituency on the North shore over this time frame to make certain their voices are heard.

Sincerely,

Sandy Evans Hall
CEO/Executive Director
North Lake Tahoe Chamber/CVB/Resort Association

Sent from my iPad

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June 22, 2012

Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5300
Stateline, NV 89449

SUBJECT: North Lake Tahoe Chamber/CVB/Resort Association DRAFT Regional Plan Update Comments

Dear Ms. Marchetta,

Our organization formed a Technical Advisory Task Force specifically for the purpose of reviewing the Regional Plan proposed alternatives and the Code of Ordinances. We chose to look through the lens of how the draft plan and code will assist us in achieving our organizations top strategic goal:

By 2016, the lodging and commercial environment on the North Lake Tahoe shore will be upgraded to include 3 new or re-developments consistent with our environmental stewardship goals, of which there will be a minimum of 100 quality lodging units.

The Task Force consisted of several members of our board of directors and community that are fairly familiar with the existing code. They were:

Gary Davis – Engineer/Architect with Gary Davis Group
Wyatt Ogilvy – Ogilvy Consulting, Land Use & Development Strategies
Phil GilanFarr – Architect with GilanFarr Architectural Group
Ron Parson – Proprietor Granlibakken, Chair, NLTRA Board of Directors
Wally Auerbach – Civil Engineer with Auerbach Engineering
David Tirman – Executive V.P. with JMA Ventures, LLC
Ron Treabess – NLTRA Director of Infrastructure and Transportation
Alex Mourelatos – Proprietor, Mourelatos Lake Shore Resort, Tahoe Vista

Members of the Task Force met on four different occasions and divided up the research within the code. A member of the TRPA staff, John Hitchcock, was able to join the group on three occasions to answer specific questions regarding changes to the code. The results of the review are contained in the attached Table.

I will summarize the list of suggestions as follows:

- Alternative 3 could be acceptable as long as it could be modified to include more incentive to redevelop tourism based commercial in North Lake Tahoe. This

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could be accomplished by transferring a number (200) of proposed residential bonus units to TAUs or replicating the proposal in Alternative 4 of adding new TAUs (200).

- Commodity pricing would need to be addressed. In areas of fewer TAUs, the supply and demand equation could nullify the incentive to develop simply due to cost. A commodity banking system by an agency such as CTC or TRPA might help with keeping these costs down.
- The fact that Tahoe City is both a SEZ as well as Town Center will need to be addressed as either an exception to the RPU or allowances within the Area Plan Comprehensive Coverage Management Plan that could still incentivize redevelopment. It is necessary to remember that other areas around the lake may need different treatment or flexible alternatives and not to base all regulations on mitigating the issues in South Lake Tahoe.
- The incentive system is a good start but will need to be tested and possibly modified against economic models of today's market. Multiple forms of ownership as well as use should be allowed to be aggregated for density purposes for example.
- The science based foundation within the threshold evaluation is very important and constant monitoring in order to truly align development regulations with impacts will be critical over time. Flexibility with coverage requirements should be clearly tied to ability to mitigate impacts to the lake.
- The general feeling of the group was that the Regional Plan Update is going in the right direction. Consistent threshold monitoring and short (4 years) life of plan, incentives for redevelopment, local jurisdictional governance, focus on town centers, comprehensive coverage management approach vs. parcel by parcel approach – are all good steps.

Thank you for taking the socio-economic conditions into consideration with this plan and working on true triple bottom line solutions.

Yours sincerely,

Sandy Evans Hall
CEO/Executive Director
North Lake Tahoe Chamber/CVB/Resort Association
(530)581-8789

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Alternative/Chapter	Support	Oppose	Suggested Modification
Alternative 1			
Alternative 3	Mixed Use	No new TAUs, not advantageous for tourism, high cost of commodity, combines uses but still too restrictive	<ul style="list-style-type: none"> Have bonus TAUs available – add 200 new TAUs as suggested in Alternative 4 mixed use incentive needs to be more flexible allow multiple ownership models in one project with incentive
	Incentive System	Incentives insufficient for commercial redevelopment	<ul style="list-style-type: none"> Adjust Single Family and Multi-Family definitions to be able to aggregate total units for incentive purposes and density equation Provide incentives such as CFA or bonus units for employee housing

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Code of Ordinances Alternative/Chapter	Support	Oppose	Suggested Modification
Chapter 13 – Area Plans	Shift approvals to local jurisdictions		Consider urban motel renewal district with special incentives (Town Center concept does this to some extent but could be more extensive such as Tahoe Vista)
13.5.3-B			Tahoe City exception with land coverage plan (CCMS)
Chapter 30 – Land Use	Waiver for field verification Bonus for pervious pavement Deck provision up to 500 sf – not counted as coverage		
			Exception needed for one time commercial properties – Class 1A – 3 – allowing ability to achieve maximum coverage, as long as it meets increased threshold
			Need a coverage management system to address low capability land (i.e. Tahoe City)
30.6.3			100% coverage should be OK with good collection system, no impact on the lake. Provide flexibility to increase coverage with good run-off capture plan – this is the intent of Alternative Comprehensive

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			Coverage Management Systems allowed in area plans
			Incentives provided for coverage reduction need to be enhanced in areas like Tahoe City (SEZ) with possible trade- offs elsewhere (CCMS)
			Provide alternatives such as reduce coverage AND/OR filter all water (CCMS)
30.6.1			Consolidate security/bond posting among agencies – preferably with local jurisdiction RESOLVED WITHIN AREA PLAN
Chapter 31			Base density equation on maximum TMDL vs. use in some cases. This should be site specific and determined at local jurisdiction level. Need alternative flexibility for performance based solutions.
Chapter 32.4.2 and 31.1			All projects should be following the most current codes – not sure why this language is needed
Chapter 36.2.2			Include adopted ski area master plans or other master plans as mentioned in opening paragraph; this after county standards ADDRESSED

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Chapter 36.5.4.A.			20 foot set backs on frontage is too much for commercial development on Hwy 28. This might be more appropriate to be addressed in Community Area Plans
Chapter 36.6.1			Define "Munsell Colors" or add language that an "equal or equivalent" would be acceptable – MUNSELL COLORS ARE TO PROVIDE A GRADIENT GUIDELINE Not always possible to screen transformers or satellite dishes, need flexibility for exceptions – NOT CURRENTLY AN ISSUE
Chapter 36.7.2 ABC			Need flexibility and less specificity, use County area plan to determine
Chapter 36.8.1			Add language that recognizes some use of string lights on a seasonal/temporary basis; this is mentioned later on but is important to mention up front – THIS CAN BE ADDRESSED IN THE AREA PLAN
Chapter 36.9			Duplicative of Federal, State, and County ordinances
Chapter 37			Use average grade methodology for height
			Overly complicated and confusing; building height is

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			still based on low point of grade to high point of roof structure; had thought that TRPA was going to use average grade methodology like the majority of jurisdictions do	measurement
Chapter 37.4.2	Like breaking building into 3 segments for purposes of measuring height			Add the illustration that is included in the EIS to the Code of Ordinances to demonstrate the point
Chapter 37.5.2				Provide code section reference for 'findings' referred to for certain building types There are a variety of maximum heights allowed with special provisions (42 ft., 56 ft., 73 ft.) What is the rationale for the specific numbers? 56 FT IS A 48 FT. ROOF BASED ON FLOOR HEIGHT PLUS A PITCHED ROOF. NOT SURE ABOUT THE OTHER NUMBERS.
Chapter 37.5.3				Add "Master Plan areas" and appropriate description
Chapter 37.5.4				Add "Master Plans" in addition to already stated "Redevelopment Plans"
Chapter 37.7.6				Add "Master Plan" Mention in addition to "approved"

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			community plan”
Chapter 50 – 50-C			Tahoe City SEZ – add LAND CAPABILITY DISTRICT 3 or “an appropriate offset has been adopted in Community area plan”
Chapter 50-1	All the bullets on the chart are reasonable and do not inhibit commercial development in any extraordinary way		Should have a minimum of 200,000 sf of commercial floor area
Chapter 50 – 50.1.6 and 51			Terminology confusion with ‘area plan’, ‘community plan,’ ‘area exemption clause,’
Chapter 50.4.1			Address ‘mother-in-law’ units in some manner for affordable housing to be regulated by local jurisdictions
Chapter 50.4.3			Provide incentives for multi-family residential rental units for workforce housing
Chapter 50.5	Accessory use definition is valuable for small expansions		50.5.1.c penalizes commercial projects, particularly in Tahoe city with a 2:1 coverage disincentive. Would prefer special consideration for Tahoe City (town centers within SEZ)
Chapter 50.5.B			40,000 sf may not be sufficient for areas outside of a community plan, such as the Truckee River corridor

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Chapter 50.5.A.2.b.	Ability to transfer CFA between jurisdictions is good			
Chapter 50.6.c.1				Unclear on how 400 additional TAU's can be approved
Chapter 50.7.3		Unnecessary constraint to restrict CFA for public service projects		
Chapter 50.9				Unclear how election of conversion of use would work
Chapter 51	Well thought out!			In Tahoe City, there need to be incentives for transferring development rights INTO a SEZ
Chapter 52				Shift 200 TAUs from Bonus Residential pool proposed in Alt. 3 or add 200 TAUs from Alternative 4
Chapter 53	This chapter deals with impacts and should be brought to the front			
Chapter 66		Find this chapter complicated and confusing, takes concentration to grasp		
Chapter 66 - ALL WILL BE WORKED ON AFTER REGIONAL PLAN UPDATE HAS BEEN APPROVED				Define "Pioneer Trail"
Chapter 66.3.2				Define "Levels"
Chapter 66.3.3				Under level 4, item b, define what "minimum contrast score"

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Chapter 66.3.5			is and the "Contrast Rating System"
			Define "Marshall Swift" calculations; terms need to be defined upfront

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The mission of the North Tahoe Business Association (NTBA) is to improve the economic well-being of the business community and enhance the quality of life through the creation and long-term preservation of a vibrant economic climate.

June 21, 2012

Ms. Norma Santiago, Chair
Members, Governing Board
Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89448

**Re: Comments - Regional Plan Update/Regional Transportation Plan
Draft Environmental Impact Statement (DEIS)**

Dear Governing Board Members and Agency Staff:

Thank you for the opportunity to submit North Tahoe Business Association comments on the RPU/RTP Draft EIS. We reviewed the EIS alternatives and related information through the lens of our NTBA Mission statement:

The mission of the North Tahoe Business Association (NTBA) is to improve the economic well-being of the business community and enhance the quality of life through the creation and long-term preservation of a vibrant economic climate.

We began our review with a study of the RPU Alternatives Comparison as described in Table S-1. We know the status quo (Alternative 1) is harming our economy and environment and reducing the viability of Kings Beach and the other communities around the Lake. Alternative 2 seems to rely on even more regulation. It lacks the flexibility we see as vital to engage private sector investment and achieve the balanced integration of environmental, economic and community goals. We identified some provisions of interest and value in Alternative 4 (see below), but don't concur with others. We understand Alternative 5 adds a range of impacts important for the purposes of analysis, but don't believe Alternative 5 is the right direction for Lake Tahoe. Overall, we found Alternative 3 to most closely reflect the themes and goals in our Mission Statement and the stated focus and priorities of the Regional Plan Update.

Here are some of the key reasons why the NTBA generally favors Alternative 3:

- Alternative 3 incorporates Area Plans and special district overlays; specific to Kings Beach, the Town Center district overlay. Several of our members are participating in the current Area Plan update process sponsored by Placer County, so we are already engaged in providing input for this approach.
- Allows mixed-use development.
- As compared with the other alternatives, Alternative 3 incorporates a more action-oriented set of incentives for the transfer of Commercial Floor Area (CFA) and Tourist Accommodation Units (TAU) into Town Centers.
- Best represents the opportunity to accelerate progress toward the attainment of Lake Tahoe's environmental thresholds.
- Allows 70 percent coverage on developed and undeveloped parcels (Bailey land classifications 4-7) within Town Centers.*

Board of Directors

Lesley Bruening
Bruening Associates
Real Estate

Ernie Dambach
Tahoe Tech Group

Tyler Gaffaney
Tahoe Biltmore

Michael Gelbman
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NLT Bonanza

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Mourelatos
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- Allows Area Plans to manage coverage comprehensively rather than at the parcel-by-parcel scale. The NTBA believes this approach is more effective at reducing coverage overall and within Bailey classifications 1-3.
- Would exempt non-motorized trails from coverage regulations, subject to design and maintenance requirements.*
- Provides greater flexibility with respect to height. This is important for architectural design as well as for other purposes.
- Allows the transfer of coverage across Hydrological Area Boundaries (HRA).* Again, this moves away from the parcel-by-parcel approach to one that has greater potential for Lake-wide benefits.
- Provides the greatest flexibility for property owners who find existing coverage regulations impede their ability to make important home improvements.
- Would ensure that BMP implementation requirements are consistent with fire defensible space requirements.*

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Transportation/Air Quality (Regional Transportation Plan)

- The vision, themes, and goals of the draft Regional Transportation Plan (Mobility 2035) are very similar to those in the current RTP (Mobility 2030) and with the project goals of the approved Kings Beach Commercial Core Improvement Project. Members of the NTBA are actively engaged in working with Placer County to assist in County efforts to complete project design and secure project completion.
- Based on its approach to land use and associated package of transportation projects (Package C), Alternative 3 would meet the Greenhouse Gas (GHG) reduction targets set in California and TRPA VMT threshold targets, with mitigation as proposed in the DEIS. Alternative 2 would also meet these targets, but the NTBA does not support Alternative 2. All three other alternatives would require the development of an "Alternative Planning Strategy" to meet GHG and VMT targets. We see these as further reasons to support Alternative 3 over the other alternatives in the DEIS.

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We recognize that Alternative 4 contains some of the same provisions we support in Alternative 3. (see * notation above). However, Alternative 4 includes provisions we don't support. For example, we don't believe the Tahoe Basin needs 400,000 new square feet of CFA, 4000 new residential allocations, or 200 new TAUs. We prefer the Area Plan approach to the 10 transect districts proposed in Alternative 4.

Concerns

Transfer of Tourist Accommodation Units (TAUs)

We recognize that Alternative 3 does not include any new TAUs, but does allow the award of bonus units to incentivize transfers. However, North Lake Tahoe does not have the same "excess level" of TAUs as exist on the South Shore. The NTBA shares the concern of others on the North Shore about the cost of acquiring and transferring existing TAUs to new projects proposed for Town Centers. Will those jurisdictions that have "excess" TAUs be or remain willing to allow a transfer to other jurisdictions? See Recommendations, below.

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Level of Service (LOS) for Roadway Operations

The implementation of any of the five alternatives, including 3, would require measures to mitigate LOS impacts on specific roadway segments in the Basin. Alternative 3 would impact the fewest number of segments (two), as compared with four for Alternatives 1 and 2, nine for Alternative 3 and ten for Alternative 5. However, one of the two impacted segments under Alternative 3 is California State Route 28 in Kings Beach. We understand the proposed mitigation includes the development and implementation of a program for the phased release of land use allocations in four-year cycles. The NTBA will closely monitor this mitigation to ensure the goals and objectives of our economy, environment and community are not negatively impacted by an imbalance in applying the proposed mitigation.

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Recommendations and Requests for Additional Analysis and Information

There are two provisions in Alternative 4 that we request be analyzed as part of Alternative 3.

• Extension of Time (at a minimum) for Air Quality Fee Basis

We understand that under current requirements, if a property owner wants to redevelop, refurbish and reopen a business in a building or space that has been vacant for more than two years, then the owner is required to pay same air quality mitigation fees as if the business was new. Alternative 4 recognizes this barrier to environmental redevelopment. It proposes to extend 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 two years to 90 days within the last five years.

022-5

Proposed mitigation measure 3.4.9 identifies and addresses the "potentially significant impact" of a reduced collection of air quality mitigation fees by proposing the following action:

Evaluate and adjust the Air Quality Mitigation Fee program to ensure that no decrease in the level of air quality improvements would result from the change in the eligible time period for a previous use from 2 to 5 years. According to draft mitigation 3.4.9, adjustments to the mitigation fee program may include, but are not limited to the following:

- Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change;
- Implement regulatory changes that would ensure the same level of air quality improvements would occur with reduced fees;
- Develop additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.

Please include in the EIS an explanation of how air quality mitigation fees improve air quality. This seems to be a given in the current analysis, but there is inadequate documentation for us to reach the same conclusion.

The NTBA fully supports the elimination of any and all barriers to environmental redevelopment. This is stated as a primary goal of the Regional Plan Update. Environmental redevelopment must be financially viable if it is to be a realistic strategy for accelerating the attainment and maintenance of environmental thresholds.

• **Coverage Mitigation**

Alternative 4 includes a provision to prioritize the use of coverage reduction strategies in the following priority order:

- Implement all feasible on-site coverage reduction;
- Allow off-site reductions, and;
- Allow payment of excess coverage mitigation fees after all feasible direct coverage reduction options have been exhausted.

We believe this approach would have the most direct and effective beneficial impact on actual coverage reduction.

• **Incentives to Encourage the Transfer of TAUs across Jurisdictional Boundaries**

To address our concern about the relative lack of “excess TAUs” on the North Shore, we recommend the Regional Plan Update include incentives for the sending jurisdiction.

Thank you in advance for your consideration of the perspectives and recommendations of the North Tahoe Business Association. The NTBA will remain engaged on the Regional Plan Update and Regional Transportation Plan throughout the time that these plans are reviewed by the staff and Governing Board. We support adoption of the Regional Transportation Plan (RTP) so as to avoid any lapse in “conformity” (before November 2, 2012) and adoption of the preferred alternative of the Regional Plan Update (RPU) by no later than December of 2012. We have given you our input on the direction and substance we believe the final RPU should include.

Sincerely,

Joy M. Doyle
Executive Director

022-5
Cont'd

022-6

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023

North Tahoe Citizen Action Alliance

PO Box 349 Tahoe Vista, CA 96148
www.ntcaa.org

June 28, 2012

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

Regional Plan Package Comments:

On behalf of NTCAA please consider the following comments to the Regional Plan Update's Draft Environmental Impact Statement (hereinafter "DEIS") prepared by the Tahoe Regional Planning Agency (hereinafter "TRPA").

We also wish to incorporate all comments submitted during the RPU Committee meetings, and separate comments and by the Friends of Tahoe Vista, (FOTV), Tahoe Area Sierra Club (TASC), the North Tahoe Preservation Alliance (NTPA), the Friends of the West Shore (FOWS), the Friends of Lake Tahoe, and the League to Save Lake Tahoe, Joy Dalgren, Friends of Crystal Bay/Brockway, Tony Kalbfus, economist, and Michael Lozeau, attorney.

Our review has identified numerous areas of concern with the DEIS' analyses, and NTCAA reserves its right to further comment on the issues raised regarding the RPU's consistency with TRPA's Code of Ordinances, the formal Goals and Policies, the Community Enhancement Program's criteria, and other TRPA requirements and standards.

NTCAA has done its best to provide comments on the over 5000 pages of documents due to the limited time. The time allowed does not correspond to the extent of proposed changes and documents. TRPA has been working on this update since 2005, nearly seven years, and has spent tens of millions of dollars on it. Many requests for documentation were never supplied, or were supplied after the release of the DEIS documents.

Comments often pertain to both DEIS' because there are significant and engrained links between the two documents, as well as connections to the proposed Goals and Policies and the proposed Code of Ordinances.

Sincerely,

David McClure

Vice President, NTCAA

023-1

What is not in the Draft EIS. The following questions refer to what appears to be missing from the DEIS, unless you could cite the location in the DEIS.

1. What penalties or sanctions are proposed for failure to achieve or maintain thresholds?
2. What measures are proposed to limit population growth to the projected levels for year round residents? How does the TRPA propose to respond to a population increase well above the projected values?
3. How does the DEIS account for population increases due to in 2nd homeowners becoming full time residents? Where is a sensitivity analysis that should accompany the assumption of no change in 2nd homeownership as a percentage of total residential units?
4. The assumption in population is that Tourist accommodation units are not counted as population. At what point do increasing TAU's produce population increases? The direct examples are Boulder Bay, increasing units from 120 existing to 360 approved, HMR increasing from none to 325 units, and Domus increasing from 12 units on the parcel to 40 units? Is the assumption that any increase (even 5000) in TAU's would have no effect on Tahoe Basin population?
5. How does the RPU address the inherent Conflict of Interest of local jurisdictions and the policies of the TRPA especially in terms of Conformance? Local jurisdictions are the dominant Board members and are responsible for implementing EIP's, zoning changes, and are the primary sources of funding.
6. How does the DEIS address the conflict of achieving several thresholds, advancing some to the detriment of others? This conflict of threshold attainment is similar to the conflicts of recreational uses which are acknowledged in the DEIS.
7. How do local jurisdictions implement the EIP's under the proposed RPU?
8. The financing options for monitoring the thresholds and Evaluation are listed as various sources with no plan or assurance that any of them will work. Where is there identified a secure and reliable source to fund the basic measurement of thresholds?
9. Area wide BMPs' are vaguely defined. What are the examples of area wide BMP's, and how would they be funded and timed to displace parcel BMP's?

023-2

10. Where is the list of entitlements held by local jurisdictions and government agencies; i.e. hard coverage, soft coverage, potential coverage, CFA, TAU's, RUU's, MFU's, and parcel development rights? For example, what are the CTC entitlements held including "asset lands."
11. There is no mention of existing urban pipes dumping stormwater into Lake Tahoe? Yet the Tahoe Pipe Club has documented about 30 urban pipes conveying urban runoff directly in to Lake Tahoe. What measures are proposed to address the contamination and degradation of Lake Tahoe from these sources?
12. Where are the numbers that correlate with the upzoning of Town Centers to four stories and 40 units per acre density? An example is Kings Beach, where 127 acres is being upzoned to allow 40 units per acre. This calculates to about 5000 units, so where is the analysis of the quantitative results of upzoning combined with the conversion allowed between entitlements; e.g. CFA translated into TAU's?
13. The technical and economic documentation supporting the Transfer of Development Program suggest the program may need to raise the incentive ratios, which create more new units that constitute growth. Where is the sensitivity analysis that would show the results of increasing the ratio to 7,8,9, or 10:1, in order to force the economic solution for developers?
14. Where is the analysis if SB271 is not withdrawn, and Nevada pulls out of the TRPA?
15. What documentation supports the mountain resort development model (Embassy Suites, Heavenly Village, Boulder Bay, Homewood Mountain Resort) as representing "smart growth principles"? Where is the connection between new urbanism, livability concepts which assume year round residency in whole communities, versus large mountain resort developments which are inhabited by visitors?
16. How do the commercial needs differ between year round residents of a community and visitors who are simply vacationing. How often do residents frequent boutique shops for their daily essential needs? Are not visitors looking for different goods than year round resident families?
17. Where is the financial analysis that shows the sources of funding and exact dollar amounts over the last twelve years that comprise the \$1.3 billion in EIP expenditures, redevelopment of South shore, State and Federal spending for transportation and SGC ? What were these sources and what is the availability today? And over the next ten years?

023-2
Cont'd

The following comments pertain to the technical adequacy of the Regional Plan Update DEIS and the Regional Transportation Plan DEIS.

Determination and Use of the Baseline

The DEIS uses Census data to determine a baseline population of 54,473 for 2010, which only includes year round residents. Then projected population for 2035 is only 55,687 under alternative 1 which is no project. How does this comport with the reality that three very large Projects (Convention Center, Boulder Bay, and Homewood Mountain Resort) have already been approved consisting of nearly 1200 units, CFA remaining to be allocated is 224,000 sq.ft., and an unknown but not insignificant amount of entitlements are banked by the Tahoe Conservancy, Placer County, and South Lake Tahoe, for future use. And the DEIS estimates year round resident population will increase by 1214 people over the next 23 years.

POPULATION

Based on U.S. Census tract-level data, the total resident population grew between 1990 and 2000 from approximately 52,600 to 62,800, but declined between 2000 and 2010 to 54,500 (U.S. Census 1990, 2000, and 2010; TMPO 2012 [Appendix C]).

In 1.6 the DEIS states, *"The descriptions of the affected environment (i.e., the existing settings), while not identical, are consistent because the impact analyses in both documents use the same baseline environmental conditions as the point of comparison for discerning impacts."*

023-3

- 1) What is that common baseline used for the SGS/Land use versus the baseline in the Transportation Plan?
- 2) How are the year round population projections for the 5 Alternatives derived?

The baseline of population as used in the RPU DEIS appears to be 54,500 based on 2010 Census data. The Census data is designed to record full-time residents or permanent residents which is only a portion of the total population in the Lake Tahoe Basin.

But other constituents of population included in the Transportation Plan include the following:

- 1) Employees and business owners who work in the Basin but who live outside the Basin
- 2) 2nd homeowners, single ownership condominiums, and fractional owners, who have fee title to all or a portion of the property. Some of these properties are rented for more than 30 days.
- 3) Visitors who stay overnight up to 30 days, in motels, hotels, or timeshare units
- 4) Daily visitors who do not stay overnight

These groups are accounted for in the Lake Tahoe Transportation Model (Appendix C, Part 7), and this more comprehensive population number varies significantly throughout the year. The transportation model appears to use this population as their baseline because the transportation systems accommodate this greater number of total population throughout an entire year.

- 3) So is the baseline only permanent residents, or is it the more inclusive number that reflects the built environment, roadway and utility infrastructure, and recreational amenities?

Each of the population groups must have a number associated with them in order to establish a baseline. Year round residents are 54,500. And the impacts of each RPU Alternative is expressed as having a consequence of increasing these permanent residents. The RPU DEIS makes this case by stating:

The Regional Plan Update will guide how communities evolve, how ecosystems function, whether the transportation network is efficient and effective, and the pace at which the Region as a whole is restored and economically sustainable. It proposes to do so by pairing ecosystem restoration with locally-guided environmental redevelopment to create mixed-use town centers where people can live, work and play.

- 4) Is not "live, work, and play" within compact town centers that describes "livability" a guiding tenant of "sustainable communities"?
- 5) Are not permanent residents the only population which can live, work, and play in compact communities as a part of the smart growth principles?
- 6) Is not reducing the dependency on the automobile by choosing other forms of mobility is a concept based on year round residency?
- 7) Are not affordable living accommodations, shopping for the food, clothing, and essential services in daily life and access to recreation, entertainment, referring to the needs of year round residents?

8) What are the numbers of population in the other groups beside permanent residents?

The Employment section 3.12-5 of the RTP DEIS states:

The majority of people who work in the Region commute to their jobs from nearby communities including the Carson Valley, Reno area, and the Truckee area. In 2010, the percentage of jobs filled by workers from outside the Region was approximately 87 percent on the North Shore and approximately 62 percent on the South Shore. The population commuting more than 50 miles to work was about 49 percent throughout the Tahoe Region Region-wide, approximately one-third of jobs are filled by the local population (US Census Bureau Center for Economic Studies 2012).

Appendix C in the RTP DEIS **CHAPTER 12 – EXTERNAL WORKERS MODEL**
12.1 Introduction

The external workers model concerns itself with people living outside of the Tahoe basin but who work within its boundaries. Partly because of the small size of the basin, and partly because of the economics of living in the region, a significant number of the employment within the basin is filled by persons living outside of the basin ridge. According to the results of the residential travel demand model (which itself is based on the U.S. Census and household travel survey), external workers fill just over 25% of the employment in the basin.

This discrepancy in external workers or jobs filled by workers from outside the Basin is an example of a technical inadequacy. The narrative in the Employment section states 87% on the North Shore and 62% on the South Shore are external workers (yielding a weighted average of about 75%), whereas the TRPA Model is using 25% external workers.

- 9) Which is it, 75% or 25% are external workers out of the total of 22,300 employees in 2010?

023-3
Cont'd

023-4

In 1998, the Region had approximately 26,000 employees. Employment has fluctuated since then, from a high of approximately 28,000 in 2001 to a low of 22,300 in 2009. The data indicate an approximate 20 percent decline in jobs in the Tahoe Region between 2001 and 2009 (U.S. Census Bureau 2009).
This discrepancy in the same document is over 11,150 employees, half of the Basin workforce.
What are the numbers of the other population groups?

Based on U.S. Census tract-level data, the total number of housing units in the Tahoe Region has increased from approximately 43,700 in 1990, to 46,100 in 2000, and 47,400 in 2010. Owners occupied about 27% and renters occupied about 22% of housing units.

- 10) Does this not leave 51% or 24,174 not occupied on a year round basis? According to the TMPO in 2010 7% remained vacant all year and 44% were used as on a seasonal basis. That is 20,856 housing units used seasonally.
- 11) **How many people may be in the seasonal, vacation home group?**
- 12) If the average was only 3 people per home it would calculate to 62,500. What if only 10% of this population group decided to live year round at Lake Tahoe?
- 13) What would be the effect on the growth projections for all Alternatives? This shows the extreme impact on the Alternative sensitivity to any changes in population groups. In 2000 owners occupied 32% or 5% more than in 2010 which would calculate to 2,305 more homes (of the available stock of 46,100) occupied year round than in 2010.
- 14) At even two person per home would not the resident population exceed all the growth projections in the DEIS Alternatives.
- 15) **The final two population groups are visitors staying less than 30 days and day use visitors. What are the numbers on these groups?** Only then can the public understand what comprises the population and what minor fluctuations cause significant results.
- 16) Does not the Tahoe Traffic Demand Model have the inputs for these numbers? Is it not the responsibility of the DEIS to produce this 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?

The significance of this technical inadequacy is directly connected to the projections of population growth that the DEIS uses to then compare the impacts of the five alternatives.

What are the projections based on? How did the DEIS derive the population increases associated with each alternative?

TRAFFIC VOLUMES

According to the Transportation Plan DEIS Travel conditions are analyzed for a summer weekday peak hour condition, which historical traffic volume trends show to be in August.

023-4
Cont'd

023-5

- 17) Given that existing traffic conditions are based on summer 2010 traffic counts, how is the use of this period calibrated based on 2010 land use information, and then validated against 2010 census data?

023-5
Cont'd

EMPLOYMENT

In 1998, the Region had approximately 26,000 employees. Employment has fluctuated since then, from a high of approximately 28,000 in 2001 to a low of 22,300 in 2009. The data indicate an approximate 20 percent decline in jobs in the Tahoe Region between 2001 and 2009 (U.S. Census Bureau 2009).

- 18) What are the other factors contributing to the decline of traffic volumes?
 19) How has the Great Recession effected employment and traffic reductions?
 20) How has the purchase of properties by local governments and agencies removed businesses and reduced the employment levels?

In 3.12-9 of the RPU EIS:

Table 3.12-1 shows projected population in the Region, by state, for 2020 and 2035 conditions, under each alternative. As shown, the permanent population (excluding part-time residents and visitors) of the Tahoe Region would be approximately 55,000–58,000 in 2020 and 56,000–60,000 in 2035, depending on the alternative.

3.3-28

The importance of placing residential uses in close proximity to commercial land uses that offer goods and services is well documented through academic research. Travel and the Built Environment (Ewing and Cervero, Transportation Research Record 1780, 2001, pg. 87-94) suggests that per-capita VMT is affected to different degrees by the following factors: development density, diversity (mix), design, and regional accessibility (i.e., proximity to community center). The research introduces the factor dubbed "VMT elasticity," which expresses the percent per-capita decrease in VMT resulting from specified changes in development characteristics.

- *Density: -5 percent VMT elasticity*
- *Diversity: - 5 percent VMT elasticity*
- *Design: -3 percent VMT elasticity*
- *Regional Accessibility: -20 percent VMT elasticity*

- 21) On page 88 of the Ewing and Cervero article referenced in the DEIR does the article not state, "Once neighborhoods have been categorized, studies compare the travel patterns of residents to learn more about the effects of design."?
 22) Is not this study based on year round residents?

3.3-29

Holding other factors unchanged, doubling (i.e., a 100% increase) of a project's density would yield a five percent per capita reduction in VMT. These data indicate that regional accessibility (i.e., proximity to community centers) has a greater effect on VMT than the other three factors combined. In other words, regional accessibility plays a critical role in a region's travel characteristics. Its metrics are often described in terms of decreases in vehicle trips (because of internalization and use of non-auto modes) and decreases in VMT (because of shorter trip lengths).

023-6

- 23) Do not these numbers from the Journal article cited refer to year round residents?
- 24) How does this rationale apply to Lake Tahoe's high numbers of seasonal residents and visitors?
- 25) What reference can be cited that addresses the 2nd homeowners, seasonal residents, and visitors that make up the context and circumstances in the Lake Tahoe Basin?

023-6
Cont'd

3.3-30

Excluding operations and maintenance costs, this alternative would cost approximately \$535 million in 2012 dollars. Key projects that influence travel demand, capacity, and operational characteristics that are part of this package include:

- ✓ *Kings Beach Commercial Core Improvement Project*
- ✓ *State Route 89/Fanny Bridge Community Revitalization Project*
- ✓ *Lake Tahoe Waterborne Transit Project*
- ✓ *Eight bicycle/pedestrian projects scattered throughout the Region*
- ✓ *US 50 Signal Synchronization*

- 26) The Boulder Bay project was approved after the KBCCIP, so what are the traffic impacts in Kings Beach from this project assuming the capacity is reduced to two through lanes?
- 27) Does not the NOP for the SR89/Fanny Bridge project state that this realignment may not reduce the current congestion along SR89?
- 28) Where is the technical support for the Waterborne Transit?
- 29) How does this Program DEIS reconcile the congestion created according to the project documents and record of the KBCCIP and the proposed densification of the Kings Beach Town Center?
- 30) How does the Program DEIS reconcile the existing congestion in Tahoe City that is not assured of being reduced by the SR89/Fanny Bridge project, with the recent approval of the Homewood Mountain Resort and further densification in Tahoe City?
- 31) How does the densification of the Tahoe City and Kings Beach Town Centers as the central theme of the RPU not exacerbate already congested conditions?
- 32) Where is the program similar to the City of South Lake Tahoe's Redevelopment program that purchased and removed over 2000 tourist units prior to redeveloping Embassy Suites and Heavenly Village projects? The reference here is the "South Tahoe Redevelopment Implementation Plan (January 2005 through December 2009) adopted by the City Council on February 15, 2005.
- 33) Without first removing units in Kings Beach and Tahoe City how can adding more units through densification reduce the congestion problems?
- 34) Should not the TRPA allow the completed construction of Boulder Bay, HMR, and the SR28 reduction occur, to see how these projects impact traffic congestion prior to any commitment to further densification?
- 35) Where is the technical analysis that analyzes these congestion and approved but not completed project facts "on the ground" for Kings Beach and Tahoe City?
- 36) How do these projects coupled with the RPU's densification theme comport with Judge Karlton's Shorezone decision as a federal law precedent to rigorously analyze the "facts on the ground"?
- 37) How do these projects coupled with the RPU's densification theme account for Dr. Steve Melia's Journal article "the Paradox of Intensification" submitted to the RPU Committee?

023-7

- 38) How do these projects coupled with the RPU's densification theme account for Wendall Cox's article submitted to the RPU Committee about air pollutants from increased congestion?

023-7
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TRPA TRAVEL DEMAND MODEL

TRPA maintains an activity-based travel demand model for the Tahoe Region. This model is an enhancement over the more common four-step, trip-based models, because it considers non-home based travel and linked characteristics of a household's travel patterns in addition to planned land uses and transportation system. The travel demand 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 visitors, and overnight visitors.

- 1) Why is this model's data not used in the population projections under the 5 Alternatives?
- 2) How is this model's data integrated with the RPU's SCS?
- 3) How does this model account for projects that have been approved by the TRPA but not yet constructed, e.g. Project 3, Boulder Bay, HMR, Domus, and the KBCCIP?

Table 3.3-12

The TRPA model was calibrated using household travel surveys, mode split data and other travel variables. The model was then validated against existing traffic volumes to confirm that it produces forecasts within acceptable error tolerances (see Appendix C).

I

The RTP/SCS alternatives use the same land use model to project the amount of residential units, non-residential, and population for each alternative. Since the alternatives have different policies relating to land use, application of a land use model that considers the effects of these policies allows for meaningful side-by-side comparisons of alternatives.

023-8

- 4) How does this model translate to the RPU projections of only year round residential populations?
- 5) Where are the projections of growth from approved but not yet completed projects?

According to the Lake Tahoe Origin-Destination Survey Report (RSG, Inc., January 2012, pg. 7), about 60 percent of motorists entering the Tahoe Region on a Friday in August 2011 were visitors. If road user fees were levied and the shuttle system was introduced, some of these visitors would then use the shuttle instead of driving into the Region. (3.3-40)

- 6) What is the data source supporting "some" visitors would then use the shuttle?
- 7) What is the quantity associated with "some" visitors using the shuttle?

With 60 percent of daily trips being visitors and with 10 percent of visitors using the shuttle, then about 1,000 visitor vehicles would park and ride transit. These vehicles could yield a demand for 2,500 to 3,000 transit riders per day (both travel directions). If the peak direction generated 1,500 riders per day, then 38 inbound bus trips per day operating at a 40-person capacity would be generated. These trips would replace nearly 1,000 inbound private auto trips.

- 8) What is the technical basis for making this claim as opposed to wishful thinking?

Significance After Mitigation

*After implementation of mitigation, transportation operation impacts to roadway segments would be **less than significant** for Alternatives 1, 2, 3, 4, and 5, because the monitoring and phased release of land use allocations, in conjunction with trip reducing and transportation system capacity increases would be able to maintain LOS of roadway segments at acceptable levels.*

- 9) What "transportation system capacity increases" are referred to here?
- 10) Where is the analysis of these capacity increases?

MITIGATION MEASURES

No mitigation is required for any of the alternatives.

Impact

3.3-3

Vehicle Miles of Travel (VMT) per Capita. VMT per capita is a measure of the efficiency of the transportation system and the degree to which the land use pattern would reduce personal motor vehicle travel. For the Tahoe Region, VMT per capita may be influenced by a number of variables, including land use pattern, emphasis on personal motor vehicle travel compared to other travel modes, and implementation of vehicle trip reduction strategies. When VMT per capita increases, it results in indirect environmental impacts (such as air pollutant emissions). VMT per capita would increase for all alternatives, except Alternatives 2 and 3. For Alternatives 2 and 3, reduced VMT per capita would be beneficial. For Alternatives 1, 4, and 5, the increased VMT per capita would be a significant adverse impact.

- 11) Is this conclusion based on VMT per capita for only the California side of the Basin in accordance with SB375?
- 12) How is the "beneficial" impact derived for Alternatives 2 and 3? Is it beneficial to the local communities, where vehicle trips increase?

023-9

Methodology estimating VMT and GHG Appendix C

The potential impacts of each Regional Plan alternative are influenced by the amount and distribution of new development (i.e. residential units, CFA, and TAUs). To assess the potential impacts of each alternative, the model was updated to include the total residential, commercial, and tourist accommodation development that would be allowable under each alternative. Since it is not possible to know the exact distribution of future development, TRPA had to make a series of assumptions related to the distribution of 1) residential allocations remaining from the 1987 plan, 2) residential bonus units remaining from the 1987 plan, 3) CFA remaining from the 1987 plan, 4) TAUs remaining from the 1987 plan, 5) new allocations authorized under each action alternative, 6) new residential bonus units authorized under alternative 3, 7) new CFA authorized under each action alternative, and 8) new TAUs authorized under alternatives 4 & 5. Each of these assumptions is described in more detail below.

- 13) Where is the inclusion of approved projects that have not yet been constructed?
- 14) Where is the inclusion of development rights currently banked or in process from governmental agencies and local jurisdictions?

023-10

Marketable Development Rights

The marketing of development rights as referred to in the RPU DEIS must be unpacked as a concept to fully disclose to the public what the environmental impacts may be. The following questions refer to development rights that are basically on paper, not yet physically constructed, and are not part of future TRPA allocations either remaining from the 1987 Plan or proposed to be allocated during the RPU.

- 1) What are the all the specific development rights by category that are acknowledged by the TRPA as having any right or partial right for development?
- 2) What is the quantity of development rights in each category held or banked by the each individual local government, State agencies from both States, and Federal agencies?
- 3) What is the quantity of development rights in each category for each government agency that are in process, not “on the ground” or physically used and complete, yet with complete approvals for utilization?
- 4) What is the quantity of development rights in each category are in the process of being acquired by each individual governmental jurisdiction, but have not yet been completed or certified by the TRPA? (For example, in Placer County, the TNT Materials site is not completely restored, but it has been purchased, buildings and coverage removed, stabilized, and the development rights are calculated. The only step remaining is completion of site restoration and certification from the TRPA.)

023-11

Would you provide an analysis of Basin-wide development rights being separated from the parcel of origin, converted into individual commodities, and bought and sold in the marketplace? What are the environmental consequences of transfers across all boundaries for all development rights as commodities?

2.3.6 ESSENTIAL CONCEPTS: MARKETABLE RIGHTS TRANSFER PROGRAMS

The Marketable Rights Transfer Programs were initiated to minimize impacts to sensitive lands by creating an incentive to direct development to the most suitable areas. These programs manage growth in a manner consistent with achieving and maintaining environmental threshold standards and encourage consolidation of development through transfer of development rights and coverage.

- 1) How will proposed modifications to the Marketable Rights Program continue to “minimize impacts to sensitive lands” ?

What are the categories and quantities of each marketable development right?

From the Solimar Research Group study for the City of South Lake Tahoe (June 7, 2007) entitled "Evaluation of Suggested Policy Framework for the City's Transferable Development Rights" the five categories include Residential Development Rights (RDR), Commercial Floor Area (CFA), Tourist Accommodation Unit (TAU), Residential Unit of Use (RUU), and Coverage (hard, soft, and potential).

The RPU DEIS presents the following as their compilation of existing and remaining development rights, with the assumption that these rights comprise what is available today and will be augmented only by the allocations under the five alternatives in the RPU.

2.4.2 EXISTING AND REMAINING DEVELOPMENT RIGHTS AND ALLOCATIONS

Existing and remaining development rights and allocations from the 1987 Regional Plan that would be available for transfer or allocation under all Regional Plan Update alternatives are summarized below. Depending on the purpose of the impact analysis, allocated but unused (i.e., not constructed) allocations may be categorized separately, as allocated or as unused.

- **24,768 square feet of unallocated CFA:** *This is the available CFA that was authorized under the 1987 Regional Plan but not allocated by TRPA to local jurisdictions or special projects.*
- **358,811 square feet of allocated but unused CFA:** *This includes 199,995 square feet of CFA allocated to local jurisdictions but not yet assigned to projects, and 158,816 square feet of CFA allocated to CEP projects that have not been constructed.*
- **252 unallocated TAUs:** *These are the available TAUs that were authorized but not allocated under the 1987*
- **90 allocated but unused TAUs:** *These TAUs have been assigned to specific projects that have not been constructed.*
- **86 allocated but unused residential allocations:** *All residential allocations authorized under the 1987 Regional Plan have been distributed to the local jurisdictions; 86 allocations remain unused.*
- **629 unallocated residential bonus units:** *These are the remaining bonus units (units for which no development right is required) that were authorized under the 1987 Regional Plan but not yet allocated.*
- **245 allocated but unused residential bonus units:** *These bonus units have been assigned to specific projects that have not been constructed.*

- 1) Please provide a reference as where this data is in the DEIS document package or provide the numbers associated with development rights that are being held or banked by all local jurisdictions and government agencies since the inception of the 1987 Regional Plan. The City of South Lake Tahoe and Placer County have

023-11
Cont'd

each had Redevelopment Agencies that were actively buying properties and the associated development rights. The California Tahoe Conservancy has also been acquiring properties and holds several categories of development rights and access lands. that are not disclosed in the DEIS.

City of South Lake Tahoe

The evidence of the City's rights from the Solimar Report (June 2007) suggests substantial development rights held by the City:

"Taking all these factors into consideration, we estimate the total number of available **RDR's in the City to be 1,304.**" (p. 5)

"Thus the readily available market supply of CFA, not including **CFA** currently in use, is the sum of banked and allocated amounts. These total close to **100,000 square feet.**" (p. 24)

"We therefore identify the supply of **TAU's available on the market** to be the sum of the lower 3 TOT categories and the banked supply, a total of which **is 1,476** (Table 4.2) (p.37)

"In sum, these various sources **yield a total of 171** as the current available supply of **RUU's.**" (p. 58)

Existing RDA owned **coverage (soft and hard) totals 160,000** square feet. (Table 6.3, p. 69)

California Tahoe Conservancy

A recent CTC Board meeting documents were presented about the Conservancy's use and potential use of development rights. Total coverage used was **2,392,793 sq. ft., 177 units in various development rights categories, and 8,151 sq. ft. of CFA.**

According to the June Board meeting documents,

In May 2010, the Board authorized staff to initiate a Land Coverage and Marketable Rights Study to assist staff in evaluating the future of the Conservancy Land Bank, in conjunction with TRPA's Regional Plan Update (Update). A local consulting firm, Environmental Incentives, Inc. (Consultant), was selected for this work.

- 1) Is this document available to the public?
- 2) Can you quantify this significant source of rights outside what TRPA is allocating to facilitate future development?

Placer County

The Placer County is very active in acquiring parcels in Kings Beach and in Tahoe Vista. There is no data in the DEIS about the development rights being held by Placer

023-11
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County, or projects “in the pipeline” which may bring these rights to the market. An example is the Placer County’s purchase of the TNT Batch Plant in Tahoe Vista. Placer County staff suggests this property will add 105,000 of hard coverage and some CFA to Placer County’s development rights “bank.” There are many other properties in Kings Beach which contained TAU’s, coverage, and CFA which are now unknown by the general public.

- 1) What is the impact on the communities of Kings Beach and Tahoe Vista due to the loss of the businesses which have since been removed from the community, reducing employees and causing a reduction of vehicle trips.? One business, TNT Materials, had 18 employees that were removed from the area.
- 2) What development rights has Placer County acquired and has pending or “in the pipeline” ?

The purpose of highlighting these three local government and State agency repositories of development rights is that the summary presented by TRPA in the RPU EIS is incomplete. Please provide a full credible accounting of development rights as this is the only way to connect and compare what exists on the ground today with any future projections of Basin-wide growth.

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Existing Development Rights also “available for transfer”

• **6.5 million square feet of existing CFA:** *This includes all CFA existing prior to the adoption of the Regional Plan in 1987 plus all CFA allocated under the 1987 Regional Plan.*

This number differs substantially from the Solimar Report (June 2007) which states:

“The stock of commercial space Basin-wide in 1987 was somewhere between 2.5 and 4.5 million square feet. The Regional Plan calls for a total increase of 800,000 square feet of commercial development over the 20-year period since Plan adoption...” (p.23)

“The City’s current total on-the-ground commercial space is just over 1.3 million square feet, or between 30% and 50% of the basin-wide total.” This is from the “City of South Lake Tahoe Retail Market Analysis” (December 2005) RRC Associates.

- 1) Provide a technical reconciliation between the City’s numbers and the numbers provided in RPU DEIS.

IMPACT ANALYSIS AND MITIGATION MEASURES

Impact
3.12-1

TRPA's Transfer of Development (transfer) program is a fundamental component of the Regional Plan and is directly related to the location and distribution of employment, population and housing in the region. The overarching goal of the transfer program is to improve the environment by encouraging the consolidation of development into designated receiving areas.

Research has shown that in order for a transfer program to successfully accomplish its mission, there are a number of important factors that must be considered. Important factors can be summarized into three categories: incentivizing transfers, maintaining sending site restrictions, and considering market demand. In general, these factors provide economic incentives to developers that allow for greater economic returns (e.g., bonus allocations) and modified regulations (e.g., increased densities). Combining benefits to a developer can facilitate increased program performance (Preutz 1993, Preutz and Standridge 2009). The different alternatives address these factors in different ways.

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Incomplete and Inadequate Reference to Journal article

The “important factors summarized into three categories” are a misread of the Pruetz and Standridge JAPA’s 2009 article.

- 1) How did the TP DEIS select the three of ten factors?

The three factors selected by the DEIS correspond to Factor 1: Demand for Bonus Development, Factor 3: Strict Sending Area Development Regulations, and Factor 5: Market Incentives, Transfer Ratios and Conversion Factors.

- 2) Where is the “essential ” Factor 2: Receiving Areas Customized to the Community and an “important” Factor 4: Few or No Alternatives to TDR for Achieving Additional Development?

The “incentivizing transfers” is Factor 5 and was present in only 15 of 20 programs analyzed and was not considered essential. However, the first two factors were present in all 20 programs analyzed.

- 3) Provide a credible analysis of Factor 2 and Factor 4?

Factor 2, Customized Receiving Areas, Puetz and Standridge stress the importance of adequate infrastructure to accommodate additional development, political acceptability, and compatability with existing development.

- 4) How do these attributes of customization fit the Lake Tahoe towns of Kings Beach and Tahoe City, which are designated receiving sites.
- 5) How will Tahoe City’s traffic congestion be effected by incentivizing densification in Tahoe City?

TRPA’s Final Report entitled “Tahoe Area Regional Transit Systems Plan Study,” (by LSC Transportation Consultants, Inc. (March 29, 2005) and adopted by the TRPA on May 25, 2000

023-12

On page 22 the Report states, “the most significant ongoing traffic delays occur in the Tahoe City area. Delays exceeding 30 minutes are not uncommon.”

The TRPA approved a reduction from 4 through lanes down to two through lanes on SR28 in Kings Beach.

- 6) How will Kings Beach and surrounding areas be effected by incentivizing densification after reducing the highway capacity?
- 7) Provide a credible analysis of the capacity and traffic consequences of SR28 through Kings Beach after the reduction to two through lanes and incentivizing densification? How much increased density can occur and in relation to increasing congestion?

Factor 4 is “few or no alternatives to TDR for achieving additional development.”

- 8) What are the other alternatives available for achieving redevelopment that would fit the infrastructure (roads and utilities) and scale that would be compatible with existing development?

The Journal article concludes,

“The presence of two of these features in all 20 of the TDR programs we identified as most successful based on the amount of land they had preserved suggests that these two factors are essential to success: developers must want the additional development only available though TDR (factor 1) and the receiving areas must be customized to work within the physical, political, and market characteristics of the community (factor 2).

- 9) How do the proposed incentivized program in this DEIS using “enhanced transfer ratios” as market incentives account for more density in already congested Town Centers?

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Conversion of Development Rights

In the Draft Code of Ordinances:

50.9. ELECTION OF CONVERSION OF USE

Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area, subject to the following standards:

- A.** *The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;*
- B.** *Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;*
- C.** *Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of commercial floor area, using the subsection 50.5.2 criteria for measurement of floor area; and*

023-13

D. A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.

- 1) How do these allowed conversions possibly effect the amount and nature of development in the DEIS?
- 2) How can future development be honestly contained when projected growth is not determined by any particular category of development rights, when certain rights may be converted to different rights with different impacts?

CHAPTER 51: TRANSFER OF DEVELOPMENT

51.3 Transfer of Residential Development Right 51.3.3 Receiving Area **TRPA Code**

C. Transfer of Development Rights to Centers

1. Receiving parcels in town centers, regional centers, and the High-Density Tourist District are eligible to receive development rights based on the land capability district of the sending parcel and the distance of the sending parcel from town centers, regional centers, or the High-Density Tourist District, and from primary transit routes.
2. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be allowed only if the applicant provides TRPA with binding assurance that the development rights of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.6.8.
3. Notwithstanding limitations in chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

In this section 51.3.3 (C) bonus units do not require an allocation.

- 1) Where is the accounting for so called limitations to allocations and growth when enhanced transfer ratios are employed and residential units may be constructed without an allocation?
- 2) How does this conform with any growth control regarding the quantity of development rights?
- 3) What are the limits to the enhancement incentives if the program does not work?

This technical inadequacy is further clarified given the Draft code sections relating to transfers (51.3.3 and 51.5.3) above and the draft Goals and Policies section below (LU-3.6 and LU 3.7).

LU-3.6 TRPA SHALL MAINTAIN A POOL OF DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM SENSITIVE LANDS TO TOWN CENTERS, REGIONAL CENTERS, AND THE HIGH DENSITY TOURIST DISTRICT.

LU-3.7 TRPA SHALL MAINTAIN A POOL OF DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM OUTLYING RESIDENTIAL AREAS TO TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT.

- 1) Combining these code sections and the Goals and Policies section with the Conversion of Use (section 50.9) how can any apparent classification of use be limited and analyzed for environmental impacts in the DEIS?
- 2) Where is there a full accounting of the virtually unlimited pool of "development allocations and bonus units" when the TRPA Board is bound to maintain a "pool?"

023-13
Cont'd

- 3) How does the DEIS acknowledge or analyze the lack of limits and allowed conversions of use in relation to projected population estimates and achieving and maintaining thresholds?

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BAE Urban Economics Memorandum and Report dated May 18, 2012

This document was generated after the release of the DEIS purports to analyze the financial feasibility of the Regional Plan Transfer of Development Incentive Program. It is cited as a reference in both DEIS's as showing the economic viability of the proposed incentive transfer program that will relocate development rights to Town, Regional, and High Density Centers by incentivizing increased densification. The following refers directly to the Report.

Overview of Incentive Program (p.2)

Transfer of Existing Development/Transfer of Development Rights

"The bonus units earned in both scenarios do not require an allocation from TRPA." (p. 3)

- 1) How is this statement in the Report consistent with TRPA staff's claim for months that all units in the incentive program will be accounted for under the bonus unit allocation specifically limited in the RPU?
- 2) Where is the evidence and analysis to support the claim that Transfers as from 1:1 to 6:1 will yield the same net environmental benefits?
- 3) An example is that a SFR generating 10 daily trips is transferred into 6 units in the Center, and even if the vehicle trips were reduced in half for six condominiums that would produce 30 daily trips in the Center. How would this impact other Thresholds?

023-14

Additional Transfer Ratio for Distance from Lake Transit Routes

"The additional 'distance' factor is a new concept for this Development Incentive Program, seeking to encourage retiring and restoring formerly residential uses that are located furthest from the Lake and transfer routes." (p. 4)

- 4) Is distance only what is most important to water quality at Lake Tahoe or is connectivity to the Lake during storm events more germane to reducing urban contaminants from reaching the Lake?

Many outlying residences have no connectivity to the Lake and therefore have no impact on water quality. If these homes are second homes then the vehicle trips on an annual basis do not meet the standard trips and VMT of year round residency.

- 5) Where is the evidence that homes in outlying areas are inhabited by people with the same behavior as those near Centers, where they run to the store impulsively for supplies. Where is there a discussion of behavior relative to location?

Overview of Development Parameters

Site Coverage

“However, it should be noted that the market for development rights, in some cases, includes a site coverage aspect as part of the purchase price for the development right; this theoretically can lead to a higher value in situations where the former coverage at the sending site is being reused at the receiving site.” (p. 5)

This note refers to coverage transfers that would occur in transferring development in the Lake Tahoe Basin. Where is the analysis of the impact of coverage transfers associated with developed parcels transferring their development rights?

- 6) Where is the analysis that transferring coverage from outlying areas that may or may not be hydrologically connected to Lake Tahoe is beneficial to the water quality threshold?

Parking Requirements (p. 5)

- 7) How does the parking assumption used in the analysis (1 space for any units up to and including a 2 bedroom unit) fit for a two bedroom, 2400 sq.ft., condominium which could easily accommodate 6 occupants?
- 8) Is this parking assumption consistent among local jurisdictions?
- 9) Won't this parking assumption lead to a falsely reduced pro forma costs?

Other Parameters Imposed by the Regional Plan that are Missing from Analysis

- 10) Where is the cost of BMP installation in the pro forma?
- 11) Could it be that BAE used average Sacramento building costs which do not include BMP installation at Lake Tahoe according to TRPA regulations?
- 12) Snow Storage is not even mentioned as a parameter, and is not accounted for in the pro forma, but is it not imposed by the Regional Plan as a requirement for any project.
- 13) Snow load requirements at Tahoe are also required by TRPA and cause increased costs over Sacramento buildings, so where is this accounted for in the pro forma?

Pro Forma Analysis

Methodology

The static pro forma establishes a development program (e.g., number of units, size of units, etc.), and estimates all development costs for this project (excluding land), based on a variety of sources as footnoted in the examples included in the Appendices to this memorandum. (p.5)

Using the Appendix example of a Single use – Small Unit Residential for-Sale with low TDR Incentive Ratio & Low TDR Cost, the following are footnotes that lack technical adequacy to reflect real costs at Lake Tahoe.

d) Parking requirements vary by local jurisdiction
Assumed for this analysis:
Spaces per Unit (up to 2 bedroom unit) 1.0 parking space
Space per additional bedroom 0.5 per additional bedroom
All units in this analysis assumed to be two-bedroom or smaller
e) Hard Construction Costs based on RS Means for Sacramento. Costs in Nevada locations may be lower
Cost excludes architecture, engineering, and other soft costs

023-14
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Hard cost assumes wood frame construction for this scenario.
 f) Parking Costs = \$8.00 per sq. ft.
 \$2,800 per space (surface lot)
 g) On- and Off-site Costs = \$5,000 per unit (estimate, assumes infill development)
 h) Impact fees based on review of Placer County Housing Element, which estimates total fees for multifamily construction (varies by location)
 Impact fees assumed to be \$28,000 average per multifamily unit
 Impact fees include fire district, sewer hookup, roads, other infrastructure
 i) TRPA Air Quality Impact Fee = \$325.84 for each new trip (above prior use)
 Trips per day = 5.86 average trips per weekday, residential condominium, per ITE Trip Generation 6th Edition
 j) Development Right Cost based on review of low and high sales of development rights
 Low Cost = \$17,000 recent listed rights available for sale (during recession)
 High Cost = \$80,000 per residential unit retired through sensitive lands program
 Assumes no additional cost for site coverage (due to combination of redeveloping existing site and transferred coverages from sending site)

- 14) How do Hard Construction costs based on Sacramento @ \$160/sq.ft. apply to Lake Tahoe?
 These costs do not include the cost of BMP's, snow storage, or the additional costs of meeting local snow load requirements.
- 15) Where is there any evidence that Parking costs of \$2800 per space are available in Lake Tahoe?
 Sacramento, but do not reflect the cost of parking spaces in Lake Tahoe.
- 16) The Low cost of \$17,000 per development right appears to be tied to the California Tahoe Conservancy source of development rights. How many development rights does the CTC have, and at this price? Is this a sustainable source and price from which to draw conclusions of feasibility?

These footnotes for the different scenarios are all lacking in applicability to the Lake Tahoe area, and result in projected costs that are at least 15%- 25% lower.

Developer Profit

Profit is estimated as 10 percent of hard costs (e.g., "return on cost"), which is a general standard of profit threshold utilized by medium to large developers. (p. 6)

- 17) Where is the evidence to support a 10% developer profit? The risk involved in a multi-year project with a short construction season is considerable, so where is the evidence that it customary at Lake Tahoe that the developer only expects a 10% return on hard costs?

Condominium Sales Prices

The resulting estimate of sale price used for the analysis herein was \$450,000 for the 1,200 square foot "small condo unit size" and \$850,000 for the 2,800 square foot "large condo unit size." (p.8)

The analysis of the Single use 25 unit condominium project assumes a sales price of \$450,000 per unit which is more than double the median sales price in Kings Beach as stated in the Report.

- 18) How would a project in Kings Beach using any transfer ratio be considered economical?
- 19) How appropriate is it to use \$450,000 as the sales price for the project given today's market?
- 20) Does this price point selection exaggerate the revenue expectation given the facts on the ground?

Page 11 BAE Report

APPENDIX A: MARKET DATA FOR CONDOMINIUMS & RETAIL

Median Price of Condominiums Built 1997 - 2012 and Sold in the Past Year (a)
 Zip Code County, State Community
 Number of Sales Meeting Criteria
 Median Sales Price

023-14
 Cont'd

96150 El Dorado, CA South Lake Tahoe 0	NA
96145 Placer, CA Tahoe City 0	NA
96143 Placer, CA Kings Beach 13	\$214,500
89451 Washoe, NV Incline Village 29	\$402,000
89449 Douglas, NV Stateline 1	\$875,000

Note:

(a) This table shows the median price for condominiums that were built between 1997 and 2012, and sold between April 2011 and April 2012.
Source: Dataquick; BAE, 2012.

- 21) This data is insufficient unless it qualifies the sales by unit size and bedrooms. The pro forma only used one and two bedroom units. Where is the evidence that there is a credible correspondence of published sales prices and the Single use small project example?

Summary of Findings

There are numerous inadequacies in this report, beginning with the cost components of numerous categories, the failure to include essential costs that are part of any development in Lake Tahoe, and the projected price point component of revenue.

- 22) How can the pricing and cost discrepancies be reconciled to reflect a credible economic analysis?

- 23) Did the following purpose of the Report induce the consultant to “cut corners” in numerous ways to provide a result that is reflected in the Purpose of Analysis on page 3:

The analysis of feasibility was commissioned to verify that the Regional Plan’s proposed Development Incentive Program will improve the utilization of the concept of transferring development rights (TDR) to restore sensitive lands and concentrate new development in locations throughout the Tahoe region that can sustain additional projects with less environmental impact.

- 24) If a credible analysis cannot produce the desired result, are there other considerations at Lake Tahoe that prevent a favorable economic conclusion?
- 25) Do not the fundamental errors and omissions produce a document that is misleading and misinforming decision makers about real costs in the Lake Tahoe Basin and realistic expectations of sales in the Lake Tahoe Basin?

023-14
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Cumulative Impacts in both DEIS’s

- 1) Where are the calculations of population increases due to the list of projects in the cumulative impacts section?
- 2) What are the quantitative connections from all the listed projects to the projected population increases shown for each of the five Alternatives?
- 3) Why would CalPeco need to double power capacity on the North shore to 120kV lines with an increase in population projected of only a few thousand from today’s conditions and less than the area’s population from 2000.
- 4) Where is the quantitative connection to the Thresholds?

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024

Dave McClure
North Tahoe Citizens Action Alliance
4.25.12

Dave McClure, North Tahoe Citizens Action Alliance said he would like to share some research that we have discovered that was not known to our organization. In recent discussions with several members on the Nevada side it was not known to those officials as well. Our concern is with the Tahoe Metropolitan Planning Organization (TMPO) which was established here as a part of the TRPA in 1998-1999 and it was an exception to what were the Federal guidelines for Metropolitan Planning Organizations (MPO). Generally organizations for large metropolitan areas with their growth issues and expansions, sprawl, problems, etc. After the Clinton summit in the late 1990's at the request and consent of both Governors of California and Nevada and Senators Feinstein and Reid there was an exception made to the law and Lake Tahoe was granted a status of a TMPO. That legislation which is now codified federally is dependent totally on the existence and working of a Compact. The Compact was a precondition for the TMPO to exist. To the extent that SB271 threatens a pulling out and possible dissolution of the Compact that the TMPO goes to, the Transportation District goes. We researched this and spoke to the FHWA, Department of Transportation their policy experts and the Federal Legislation is clear that this is an exceptional circumstance. The concern is that maybe there is not a need to be concerned because on the Nevada side it does not matter. There are a lot of people out here that wondering whether or not the advantage of being a TMPO and being eligible for millions of dollars in funding for Transportation and land use which is part of the strings attached to Federal money. Is it they want to implement UN Agenda 21 and it is being done that way. So if you want our millions of dollars then your growth in Metropolitan areas will abide by these systems and guidelines of combining transportation and land use. This overall plan was never intended specifically for Lake Tahoe. It was for metropolitan planning areas. In the packet it today, I read where there is in the Transportation summary a statement about depending on the Federal Government for millions of dollars to fund these plans. Those dollars would be coming through the TMPO. Without the Compact there is no TMPO and it changes the entire structure of obtaining Federal funding. But it is not necessarily the end of the world and as we heard the other day that the Nevada side was characterized as a libertarian culture. If it is, it may not be so bad to not be dependent on millions of Federal dollars when most of the money is being borrowed as it is. We are watching closely and understand the funding mechanisms and hope as a TRPA Board that you are not assuming that these millions of dollars in Federal funds automatically are going to be feeding into this area no matter what the result is. In fact that there are strings attached to fund the certain type of growth. A type of growth that integrates Transportation and land use.

024-1

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025**Dave McClure****North Tahoe Citizens Action Alliance**

5.23.12

Dave McClure, North Tahoe Citizens Action Alliance said I want to talk for a minute about SB375 because we have been getting feedback from people in the community who has been contacting TRPA and going to some of the meetings and they keep saying it is SB375 which is why we have to do this. We have to do the sustainable community strategy, the densification of development in the town centers and other centers. We have to do this because of SB375. I think there is a real misunderstanding here about SB375 and the function of the requirements of sustainable community strategy. This is for MPOs or Metropolitan Planning Organizations that are experiencing sprawl consistently, which never stops. They just continue to want to expand out and this is a way to help redirect that growth from sprawl into dense areas along transit lines. It makes total sense in these kinds of areas because there is a consistent pressure for sprawl development. Tahoe doesn't have any more sprawl development. Tahoe went through the regulations controlling growth in the 1987 Plan that is totally unique to Lake Tahoe, so there isn't the pressure of consistent sprawl. In SB375, it makes it very clear that you have a choice. You don't have to do sustainable community strategies; you don't have to do that. You can elect to do an alternative planning strategy that incorporates a lot of the local rules and so on that control your growth that would actually work as a substitute for this intensification of development. That whole concept is not being applied properly at Lake Tahoe. The words are taken directly out of San Diego's area government's sustainable community strategy almost word for word. The whole procedure, the whole process and used here at Lake Tahoe as if we are being forced to do what the metropolitan areas are doing in Lake Tahoe. We have to do this and it absolutely untrue. Alternative planning strategy is an option under SB 375. If we look for the evidence for what SB375 like growth has done, the sustainable community densification has done, we can look right to the Community Enhancement Program, the CEP projects were based on that theory. The only kinds of major development that we have had in the Basin are at South Lake Tahoe, Embassy Suites, and Heavenly Village and of course we removed 2150 motels units before rebuilding those, so they ended up working out pretty well as a redevelopment. But since then, using the sustainable community strategies all we have seen are Boulder Bay and Homewood. These are resort developments. This is not the specific reason for sustainable community development, which is residential, year-round. These are people who live year-round, work in the cities and instead of sprawling out everywhere, they want them to develop along transportation lines, so they can use mass transit to get into their workplace. This is what SB375 is all about, for MPOs that have millions of people. We are taking the same concepts and the same language there are using from San Diego and putting it in Tahoe and saying this is our plan and we have to do it, because of SB375. When the state legislators find out the whole story here and that they types of development we are producing under this idea of sustainable community strategies, are really resort developments, mountain resort developments and they have nothing to do with year-round residency and nothing to do with locating urban pressure to prevent sprawl and locating it along transport lines. I would like to suggest that we have an alternative in SB375 and we don't have to go this route because it is just going to be a collision course.

025-1

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026

June 12, 2012

Tahoe Regional Planning Agency

P.O. Box 5310

129 Market Street

Stateline, NV 89448

Attn: Adam Lewandowski, Senior Planner

e-mail: regionalplancomments@trpa.org

Re: Comments on the Draft Environmental Impact Statement for the Regional Plan Update

Dear Mr. Lewandowski:

On behalf of the North Tahoe Preservation Alliance and the Mountain Area Preservation Foundation, this letter provides comments on the above-titled Draft EIS for the Regional Plan Update (RPU). The North Tahoe Preservation Alliance (NTPA) is a Nevada nonprofit corporation formed to ensure that North Lake Tahoe retains its natural beauty and easygoing, rustic lifestyle. The Mountain Area Preservation Foundation was founded in 1987 and has become a leading advocate for sound land use planning to protect the regions' fragile landscapes from poorly planned growth. This letter provides comments on the Draft EIS that are in addition to and do not replace or otherwise supersede comments that were previously submitted or will submit under separate cover. We also wish to incorporate separate comments by the League to Save Lake Tahoe, the Tahoe Area Sierra Club, the North Tahoe Citizen's Action Alliance, the Friends of the West Shore, the Friends of Lake Tahoe, Ms. Ellie Waller, Tahoe Vista resident, Joy Dahlgren, Friends of Crystal Bay/Brockway and Tony Kalbfus, economist.

In our review of the RPU Draft EIS, we believe that the DEIS did not adequately investigate or disclose the proposed "experimental" plan's potentially significant effects on the environment. Of particular concern are the following:

1. Understating the proposed Population Growth and Entitlements.
2. Entitlements to be recharged as needed promoting unlimited growth
3. Fails to Address Significant Effects of the Upzoning of uses of Recreation Designated Lands to Allow Development of Single Family Homes, Commercial and Tourist Accommodation Uses.
4. Understating Traffic Impacts- See Joy Dahlgren's comments attached
5. Overstating the Potential for Success in the Flawed Transfer Development Rights Program
6. Understating Adequacy of Existing Capacity at Recreation Facilities. Failure to disclose or analyze the impacts of visitors on the Recreation Threshold
7. Significant Increases in Allowed Height, Massing, Density and Coverage
8. Absence of Safeguards When Transferring Jurisdiction over to the Counties.

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026-1

For each of these reasons, explained in more detail in the remainder of this letter, we respectfully request that TRPA revise the DEIS and re-circulate for public review and comment a legally adequate DEIS that fully complies with the law and is supported by substantial evidence in light of the whole record.

026-1
Cont'd

1. **Underestimated Potential Population Growth**

- How does underestimating the current and potential Lake Tahoe population comply with Article V of the Compact which directs the Agency to develop credible carrying capacities, "(b) The agency shall develop, in cooperation with the States of California and Nevada, environmental threshold carrying capacities for the region".?
- If by 2035 population will only increase by 5892 people and housing units will only increase by 4416, how do you credibly calculate only be 1.3 people per unit? Is it a sound rationale to calculate population on the same basis as the census methodology which doesn't count second homes, fractional or timeshare units? What is the justification for only using census data?
- Proposed population numbers from 2010-2020 in Alt. 3 are based on a compounded growth of .26%/ year, yet the average compounded growth of the five counties at Tahoe from 2000-2010 is 2.32%/yr and Tahoe grew at 1.96%/year compounded from 1990—2000. (NTPA Table Ex A) How did you credibly arrive at this low yearly percentage projected population growth when the same TRPA growth management controls have been in place since 1987? (3.12-12 Regional Plan Update Draft EIS)
- Can we expect the same percentage population growth to new housing units in the future? It appears demand for new housing dropped from 1990-2000 to 2000-2010. Since the same TRPA growth management has been in place since 1987, wouldn't the change be attributable to the economic recession?
- How do you credibly reconcile this data? How can TRPA growth controls be limiting population as claimed in the EIS when the same growth controls have been in place since 1987. (Threshold—Socioeconomics Appendix A)
- How will an increase of 10k from the 2010 census figure impact the thresholds? How will a 15k increase...a 20k increase?

026-2

The Relevance of Population Statistics: Talking about the resident population of Lake Tahoe or any other resort area makes little sense when a large portion of housing units represents 2nd homes, vacation homes, hotel rooms, and timeshare units. The Census Bureau only counts people in their main residents. (Kalbfus 2012) *EXHIBIT E*

HOUSING

The proposed population assumption is based on second home ownership staying at 44%, as it was in 2010, however it was 51% in 1990.

- What is the trend of vacation home ownership over the last 30 years? What is the relationship and trend of the % of vacation home ownership to population? The above mentioned swing in second home ownership is 7%.

- If the percentage of vacation home ownership returned to 51%, how would that impact thresholds and population?
- Recent 40-50% decreases in the value of Lake Tahoe Real Estate has made the area more affordable. How might that affect percentage ownership by residents and thereby affect population growth and thresholds?

Housing units have increased by nearly 3700 units over the last 20 years, but it doesn't consider how many new TAUS are fractional, hotel/condo or timeshare ownership. Fractional and timeshare units are used more frequently than single ownership vacation homes.

- What is the inventory of fractional, hotel/condo and timeshare units? Existing inventories and trends over the last 20 years? There seems to have been an explosion of timeshare units around Lake Tahoe in recent years. (Kalbfus Table 2012)
- What is the inventory of vacation homes that are short term rentals? Existing numbers and trends over the last 20 years.
- There is no current count or trend analysis of the number or impacts of visitors per year to the basin. If the Forest Service owns 75% of the basin and they counted 5.7m visitors in 2009-2010. How many total visitors are there? The Forest Service counted 7.5m visitors in 2004-2005, what are the environmental impacts of returning to that number of visitors (+2.4m)? What would the total number of visitors be considering the 7.5m figure for 75% of the basin? THIS DATA MUST BE INCLUDED AND IMPACTS ANALYZED IN THE EIS.

026-2
Cont'd

2. ENTITLEMENTS

- Entitlements can be recharged as needed, so how can impacts or population be credibly analyzed in the EIS when there is no limit? (See Goals and Policies 3.6 and 3.7)
- There is no inventory or analysis of entitlements (Coverage, Development rights, allocations etc.) from the agencies (CTC, NSL, City of South Lake Tahoe) or Counties. This must be analyzed and included in the EIS.
- Nevada State Lands currently has an inventory of approx. 85,000 sf of coverage. The CTC appears to have 2m+ sf of coverage and 481 properties in their "asset lands" program. How will the sale of local agency lands, coverage and entitlements impact the thresholds? Shouldn't these outstanding entitlements be quantified and analyzed?
- What is the inventory of entitlements (TAUS etc.) that have been demolished, but not rebuilt (i.e. the Heavenly Chateau) and if these units were developed how would they impact the thresholds? Shouldn't this analysis be part of cumulative impacts?

026-3

3. Significant Effects of Upzoning Recreation Designated Lands and Changing Conservation use to Recreation to Allow Development of Single Family Homes, Commercial and Tourist Accommodation Uses.

026-4

"Alternative 3 also proposes to amend the Code to allow the development and subdivision of tourist, commercial, and multi-residential uses in Recreation Districts outside the urban area as a component of an Area Plan or other Master Plan that has been found in conformance with the Regional Plan. This amendment could ultimately lead to more intensive tourist, commercial, and multi-residential development of lands in the Region designated a Recreation." (RPU EIS)

Alt. 2 would reclassify approximately 477 acres of conservation to recreation for the Van Sickle Bi-State Park. Alt. 3 would reclassify approximately 727 acres of conservation lands to recreation, 477 acres for the Van Sickle Bi-State Park and 250 acres of privately owned lands. Alt. 4 would reclassify approximately 477 acres of conservation to recreation for the Van Sickle Bi-State Park. Alt. 5 would reclassify approximately 477 acres of conservation to recreation for the Van Sickle Bi-State Park and an additional 1300 acres of conservation lands to recreation to match the USFS permit boundary line. (RPU EIS)

- This rezoning is not consistent with existing development or plan area statements as claimed in the EIS 3.2-67-69. A plan area statement may currently allow employee housing, but that use does not equate to SFR, CFA and TAUS. The EIS must adequately analyze potential impacts to the environment and population as it "will surely lead to more intensive use of currently undeveloped land." (RPU EIS)
- How will developing pristine forest land achieve and maintain thresholds?
- What credible evidence is there that this will be beneficial to the environment?
- What proposed or contemplated plans do the Forest Service, Park Cattle and Vail have for these large parcels?
- Why doesn't this rezoning set a dangerous precedent for urban sprawl?
- Where are the maps of the Vail /Forest Service upzoning at the top of Ski Run Blvd. in the EIS? (1300 and 22 acres)
- How do the proposed use changes affect the Recreation threshold? Where is the analysis?

026-4
Cont'd

4. TRAFFIC IMPACTS SEVERELY UNDERESTIMATED-SEE JOY DALGREN'S Comments (Exhibit B)

These flaws in the traffic analysis, in turn, infect the analyses of many other significant impacts, including water, air, and noise pollution, which are all exacerbated by increased traffic. It is therefore impossible for TRPA to certify the EIS and find that all significant impacts have been reduced or avoided.

026-5

5. EIS Fails to Justify and Overstates the Potential for Success of the Transfer of Development Rights Program

TRPA'S RATIONALE ON THE TRANSFER OF DEVELOPMENT PROGRAM IS SEVERELY FLAWED.

Although the EIS maintains "TRPA's Transfer of Development (transfer) program is a fundamental component of the Regional Plan and is directly related to the location and distribution of employment, population and housing in the region. The overarching goal of the transfer program is to improve the

026-6

environment by encouraging the consolidation of development into designated receiving areas.” Research has shown (Rick Pruetz & Noah Standridge (2008): What Makes Transfer of Development Rights Work?: Success Factors From Research and Practice, Journal of the American Planning Association, 75:1, 78-87) (Exhibit C) this program does NOT have the components to be successful:

- a. Developers don’t need to participate in the program in order to develop in Town Centers. There are other avenues to obtain the necessary units: bonus units, purchase entitlements from private parties, government entities, or buy and retire existing development. Per TRPA the table below provides a summary of residential and other development commodities as proposed in the EIS.

Commodity	Existing 2011	Remaining	Remaining as % of Existing	DEIS Alternative				
				1	2	3	4	5
Residential Development Rights	48,266	4,091	8.48%	N.A.	N.A.	N.A.	N.A.	N.A.
Residential Allocations	N.A.	86 (from 1987 Plan)	N.A.	0	2600	2600	4000	5200
Residential Bonus Units	N.A.	874 (from 1987 Plan)	N.A.	0	0	600	0	0
Commercial Floor Area (square feet)	6.4 million	383,579 (from 1987 Plan)	5.99%	0	200,000	200,000	400,000	600,000
Tourist Accommodation Units	12,399	342	2.76%	0	0	0	200	400

- b. Development must be strictly limited on the sending sites. In order to motivate the landowner the sending area zoning can’t be too generous. 1 unit/5 acres is the maximum density to encourage sellers. The areas designated by the TRPA program have a density of 1 unit/1/3 acre. A modest cabin at Tahoe sells for \$250k and 3.5 development rights

026-6
Cont'd

@\$30k each (what they sell for now) wouldn't adequately compensate the owner, much less enable him to demolish and restore the site or buy property in a Town Center and develop 3.5 units.

- c. The program must offer developers few alternative ways of gaining additional development potential other than TDR and they must offer market incentives, like transfer ratios and conversion factors, designed to produce TDR prices that adequately compensate sending-area land owners, yet are affordable to receiving-area developers. TRPA staff and the BAE 2012 study have acknowledged that the program would need a better economy and that there are numerous other ways to obtain development rights.
- d. TRPA's justification is the BAE 2012 study which fails to analyze the program and economic viability from the standpoint of the land owner. The report analyzes the program from the standpoint of the Developer and admits it would require an improved economy and that outlying properties are usually more valuable and therefore not a candidate for the program. See attached TDR Scenario (NTPA 2012 Exhibit D).
- e. Forecasts of demand exceeding supply are problematical and unsubstantiated.
- f. Declining vehicle miles driven is a national phenomenon that is related to the weak economy and high gasoline prices and should not be attributed to the Marketable Rights Transfer program for the Lake Tahoe Basin.
- A credible feasibility analysis of the TDR program which adequately analyzes the above issues must be included in the EIS.
- "Demand exceeding supply only happens when the price is held down artificially. Otherwise, restricting supply increases prices." (Kalbfus 2012) What assumptions are being made to get demand exceeding supply?
- "On a national basis the number of vehicle miles driven has declined in recent years in response to the combination of a weak economy and high gasoline prices." (Kalbfus 2012) On what credible basis do you attribute the economic troubles at Lake Tahoe to the current regulatory environment and not the current nationwide recession?

026-6
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6. Understating Adequacy of Existing Capacity at Recreation Facilities. Failure to disclose or analyze the impacts of visitors on the Recreation Threshold and impacts of new development on Forest Land.

"All of the alternatives would allow for increases in residential units and TAUS, increasing resident and tourist populations, and therefore incrementally increasing the demand for recreation facilities and uses." (Impact 3.11-1 EIS). The EIS claims there are 18,422 PAOTs left and the recreation threshold is in compliance. Looking at winter day use, 12400 PAOTS are available, 5267 are assigned and 7133 are remaining. However, Heavenly alone has up to 14k skiers on a big day and Diamond Peak has 4k. Sand Harbor has upwards of 2000 visitors and the EIS claims 5569 PAOTS left in the basin for Summer Day Use. Incline has started a summer shuttle/park and ride to Sand Harbor due to the dangerous driving/pedestrian conditions around the Park in the summer. It is apparent that Lake Tahoe's recreational facilities are already at the maximum capacity at peak periods.

026-7

PAOTS are not a useful measurement of existing use or capacity in recreation facilities. The definition of PAOTs is the same everywhere in the code (The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity), yet the term was developed by the Forest Service to count campsites. One campsite equals one PAOT and a campsite held 5 people. This has little to do with calculating capacity as required in the Compact. The Compact Art II (i) "requires that the recreation threshold is an environmental standard necessary to maintain a significant...recreationalvalue....". The Recreation Threshold doesn't establish carrying capacities; it just provides user-friendly surveys to support the value of recreation. Recreation is an environmental standard, and the EIS must analyze the environmental impacts of the plan on a standard. A survey is incapable of maintaining an environmental value.

- How is a Forest Service user survey credible as a tool to analyze the Recreation Threshold and capacity?
- How does a system that was used to count campsites extrapolate to be considered as a scientific basis for whether or not the Recreation threshold is in compliance?
- What is the rationale of the use of the PAOT methodology, when it has so little relation to the reality on the ground at recreation areas? How do you reconcile these numbers for the EIS?
- What is the inventory of existing PAOT allocations to different uses? How are PAOTS allotted to Ski Area uses.
- Since Homewood has expanded it's build out to 1m sf, why hasn't any summer or winter PAOTS been allotted to the development?
- How does implementing existing recreation goals and policies....create a less than significant impact for all alternatives? Proposed Goals and Policies promote development and Alt 3 would allow SFR, CFA and TAUS on Forest Land, which is a significant impact. Where is the analysis of the potential impacts of these new uses as they relate to the Goals and Policies in the EIS?
- Given this significant use change (Alt 3, SFR, CFA, TAUS) how can the EIS claim "no change in the Recreation element of Goals and Policies in the EIS"?
- How does using a USFS 2005 study forecast only a 50k increase in visitors over the next 13 years give an accurate picture of future or existing demand when the USFS claimed 5.7m visitors in 2010 and 7.8m visitors in 2005, a 26% change? What is the credible basis for the statement that there are adequate recreational opportunities?
- Where is the analysis of impacts of 2 million more visitors if the Basin returns to 2005 levels?
- VMTs are down 7% during the recession. (Kolbfas 2012). Where is a credible analysis of the number of visitors to the basin if VMTs return to pre-recession levels?

026-7
Cont'd

- Where does the EIS analyze the fact that the USFS survey only accounts for 75% of the Basin? How many yearly visitors are there to the entire Tahoe Basin?
- Even the EIS Threshold for Recreation claims a need for a more comprehensive survey than the USFS survey. Considering the use of such inadequate methodology, what level of certainty is there that the Recreation threshold is in attainment?

026-7
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7. Significant Increased Height, Massing, Density and Coverage

Article V(c) of the Compact requires that, whenever the Regional Plan is amended, “at a minimum, the plan and all its elements, as implemented through agency ordinances, rules and regulations, [must] achieve[] and maintain[] the adopted environmental threshold carrying capacities.” Section 6.5 of the Code of Ordinances requires that, whenever TRPA amends the Regional Plan, including the amendment of ordinances, it make a written finding that “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.” In the Shorezone Amendments litigation decided last September, the court found that in order to make this finding for those thresholds that have not been attained, Code section 6.5 requires “a showing that something – whether the [proposed] [a]mendment[] or something else – will provide the necessary improvement” to achieve the thresholds. *League to Save Lake Tahoe v. Tahoe Regional Planning Agency*, 739 F.Supp.2d 1260, 1271 (E.D. Cal. 2010). Similarly to the Shorezone Amendment findings, the proposed findings for the proposed increased height (197’ in South Shore Casino Core, 95’ in Regional Center, 56’ in Town Centers) does not show how unattained thresholds will be achieved. As a reminder, the Regional Plan as it currently exists does not achieve and maintain the environmental threshold carrying capacities for the Lake Tahoe Basin in a wide variety of respects. According to the 2006 Threshold Evaluation, the region is out of attainment for six out of seven indicators for the water quality threshold, including clarity, which in fact is getting worse. Four of eight air quality indicators – carbon monoxide, ozone, particulate, and vehicle miles traveled – are also not in Tahoe Regional Planning Association April 26, 2011 Page 3 of 3 . attainment; indeed, ozone standard violations are on the rise. The noise threshold is not in attainment for two out of three indicators. None of the four scenic thresholds are in attainment.

026-8

The only way in which TRPA could therefore credibly find that the Regional Plan as implemented by the Code and amended by the height amendment achieves and maintains the thresholds is if the new proposed heights in it were intended somehow to correct course in achieving the non-attained thresholds. However, that’s certainly not the case. Even if the new heights supplied “some” improvement by promoting attainment, as the proposed findings merely suggest here, that would not be enough. As the court found in the Shorezone Amendments litigation, the “Compact and Ordinances require a finding that TRPA will make it to the goal,” or go all the way in achieving all of the thresholds. *Id.* at 1269.

But TRPA cannot credibly find that the proposed new heights will make some improvement. The new proposed heights are specifically intended to facilitate projects that will bring in more residents, more

hotel guests, more retail, and inevitably more traffic, notwithstanding the EIS's flawed traffic analysis. In addition, it will potentially have unmitigated scenic impacts.

For these reasons, we urge you not to approve the proposed height, density and coverage changes.

- Allowed height will be increased to 197', 95', 56' with allowances for additional height if the site is steep, the project contains TAUS or it includes an area wide BMP. How will these staggering increases achieve and maintain thresholds?
- Coverage will be increased from 50% to 70% in town centers; which will increase visual massing by at least a factor of 10. How does increasing coverage and massing improve thresholds?
- How will this increase in coverage affect the character of our communities?
- How will changing TRPA's methodology used to calculate a building's height, not increase the structures massing and therefore affect the scenic threshold?
- Coverage is proposed to be transferred between hydrologic areas. The practice isn't currently allowed because each hydrologic area has individual carrying capacities. How will potentially adding more coverage to hydrologic areas already over covered achieve and maintain thresholds?
- Soft coverage (unpaved roads) can be converted to hard coverage in Town Centers. How will this improve Lake Clarity?
- Density will increase from 15/unit per acre to 40 for Tourist Accommodation Units. That's 160% increase. How will this significant increase credibly improve thresholds? A massing study must be provided to the Public within the EIS. The affordable housing Domas project on Chipmunk in Kings Beach is an excellent example of massing out of control and how it can change the character of the Community.
- Density for residential will increase from 15/unit per acre to 25. How will this increase improve water quality?
- The EIS claims Ca. SB375 as the motivating factor to justify smart growth land planning by concentrating development in order to get people out of their cars and improve air quality. The definition of a metropolitan area is "at least one urbanized city of 50k inhabitants." Lake Tahoe and its communities do not meet that definition of a metropolitan area. Lake Tahoe resident population is approx. 55k, but it is spread out in small communities along the 80 miles circumference of the Lake. What is the rationale for the claim Lake Tahoe is a metropolitan area? Simply being designated a TMPO in order to obtain Federal monies does not make it meet the definition.

026-8
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- Lake Tahoe does not have a comprehensive Public transportation system. Where is the evidence that concentrating development in a resort community with a small resident base, a large visitor base and steep geography will achieve and maintain thresholds? How does it improve water quality when coverage is being increased to 70%?

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8. Absence of Safeguards When Transferring Jurisdiction over to the Counties.

Placer and Washoe Counties have demonstrated their disregard for Public Trust, safety and well-being by promoting a biomass plant in Kings Beach, overcharging Incline property owners for their taxes since 2006, and supporting a developer's taking of necessary ingress/egress roads in Crystal Bay, Nevada. Placer County Supervisors removed our elected representative, Jennifer Montgomery, from TRPA. Now Washoe County is pushing to segment the North Stateline Community Plan along the State line rather than develop a cohesive master plan for the bi-state area.

Local plans can supersede the Regional Plan if the changes are found in conformance with the Regional Plan, but the Goals and Policies of the Regional Plan (EIS Appendix A) set the bar so low, all that will be required for approval is: promoting development and economic improvement, concentrating development and completing BMPs.


- What will be the specific standards and findings for conformance with the Regional Plan?
- Will a local code that supersedes the Regional Plan have to show how it will achieve and maintain thresholds? How will that be accomplished?
- Will the area plans be required to perform an environmental analysis?

026-9

CONCLUSION

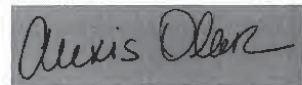
For each of these aforementioned reasons, the North Tahoe Preservation Alliance, respectfully request that TRPA revise the DEIS and re-circulate for public review and comment a legally technically adequate DEIS that fully complies with the law and is supported by substantial evidence in light of the whole record.

Sincerely,



Ann Nichols

On behalf of the North Tahoe Preservation Alliance



On behalf of the Mountain Area Preservation Foundation

EXHIBIT A

POPULATION, HOUSING & VISITOR ANALYSIS- REGIONAL PLAN UPDATE

PREPARED BY NTPA

Jun-12

YEAR	1990	2000	2010	10 YEAR % INCREASE	COMP. ANNUAL GROWTH RATE
POPULATION					
STATE OF CA			37,000,000		
PLACER COUNTY	248,388		348,400	40.3%	3.44%
EL DORADO COUNTY	156,299		181,058	15.8%	1.48%
STATE OF NEVADA	1,998,000		2,700,000	35.1%	3.06%
WASHOE COUNTY	339,000		421,400	24.3%	2.20%
DOUGLAS COUNTY	41,259		46,997	13.9%	1.31%
CARSON CITY COUNTY	52,457		55,274	5.4%	0.52%
CA/NV COUNTIES	837,403		1,053,129	25.8%	2.32%
TRPA Pop. For Tahoe					
Alternative 1	51,775	62,894	54,473	55,132	55,687
Comp. annual Growth Rate		1.96%	-1.43%	0.12%	0.07%
Alternative3	51,775	62,894	54,473	58,049	60,365
Comp. Annual Growth Rate		1.96%	-1.43%	0.64%	0.26%
					0.41%

Tahoe growth is underestimated in Alt 1 and Alt 3.

Average County growth was 2.32%/yr. compounded, on what basis does TRPA project .12% and .64% growth for Tahoe?

Tahoe grew at 1.96% compounded from 1990-2000 with the same growth controls in place,

Why is it credible to predict a .26% compounded growth for Alternative 3?

If 2nd home ownership % changes, residents could significantly increase

Census doesn't count timeshare or fractional ownership.

Why does projected Tahoe growth slow from 2020 to 2035?

POPULATION, HOUSING & VISITOR ANALYSIS- REGIONAL PLAN UPDATE
PREPARED BY NTPA
Jun-12

YEARS	2004-2005	2009-2010	CHANGE	%
VISITORS TO LAKE TAHOE	7,832,000	5,786,000	-2,040,000	

What is the total number of visitors to the Lake Tahoe Basin?

What are the impacts to thresholds if visitors increase by 2.04m again?

ONLY COUNTED BY US FOREST SERVICE ON THEIR LANDS WHICH COMPRISE 75% OF THE BASIN

YEARS	1990	2000	2010
HOUSING UNITS	43700	46100	47392
Increase/units		2400	1292

Do housing units include fractional/timeshare/hotel/condo? If not, how many were built during these periods?

After accounting for all new construction types, analyze demand and supply for housing.

Demand appears to be decreasing from 2000-2010 with the same TRPA growth control policies in place.

Wouldn't the decline in demand be attributable to the recession?

USE	OWNER	24%	32%	27%
	VACATION	51%	45%	44%
	RENTER	25%		22%

What was the % of rental homes in 2000?

Since there is as much as a 8% swing in primary home ownership in 10 years, why is it credible to use the same percentage types of ownership to calculate future population growth?

How are timeshare/fractional and condo/hotel ownership accounted for?

EXHIBIT B

1

June 28, 2012

To:
North Tahoe Preservation Alliance
Ann Nichols
Box 4
Crystal Bay, NV 89402

From:
Joy Dahlgren
1200 Idylberry Road
San Rafael, CA 94903

SUBJECT: Tahoe Regional Plan Update --Transportation

THE ASSESSMENT OF TRAFFIC CONGESTION IS INADEQUATE—MORE DATA IS NEEDED

The traffic analysis is based on August 2010 conditions. The analysis should also include winter ski weekend conditions, which may have steeper peaks and thus more delay, and it should take into account the depressed state of the economy in 2010. Even without additional development, the number of visitors to the region is likely to increase as economic conditions improve. So the relationship between the number of residents and the amount of traffic are likely to be different in 2035 than in 2010.

A key weakness in the Lake Tahoe Transportation Model is the number of visitors and seasonal residents it assumes. TRPA/TMPO should undertake research to determine the number of people in the basin at various times of year each year—full-time residents, seasonal residents, and visitors. This would make model output more accurate and would shed light on visitor trends. Since visitors and seasonal residents greatly outnumber permanent residents during peak periods, good planning requires better estimates of their numbers than is currently available.

Similarly, more traffic counts are needed throughout the basin at various times of year. This would enable better estimation of the travel patterns of visitors versus residents. Where there is significant recurring congestion, speed data should also be collected--counts alone do not distinguish between low flow because of congestion and low flow because of low demand, nor do they measure the delay that travelers experience.¹

¹ These needs were cited as "opportunities for refinement and enhancement" to the Lake Tahoe Transportation Model (see page 21.2 of the RPU/EIS Appendix C Part 6)

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This information is needed for identifying bottlenecks and evaluating potential improvements. The long delays on the west shore approach to Tahoe city may be reduced with the elimination of the bottleneck at Fanny Bridge—is there sufficient data to determine that there are no other bottlenecks on the west shore? The model forecasts level of service F in Kings Beach after the commercial core improvements. Although Placer County wants to keep vehicle traffic slow in order to encourage bicycle and transit use, might this have the unintended consequence of diverting traffic to residential side streets? Additional data on origin, destination, and trip purpose by time of day for vehicle trips through Kings Beach should be collected in order to assess the potential for shifts from cars to either bicycle or transit. LOS F has no upper limit. A bottleneck through Kings Beach could back up traffic all along the North Tahoe shore in both directions.

Bicycle and pedestrian paths provide additional recreational opportunities and can be justified on this basis alone. But more research on path users is needed to determine the extent to which bicycle and pedestrian path trips actually replace vehicle trips.

The discussions of transit in the RPU, RPU/EIS, RTP and RTP/EIS displays a lot of wishful thinking and little understanding of the circumstances under which transit can be effective in providing mobility, reducing traffic, or reducing emissions. Except in very congested cities, most transit users are people who do not have access to a car for their trip. TART and BlueGo provide basic mobility for these people. But the service is too infrequent to be convenient for people who have access to a car. The hours are limited and one can't carry large quantities of groceries or other supplies on a bus. With well-publicized schedules and stops at beaches and trail heads, perhaps more ridership could be generated in the summer, but perhaps not enough to justify the cost of increased frequency.

Ski shuttles have been successful in the winter. Transit mode share in the winter is 5% compared to 1% in the summer. Frequent shuttles to beaches and trail heads might be successful in the summer, particularly for accessing the east shore lake front where parking is limited.

Buses are heavier than passenger cars and therefore require more fuel, emit more CO² and pollutants, and stir up more dust. If they carry too few passengers, they are more environmentally damaging per passenger-mile than a typical car. Poorly utilized transit is bad, not good, for the environment.

The same is true for ferry service. Furthermore, the ferry would directly impact the lake with potential fuel spills and leaks, shore damage from wave action, and construction of piers. Its cost is huge, \$42 million in capital costs, and \$4.6 million in operating cost. This is over half the total Tier 1 transit cost. The operating cost is 184% of the operating cost for all other Tahoe transit—the money might be better spent increasing frequencies on existing systems. Before any money is actually allocated to the ferry, travel times must be determined, and unbiased research on the number of people who would use the ferry at different times of the day, week, and year is needed, as well as how much they would be willing to pay to use it. Then it can be

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determined if the environmental, mobility, and congestion benefits justify the costs. What about reliability—could the ferry operate during typical winter storms?

The ferry might be patronized as a form of recreation, but traveling far from shore in a big boat is not likely to be as much fun as a privately operated boat tour along the shore (which would not require any form of public subsidy).

The RTP's focus on VMT is misplaced. Although VMT estimates may be required for compliance with SB 375, they are not useful for determining delay or emissions. Free flow emissions are considerably lower than emissions in congested traffic.

The slow economy has reduced travel and congestion for now. As the economy improves, today's congested locations will become more congested—the potential of bicycles and transit to reduce congestion is likely to be quite limited and should not be relied on to prevent congestion. Therefore, careful analysis of basin traffic is needed to identify congested locations, the causes of congestion, and means to reduce it. Traffic operational improvements such as signal coordination, left turn pockets, and roundabouts should be considered, but widening bottlenecks should not be ruled out. The Tahoe experience for pedestrians and cyclists will not be improved by having to share the road with car drivers exasperated with long delays.

Wishful thinking should not trump careful analysis of potential transportation investments.

VMT ESTIMATES ARE NOT REASONABLE—TRIA ADJUSTMENT SHOULD NOT BE USED

Projections of VMT (vehicle miles traveled) for the various Regional Plan Update Alternatives are computed in two steps. The first step, estimating numbers of trips by origin, destination, time of day and mode using the Lake Tahoe Transportation Model is reasonable, but the adjustment of results using the Trip Reduction Impact Assessment Tool (TRIA) is unnecessary, arbitrary and indefensible.

The Lake Tahoe Transportation Model

This model is similar to those developed for metropolitan areas such as San Francisco, Portland, and Columbus, Ohio. It is based on activities and trip tours rather than standard trip generation rates, and can be considered a state-of-the-art model. It captures the effects of changes in land use. It estimates mode choice, including drive alone, shared auto, transit, non-motorized and other modes, such as school bus. The model includes trips by visitors and seasonal residents as well as full-time residents. But it does not appear to capture trips and traffic due to goods movement and construction.

Good data is available regarding full-time resident characteristics and travel behavior. However, only 34% of respondents to a 2010 summer survey at 52 trip destinations around the lake were full-time residents—9% were seasonal residents and 57% were visitors. Data on the

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latter and their numbers at Tahoe at different times of year is much more limited². Traffic counts for calibrating the model are also limited.³

However, even with these weaknesses the model should provide a reasonable basis for comparing the effects of alternative development strategies.

Evaluations of the model

Memos from Fehr and Peers in August and September 2011 support this conclusion:

“...the TRPA base year travel demand model is sensitive to built environment variables, and yields reasonable estimates of external trip making by non-motorized modes.”

“... the TRPA model responds in a reasonable manner to changes in land use. Based on these tests, the model is capable of accurately estimating future travel demand associated with future land use assumptions for the basin.”

The Trip Reduction Impact Assessment Tool (TRIA)

Despite these conclusions, another memo from Fehr and Peers in April 2012 claimed that

“...the Tahoe area model is not sensitive to transit investments (i.e. the addition of new bike paths or lanes does not increase the bike mode split) because these improvements were not included in the model. In addition, the model is not sensitive to transit investments. Because the model does not incorporate the transportation policies and investments related to mode split across alternatives, the results from the TDM (the Lake Tahoe Transportation Model) showed virtually no variation in mode splits for each alternative.”

So the Trip Reduction Impact Assessment (TRIA) Tool was applied to the results of the Lake Tahoe Transportation Model. It assigns impacts to transit, pedestrian, and bicycle improvements and transportation demand management programs and uses their cumulative impacts to reduce the model-estimated share of vehicle trips and VMT for the various alternatives. Its estimates of 2035 vehicle trip reductions are:

	Alternative 1 ⁴		Alternative 3 ³	
	Urban centers	Other	Urban centers	Other
Reduced parking			0.9%	
Employer trip reduction program			1.8-1.5%	

² Estimates of numbers of visitors from the Forest Service are 5.7-7.5 million in recent years. But data on how many are at Tahoe at one time during different seasons does not appear to be available.

³ The Mobility 2030 Transportation Monitoring Program notes continuous counts from 4 PM to midnight, November-February at one location on Highway 50 and annual Caltrans reports giving average daily and peak hour counts from 20 stations in the Tahoe basin.

⁴ Source: RPU/EIS Appendix E Part 2

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Ferry service	0.5%	0.5%	0.5%	0.5%
Transit operation changes			0.8%	0.8%
Transit coordination and trip planning		0.9%		1.0%
Real-time arrival information	0.44%		0.49%	
Timed transfers, common ticketing	0.1%		0.11%	
Complete bicycle/pedestrian network	0.6-0.9%	0.6-0.9%	0.6-0.9%	0.6-0.9%
Removing snow on bike paths			0.1-0.2%	

The cumulative effect of these reductions is an overall reduction in model-estimated vehicle trips⁵ for town/urban centers of 2.66% for Alternative 1 and 4.32% for Alternative 3 and reductions of 1.28% and 2.19% respectively for non-town/urban centers. These cumulative percentages are applied to the table of zone to zone vehicle trips from the Lake Tahoe Transportation Model, based on the alternative and whether the originating zone was an urban center of other area.

There are several problems with the TRIA tool.

The most serious is that it estimates the “number of trips that could be transferred from single occupant vehicles (SOV) to other modes...”⁶, and then applies these estimated reductions not to single occupant vehicle trips but to the vehicle trip table from the transportation model⁷, which includes vehicle trips with *more than* a single vehicle occupant. In fact, the Summer 2010 Mode Share Survey found that only 37% of respondents traveling by vehicle were alone and suggests that the average number of people per vehicle is greater than 2⁸. So it should take more than two people shifting to bicycle or transit to eliminate one vehicle trip.⁹ So when the TRIA reductions are applied to the trip table they reduce vehicle trips by more than twice what they should.

Secondly, the reductions are not related to current mode shares. The Summer 2010 Mode Share Survey at 52 locations around the lake during August 2010 found the following percentages of people traveling by each mode¹⁰:

Car, truck, van	79%
Public transit	1%
Bicycle	6%
Walk	10%

⁵ Source: RPU/EIS page 3.3-37

⁶ RPU/EIS Appendix E, Part 7, page E.7-11

⁷ Step 2 in RPU/EIS Appendix E, Part 7, page E7-17

⁸ The survey asked how many were traveling in the visitor’s party. Averaging party sizes give over 2 occupants per vehicle.

⁹ On page E.7-12 of the RPU/EIS Part 7 it says that “...the TRIA model assumes that 95% of projected (transit) ridership would come from existing SOV trips.” Would the same be true for reductions due to more bicycle trips? Is this even reasonable for reductions due to more transit trips?

¹⁰ Note that most of the people traveling by car were not in the car by themselves, just as the people using transit were probably not the only passenger on the bus.

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Other (moped, shuttle, taxi)

4%

Suppose there are 100 person-trips, of which 79 are by car and 1 is by transit (the same proportions as in the table above). If transit coordination and trip planning *reduce vehicle person-trips* by 1% (.79 trips), transit trips would be almost doubled--1.79 trips. Does this make sense? More likely transit coordination and trip planning would *increase transit trips* by 1%, to 1.01 trips, having a tiny effect on vehicle trips.

Furthermore, 16% of trips are made by bicycle and walking, sixteen times as many as by transit. Yet the reduction in vehicle trips for bicycle and pedestrian improvements was less than for transit improvements.

And the relationships between the effects do not make sense. It is well known that the most important factor in determining transit use is frequency of service, yet the TRIA assigns a bigger effect to transit trip planning and timed transfers than to operational changes, which I assume would mean more frequent service.

Also the VMT are based on summer trips, so the reduction for removing snow on bike paths is not appropriate.

The most detailed description of the TRIA tool is contained in Part 7 of the RPU/EIS Appendix E on pages E.7-11. It says that "The estimates of vehicle trip reductions that could likely be achieved with implementation of the proposed transportation policies and programs were drawn from a library of best practice case studies as well as a literature review." But not a single source is cited in the text or references.

The TRIA reductions:

- are applied to *vehicle trips* rather than *person trips via vehicle*
- relate to poorly specified improvements and programs
- are unreasonable and arbitrary
- are applied to origin-destination pairs to which they may not apply

The TRIA trip reductions are greatly overstated and should not be used.

How *Should* Improvements in Transit, Bicycle and Pedestrian Improvements and Transportation Demand Management Be Accounted For

Ideally the Lake Tahoe Transportation Model would completely account for these improvements. It now assigns trips to transit based on the travel time and fare via transit. Other factors, such as the effect of real time arrival information on transit use could be included in the model. Other factors, such as quality/safety of bike routes could be included as well.

Modeling these improvements would require that the improvements be specific. An example would be "Highway 28 and 89 shuttles to Sand Harbor and other beaches every 15 minutes June 15 – September 15, coupled with reduced beachside and roadside parking". Using survey

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data, the proportion of people who would shift from their own vehicles to these shuttles could be estimated.

Another example would be “Employee trip reduction programs required of all employers with more than 10 employees, encouraging ride sharing, providing transit passes, and for larger employers, providing showers for people who bicycle to work”. Surveys could be conducted where such programs are now in effect to determine how many employees would be likely to shift from driving alone to carpooling, bicycling or taking the bus. Based on this, the expected trip reduction could be applied just to the destinations where new programs would be implemented paired with origins where their employees live.

Always the number of occupants per vehicle must be taken into account as well as the number of transit vehicles needed to provide the transit improvements and the transit vehicles’ VMT and emissions.

The Effects of These Programs Are Highly Uncertain

It is not possible to know ahead of time how travelers will respond to more bicycle and pedestrian paths and new transit services. Will parking limitations encourage transit and biking instead of driving or will it just shift trips to locations with more parking, thus hurting local businesses? Will bicycle and pedestrian paths encourage people to substitute bicycle and walking trips for vehicle trips, or will people use them just for additional recreational trips? Will employer trip reduction programs survive over the long run, or will employers lobby to get rid of them because of the extra labor they require? Who would enforce them? Will transit services attract enough users to make frequent service feasible over the long run? Would doubling, or even tripling, transit mode have a significant effect on vehicle travel given that transit mode share is currently around 1% in the summer, even though the transit services are well established.

A Reliable Way to Limit VMT

We know that more development will attract and accommodate more residents and visitors, so that more trips will be made, regardless of whether people are staying in a town/urban center or elsewhere. We also know that tearing down old buildings, hauling debris away, moving earth for new buildings, and bringing in material and workers for new buildings generates vehicle trips—the more redevelopment and development, the more trips.

The Lake Tahoe Transportation Model estimated a higher VMT in 2035 for Alternative 3 than for Alternative 1—2,169,100/day versus 2,175,500 VMT/day. If VMT for goods movement and construction were considered, Alternative 3 would be even higher relative to Alternative 1 and emissions would be relatively higher still because trucks and construction equipment have much higher emissions than passenger vehicles. The VMT per resident measure makes no sense for the Tahoe region because the numbers of visitors and seasonal residents is large relative to the number of permanent residents, and fewer visitors would reduce VMT and VMT per resident without any change in travel by residents.

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It stands to reason that if our goal is to save the Lake and our individual stakes in it by reducing VMT, then Alternative 1 is the proper choice for the Regional Plan Update.

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Journal of the American Planning Association

Publication details, including instructions for authors and subscription information:
<http://www.tandfonline.com/loi/rjpa20>

What Makes Transfer of Development Rights Work?: Success Factors From Research and Practice

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Available online: 30 Dec 2008

To cite this article: Rick Pruetz & Noah Standridge (2008): What Makes Transfer of Development Rights Work?: Success Factors From Research and Practice, Journal of the American Planning Association, 75:1, 78-87

To link to this article: <http://dx.doi.org/10.1080/01944360802565627>

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What Makes Transfer of Development Rights Work?

Success Factors From Research and Practice

Rick Pruetz and Noah Standridge

Problem: Over the last four decades, at least 20 authors have identified various components thought to be necessary for effective transfer of development rights (TDR) programs. However, the factors most commonly cited in these articles have not yet been isolated and systematically compared with a substantial number of TDR programs that have accomplished meaningful preservation results to date.

Purpose: This article is intended to help planners create effective TDR programs by identifying those features that contribute significantly to success.

Methods: We created a list of the 20 U.S. TDR programs that have preserved the most land to date. We then identified the 10 success factors that publications about TDR have cited most frequently since 1972 and determined how many of the 20 programs actually exhibit these factors.

Results and conclusions: The following 10 success factors are those referenced most often in the literature. Each is followed by the number of top 20 TDR programs that exhibit this factor in parentheses. Demand for bonus development (20), customized receiving areas (20), strict sending-area regulations (18), few alternatives to TDR (17), market incentives (15), certainty of use (14), strong public preservation support (13), simplicity (13), promotion and facilitation (12), and a TDR bank (4). These results suggest that the first two factors are essential to success; the next three are extremely important; and the remaining five factors are helpful but not necessarily critical, although some, such as TDR banks, can produce extraordinary results.

Transfer of development rights (TDR) is intended to reduce or eliminate development potential in places that should be preserved by increasing development potential in places where growth is wanted. Unfortunately, TDR doesn't always work. Although it has preserved over 350,000 acres throughout the United States in its first 40 years, TDR has not yet lived up to the expectations of many in the planning profession.

Even the simplest TDR program involves several parts. The places that a community identifies for preservation through TDR are called *sending sites*. The owners of sending sites can choose to record a perpetual easement on their land in return for a marketable commodity called *transferable development rights* (TDRs). Participating landowners are compensated by selling these TDRs to developers in TDR *receiving areas*, places that are appropriate for growth. Receiving-area zoning allows some development without TDR obligations, but offers additional development potential when developers buy TDRs.

Takeaway for practice: Communities can establish successful TDR programs by designating receiving areas that fit local conditions and offering development bonuses that developers actually want and need. In addition, successful TDR programs appear to require at least one of the following three characteristics: strict sending-area regulations, market incentives, and/or few ways for development to gain bonus density without using TDR. Five other factors are generally not essential to success, but can greatly improve program effectiveness.

Keywords: transferable development rights, TDR, land preservation, sending areas, receiving areas

Research support: None.

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Journal of the American Planning Association, Vol. 75, No. 1, Winter 2009
DOI 10.1080/01944640802654627
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Receiving-area developers are motivated to buy TDRs by the additional revenue they can achieve when they choose to build at the higher densities available through TDR.

To help TDR live up to its promise, many authors have listed program features intended to improve effectiveness. These lists vary in length as well as content and often do not emphasize which factors are merely useful and which are essential to success. Furthermore, some of these lists date back to the mid 1970s, and consequently do not take recent results into account. Finally, many of these lists were formed by examining a handful of TDR programs, often the same programs studied by other authors. In contrast, we do not confine ourselves to attributes found in a small number of selected case studies. Instead, we aim to synthesize the opinions of numerous authors and compare their advice with the actual experiences of a large number of successful programs, to identify all useable success factors and consider how significantly each factor contributes to program effectiveness.

Specifically, we use 20 publications to assemble 10 characteristics most commonly attributed to effective TDR programs. We determine the extent to which these factors appear in the 20 most successful TDR programs in the United States. We find that all successful TDR programs create receiving areas that fit the community and offer development bonuses that developers actually want. Almost all successful programs also limit the amount of development potential achievable on sending sites, minimize the opportunity to circumvent TDR requirements, and allocate TDRs to sending areas at ratios that create adequate compensation for landowners and affordable TDRs for developers. The other five factors cited most often in the literature appear helpful, but not critical to success, although they can greatly improve program effectiveness.

Successful TDR Programs

TDR is frequently used to preserve resources that are not measured in acreage, such as historic landmarks, affordable housing and preferred urban scale. Nevertheless, we use a single unit of measurement to identify the country's most successful TDR programs: land area preserved. We used a database that goes back to 1994, when Pruetz surveyed the 3,500 most populous communities in the United States about whether they had TDR programs (Pruetz, 1997). We have since updated this database by monitoring news outlets and the planning literature for additional programs. This method yielded 191 TDR programs nationwide, from which we identified the 20 programs that have preserved the most acreage. As shown

in Table 1, these 20 programs have preserved over 350,000 acres to date. We recognize that this gross acreage approach treats all preserved land as having equal resource value when in fact there are significant differences (e.g., between a hay field and the habitat of an endangered species). In addition, we treat the preservation mechanisms in these 20 programs as though they provide equal levels of protection when, in fact, some prohibit any form of development while others may allow landowners to retain or build single-family residences at a specified, limited density. Despite this, we maintain that acreage preserved offers a uniform and reasonable criterion for identifying a large sample of successful TDR programs.

TDR Success Factors

In a search of the literature, we found 20 publications that list factors thought to be responsible for making TDR programs successful (Bredin, 1998; Costonis, 1974; Coughlin & Keene, 1981; Farmland Information Center, 1997; Field & Conrad, 1975; Glickfeld, 1990; Heeter, 1974; Kaplowitz, Machemer, & Pruetz, 2008; Lane, 1998; Machemer & Kaplowitz, 2002; McConnell, Walls, & Kelly, 2007; Meek, 2002; Merriam, 1978; Nicholas, Jurgensmeyer, & Leebrick, 1998; Pizer, 1986; Roddewig & Inghram, 1987; Stinson, 1996; Strong, 1998; Tripp & Dudek, 1989; Walls & McConnell, 2007).

These 20 publications mentioned 55 individual success factors. We found that 10 factors were cited in five or more articles; we examine these individually below. Remarkably, some of the earliest writings on TDR identified many of the same factors cited by the most recent publications. For example, in his 1974 book *Space Adrift: Landmark Preservation and the Market*, John Costonis (1974) discussed 7 of the 10 factors that appear in our Tables 2 and 3.

Because we confined this article to features cited in five or more publications, our list of 10 excludes many other factors that could also affect program success. For example, 4 of the 20 publications recommended that TDR be used in conjunction with other preservation tools such as purchase of development rights, development requirements and taxation for conservation purposes. While this is good advice, it was identified by only four authors and did not qualify for our top 10 list.

We used zoning codes, prior studies, web site information and interviews with program managers to determine which of these 10 factors exist in each of our 20 leading TDR programs. Tables 2 and 3 record our findings. As detailed below, these decisions were based entirely on objective criteria for success factors 3, 5, 7, and 10. For

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Table 1. The 20 U.S. TDR programs that have preserved the largest acreage.

Program location	Acrees preserved as of 2008	Year of adoption	Average acreage preserved per year	Comments
King County, WA	91,500	1998	9,150	
New Jersey Pinelands, NJ	55,905	1981	2,071	
Montgomery County, MD	51,830	1980	1,851	
Palm Beach County, FL	35,000	1993	2,333	
Collier County, FL	31,400	2002	5,233	Rural lands stewardship program only
Calvert County, MD	13,260	1978	442	Program amended 1999 and 2003
Queen Anne's County, MD	11,176	1987	126	Original program amended in 1994 and 2004
Sarasota County, FL	8,200	1982	911	Original program ended 1991; program that replaced original has produced no transfers
Pitkin County, CO	6,452	1994	461	
Boulder County, CO	5,900	1989	311	Acreage estimate as of 2005; 1989 countywide mechanism supplemented by intergovernmental agreements starting in 1995
San Luis Obispo County, CA	5,463	1996	455	Refers to countywide program
Blue Earth County, MN	5,360	1970	214	
Howard County, MD	4,525	1992	283	
Miami/Dade County, FL	4,145	1981	154	Acreage estimate as of 2001
Payette County, ID	4,145	1990	230	Amended in 1998 and 2000
Charles County, MD	4,089	1992	256	
Rice County, MN	3,850	2004	963	
Douglas County, NV	3,728	1996	311	Amended in 1998 and 2001
Collier County, FL	3,450	2004	863	Rural fringe program
Chesterfield Township, NJ	2,272	1998	227	Original program adopted in 1975 and amended in 1985 and 1987

Sources: Interviews with program managers; Calvert County Agricultural Preservation Advisory Board, 2008; Collier County, FL, 2008; King County, WA, 2008; Montgomery County Department of Economic Development—Agricultural Services Division, 2008; New Jersey Pinelands Commission, 2008a; Pruetz, 2003; Walls & McConnell, 2007.

success factors 1, 2, 4, 6, 8, and 9, our evaluations were partly subjective and included the opinions of the program managers we interviewed. Despite this, we think our assessment should help planners design more effective TDR programs in their communities.

We rank each success factor according to the number of TDR programs that exhibit that characteristic. Table 2 depicts the factors we refer to as essential or important to success, and Table 3 presents those factors which appear to be helpful, but not critical, to success. We discuss each of the factors individually below.

Factor 1: Demand for Bonus Development

For TDR to work, the extra density that developers get when they buy TDRs must be something they actually want. By definition, all 20 top programs exhibit this characteristic

because they have all demonstrated enough demand to save a meaningful amount of land.

In contrast, many TDR programs fail because developers are satisfied with the density that they get for free without buying TDRs. When demand is inadequate, some communities consider downzoning the receiving area (rezoning the receiving area to allow less development potential as a matter of right) and requiring developers to buy TDRs to exceed that newly reduced baseline density. Downzoning is politically unpopular and likely to generate threats of lawsuits, particularly if the downzoning appears designed solely to create demand for TDRs. Downzonings are more acceptable when they restrict both sending and receiving sites and when the current zoning in the areas they affect is clearly failing to achieve the community's comprehensive plan. This was the case in Calvert County,

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Table 2. Essential and important factors present in the 20 U.S. TDR programs that have preserved the largest acreage.

Program location	Essential factors		Important factors		
	Factor 1 Demand for bonus development	Factor 2 Customized receiving areas	Factor 3 Strict sending-area regulations	Factor 4 Few alternatives to TDR	Factor 5 Market incentives
King County, WA	x	x	x		x
New Jersey Pinelands, NJ	x	x	x	x	x
Montgomery County, MD	x	x	x	x	x
Palm Beach County, FL	x	x	x	x	x
Collier County, FL	x	x	x	x	x
Calvert County, MD	x	x	x	x	x
Queen Anne's County, MD	x	x	x	x	x
Sarasota County, FL	x	x	x	x	x
Pitkin County, CO	x	x	x	x	x
Boulder County, CO	x	x	x	x	x
San Luis Obispo County, CA	x	x	x	x	x
Blue Earth County, MN	x	x	x	x	
Howard County, MD	x	x		x	
Miami/Dade County, FL	x	x	x	x	x
Payette County, ID	x	x	x		
Charles County, MD	x	x		x	
Rice County, MN	x	x	x		
Douglas County, NV	x	x	x	x	x
Collier County, FL	x	x	x	x	x
Chesterfield Township, NJ	x	x	x	x	x
Total	20	20	18	17	15

Sources: Interviews with program managers; community plans/codes; Environmental Resources Management, 2005; McConnell, Walls, & Kelly, 2007; Pruetz, 2003; Walls & McConnell, 2007.

MD, where downzoning is credited with maintaining TDR demand (Walls & McConnell, 2007).

Some communities assume they have little demand for bonus density despite regularly processing applications for upzonings (rezonings that allow greater density). These communities can put that latent demand to work by including a provision in new zoning districts that identifies all dwelling units above the maximum density of the former zoning as bonus units and making these bonus units subject to TDR requirements.

Some communities recognize that their developers might be willing to buy TDRs in order to gain something other than bonus residential density. For example, several of our 20 leading TDR programs allow a specified amount of bonus floor area per TDR. Collier County, FL, requires eight TDRs to develop each acre of receiving area land,

and developers in Pitkin County, CO, can use TDRs to get exemptions from building permit quotas.

Factor 2: Receiving Areas Customized to the Community

Of the publications used to identify our success factors, as many as three stress the importance of the following seven receiving area attributes: 1) adequate infrastructure to accommodate the additional development; 2) political acceptability; 3) compatibility with existing development; 4) clear designation; 5) consistency with the comprehensive plan; 6) location where developers perceive a market for higher density; and 7) a receiving area located in another jurisdiction if the sending area is in a community that cannot accept more growth. But notably, six of these publications additionally state that all of these parameters

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Table 3. Helpful factors present in the 20 U.S. TDR programs that have preserved the largest acreage.

Program location	Factor 6 Certainty of TDR use	Factor 7 Strong public preservation support	Factor 8 Simplicity	Factor 9 Promotion and facilitation	Factor 10 TDR bank
King County, WA	x	x	x	x	x
New Jersey Pinelands, NJ	x	x		x	x
Montgomery County, MD		x	x	x	
Palm Beach County, FL	x	x	x		x
Collier County, FL	x	x		x	
Calvert County, MD	x	x	x	x	
Queen Anne's County, MD	x		x		
Sarasota County, FL	x	x			
Pitkin County, CO	x	x	x	x	
Boulder County, CO	x	x	x	x	
San Luis Obispo County, CA			x		
Blue Earth County, MN					
Howard County, MD	x	x		x	
Miami/Dade County, FL	x	x	x		
Payette County, ID			x	x	
Charles County, MD	x				
Rice County, MN			x	x	
Douglas County, NV			x		
Collier County, FL	x	x		x	
Chesterfield Township, NJ	x	x	x	x	x
Total	14	13	13	12	4

Sources: Interviews with program managers; community plans/codes; Environmental Resources Management, 2005; McConnell, Walls, & Kelly, 2007; Pruetz, 2003; Trust for Public Land, 2008; Walls & McConnell, 2007.

must be carefully tailored to the specific circumstances of the individual community. We suggest that there is no sure-fire template that can be duplicated from one community to another. Instead, the stakeholders must explore all possible receiving area alternatives and select the combination that best fits each unique situation. Since all 20 communities in this article have achieved some degree of success, we conclude that each has found a receiving area scenario that works for them. The following profiles are designed to illustrate the various ways in which some programs customized their receiving areas to serve local needs.

Ideally, TDRs are transferred from rural areas into cities or the urban fringe, where the infrastructure, employment, shopping, and public services needed to accommodate additional development already exist. Of our 20 leading programs, 16 have been able to create receiving sites in areas under their own jurisdiction. In the other four programs, interjurisdictional transfers are permitted, with sending areas typically under county jurisdiction and receiving

areas within incorporated cities. For example, Boulder County, CO, has signed intergovernmental agreements in which six cities and three unincorporated communities pledge to accept TDRs from land under county jurisdiction.

In some communities, "not in my back yard" (NIMBY) attitudes and other factors prevent the location of receiving areas within or even near existing development. Some programs have responded with new-town receiving areas that separate new development from existing neighborhoods. The Rural Lands Stewardship Program in Collier County, FL, has already preserved 31,400 acres primarily through the development of one of its new-town receiving sites, which has a planned build-out of 11,000 dwelling units made possible, at least in part, by its relatively isolated location.

In addition to interjurisdictional transfers and new towns, some of our 20 programs have found that low density receiving areas are best for them. For example, Calvert County, MD, offers the TDR option in five zoning

districts including the rural community district (RCD) zone, where developers can use TDR to achieve the relatively low density of one dwelling unit per four acres. The RCD has attracted most of the Calvert County TDRs and is credited by some for the success of this program (McConnell, Walls, & Kelly, 2007).

Factor 3: Strict Sending-Area Development Regulations

Logically, landowners will be more inclined to choose TDR when the alternative of development in the sending area is less attractive due to steep terrain, remote location, lack of infrastructure, and other constraints. However, the only development constraint identified as a success factor in more than 5 of the 20 articles we reviewed was strict regulation. We judged a TDR program to have strict sending-area regulations if any of the sending-area zoning districts prohibited densities greater than one unit per five acres. The purpose of sending-area zoning, of course, is to implement the community's goals for protecting the area, and one unit per five acres may or may not accomplish this. Thus, it is a threshold not a model. In fact, several of the leading TDR programs we identified use sending-area zoning that is far more restrictive than this.

Only 2 of the 20 leading TDR programs we identified have sending-area zoning that allows development densities greater than one dwelling unit per five acres. Furthermore, these two programs are not among the most successful on our list. This suggests that although it may be possible to achieve limited success without strict sending-area zoning, permissive sending-area zoning will likely create serious problems for a TDR program. For example, permissive zoning produces greater potential development value, which can result in TDRs that are prohibitively expensive. If developers consider TDRs too costly, they will not buy them and the program will falter. A community can encourage lower TDR prices by granting more TDRs per acre of land preserved, but if the TDR allocation is too generous, the result will be a program that generates many transfers but relatively little preservation. A weak regulatory framework can also cause a landowner to question a community's commitment to preservation. For example, farmers could legitimately wonder whether it makes sense to preserve their land if permissive zoning will ultimately allow their farms to be surrounded by subdivisions whose residents may object to agricultural practices, noises, and odors.

Strict zoning predates TDR in some communities, but many have permissive zoning and find it necessary to downzone the sending area when they adopt a TDR ordinance. Most famously, Montgomery County, MD,

downzoned its 90,000-acre sending area from a maximum of one unit per 5 acres to one unit per 25 acres. In fact, many communities adopt TDR specifically as a way to mitigate a downzoning. However, such downzoning risks accusations that the new restrictions effectively take private property for a public purpose without compensation, which, if true, would violate the Fifth Amendment to the U.S. Constitution.

A discussion of the components needed to prevail in a takings lawsuit exceeds the scope of this article, particularly since this area of the law is still evolving. In *Sutton v. Tahoe Regional Planning Agency* (1997), the U.S. Supreme Court sent back to the lower courts a case which could have clarified the extent to which TDR could remedy a regulatory taking, but the case was settled before these questions were answered. Communities relying on TDR as their sole defense against the possibility that a particular downzoning constitutes a taking should be aware that this area of the law remains unresolved.

Factor 4: Few or No Alternatives to TDR for Achieving Additional Development

Dozens of the 191 TDR programs in our national database have failed to preserve much or any land because the community offers developers opportunities for additional development without having to comply with TDR requirements. For example, many communities allow bonus density for clustering lots in one portion of a single parcel while preserving the remainder of the property. Other communities offer additional development potential to projects that exceed standards for open space, landscaping, design features and amenities. Given the choice, many developers would rather achieve bonus density using features that enhance the value of their developments rather than preserving another unrelated site. At the furthest extreme are communities that have TDR ordinances on the books, yet do not require TDRs when they approve upzonings. No matter how well intentioned, these exceptions can erode a TDR program's effectiveness, providing developers many examples to justify why they too should be granted an exception.

Most successful programs rarely allow developments to circumvent TDR requirements. In the New Jersey Pinelands program, the State of New Jersey not only required the 60 jurisdictions to conform their codes to implement the regional TDR program, but the Pinelands Commission reviews and certifies all municipal zoning and land use ordinances and master plans for consistency with the Comprehensive Management Plan (New Jersey Pinelands Commission, 2008b).

Factor 5: Market Incentives: Transfer Ratios and Conversion Factors

Many TDR programs use a one-to-one transfer ratio, meaning that for each dwelling unit precluded at a sending site, one bonus dwelling unit is allowed at a receiving site. At times, this formula can work for both landowners and developers. But it is also likely that the dollar value increase resulting from one additional dwelling unit in a receiving area will not equal the value reduction caused by preserving a relatively large amount of land in the sending area. Many programs aim to allocate enough TDRs so that the amount paid for TDRs equals or exceeds the reduction in land value caused by the sending site easement. This land value reduction is greatly influenced by the severity of the restrictions controlling development of the sending area as well as the landowners' belief that the community will maintain these regulations for the foreseeable future. For example, in Montgomery County, MD, sending-area zoning of one unit per 25 acres controlled the development value of land, resulting in TDRs that sold for the affordable price of roughly \$10,000 each (in 2004 dollars) for the program's first 20 years (Walls & McConnell, 2007).

In an effort to create market incentives for sending-area landowners and receiving-area developers, many TDR programs adopt an enhanced transfer ratio, meaning that more than one additional dwelling is allowed in the receiving area for each dwelling unit precluded in the sending area. For example, assume a program with the following parameters: The maximum sending area density is one unit per 25 acres; landowners who preserve a sending site receive one TDR per 5 acres; and each TDR allows a receiving-area developer one bonus dwelling unit. This program would have a five-to-one transfer ratio. Since the ratio is greater than one to one, we refer to it here as an enhanced transfer ratio. To further illustrate why this hypothetical program might offer a five-to-one transfer ratio, assume that a market study has determined that receiving-area developers will be willing to pay \$10,000 for each bonus dwelling unit and that sending-area owners would accept \$2,000 per acre to preserve their land. The right market incentives should be created by an allocation ratio of one TDR per 5 acres, which, under our assumed sending site zoning of one unit per 25 acres, represents a five-to-one transfer ratio.

To evaluate the importance of market incentives, we identified all programs with enhanced transfer ratios. We also identified all programs in which a TDR produced by reducing residential development potential on a sending site can be converted to an increase in some other development potential, such as floor area, building height or lot coverage, at a receiving site. We found that all but 5 of the

20 programs studied used enhanced transfer ratios, conversion factors or both. Just because enhanced transfer ratios and conversion factors exist does not necessarily ensure that they are optimal. But their existence does indicate that the community understands the importance of making the program attractive to TDR buyers and sellers alike.

Although we separated the five leading success factors for examination, they are interdependent components that work together rather than individually. For example, strong demand for bonus development (factor 1) is most likely to result when receiving areas are customized to fit local circumstances (factor 2), when strict sending area regulations motivate landowner participation (factor 3), when TDR is one of the only ways developments can gain bonus density (factor 4), and when TDRs are allocated to sending areas at ratios that create sufficient compensation for sending-area landowners and affordable TDRs for developers (factor 5). In other words, these factors should be thought of as interrelated components of a coordinated regulatory framework.

Factor 6: Ensuring That Developers Will Be Able to Use TDR

Some TDR programs flounder because developers are not sure they will be granted bonus density when they choose the TDR option. Communities can give developers greater certainty by using receiving-site zoning that eliminates or minimizes discretionary approvals. In these programs, developers know that they will be granted maximum density if they comply with all zoning regulations including the TDR requirements. This certainty often motivates the development community to support the adoption of TDR, since developers dread an approval process that subjects them to delay, reduced density, unanticipated costs, and uncertainty about whether or not their projects will be approved at all.

Factor 7: Strong Public Support for Preservation

Of the 20 leading TDR programs we reviewed, 13 exhibit strong public support for preservation by having at least one of the following: a locally funded purchase of development rights (PDR) program; another conservation funding program approved by county voters since 1988; or a TDR bank, which is a government entity that uses public funds to buy TDRs and hold them for resale to developers. This factor may seem counterintuitive, since TDR is often perceived as a way of funding preservation without taxation. In fact, if we reviewed all 191 TDR programs in our database, we would likely find that many communities do not complement TDR with PDR or any other form of

locally financed preservation. However, this article deals with the 20 leading TDR programs in the nation and in 65% of these communities the public has demonstrated its commitment to conservation with its own tax dollars.

Without strong public support for preservation, controversies over TDR program components may be settled by political compromise, leading to decisions on sensitive topics like locations of receiving areas and restrictions on sending area development that do not adhere to the best practices we describe here. Furthermore, TDR programs are typically implemented over decades rather than years. During this amount of time, elected officials will change. Consequently, ongoing public support can be important to ensuring that requests for exceptions to TDR requirements do not damage or even destroy a program's effectiveness.

Factor 8: Simplicity

Of the 20 publications we reviewed for this article, 7 cited program simplicity as an important success factor. A program's simplicity helps it build support among the diverse groups that are potential supporters, including landowners, developers, preservationists, homeowner organizations, and the general public, not to mention elected officials. Based on program regulations and interviews with program managers, we judged 12 of the 20 leading TDR programs we studied to be simple, including the highly successful program in Montgomery County, MD. We consider the other eight programs to be relatively complicated, often because some of their objectives are inherently complicated, like making interjurisdictional transfers. Some of these complicated programs have also preserved the greatest amount of land, suggesting that though simplicity can be helpful, it is not essential.

Factor 9: TDR Promotion and Facilitation

For TDR programs to succeed, developers, and landowners have to know the TDR option is available, how it works, and how it can help them. In addition, the general public should be regularly reminded of TDR program benefits, since elected officials are routinely asked to make exceptions to TDR requirements which, if granted, could eventually render a program ineffective. Since TDR programs as well as the affected landowners and developers are constantly changing, a comprehensive, well-maintained webpage is a good indication of outreach to the general public. King County, WA, sets a high standard for promotion with regular press releases about TDR as well as a website with background information and access to codes. The New Jersey Pinelands website illustrates exceptional public outreach through a variety of recreational and educational programs aimed at school-age children as well as adults.

Factor 10: A TDR Bank

A TDR bank is an entity officially authorized by the community to buy, hold and resell TDRs. Eleven of the 20 publications we reviewed discuss how having a TDR bank can enhance a TDR program. The bank can acquire TDRs from sending-area landowners who cannot find private buyers. It can establish and stabilize TDR prices. It can facilitate transactions. It can market the TDR program. It can create an ongoing preservation revolving fund by buying TDRs, selling them, and using the proceeds to buy more TDRs.

Of the 20 programs under study here, only 4 have TDR banks. However, these four programs are among the most successful in the nation, accounting for over 185,000 acres of preserved land, or over half of the land preservation achieved by all of the 20 leading programs combined. Furthermore, in King County, WA, and Palm Beach County, FL, most of the land preservation has been achieved by the acquisitions of their TDR banks.

Despite the success of these four programs, TDR banks should be considered helpful but not critical to program success. For example, Montgomery County, MD, has remained one of the most successful programs in the country without the assistance of a TDR bank. In fact, Montgomery County created a TDR bank in 1982, but because it had all of the other success factors, sellers were always able to find willing buyers in the private market and the bank was terminated in 1990.

Conclusions

The planning literature has correctly identified features associated with successful TDR programs. The presence of two of these features in all 20 of the TDR programs we identified as most successful based on the amount of land they had preserved suggests that these two factors are essential to success: developers must want the additional development only available through TDR (factor 1) and the receiving areas must be customized to work within the physical, political, and market characteristics of the community (factor 2). At least three-quarters of these 20 successful programs also have one or more of three additional factors that appear to be important: They strictly limit development on sending sites (factor 3), they offer developers few alternative ways of gaining additional development potential other than TDR (factor 4), and they offer market incentives, like transfer ratios and conversion factors, designed to produce TDR prices that adequately compensate sending-area landowners, yet are affordable to receiving-area developers (factor 5). Factors 6–10 appear to be helpful, but not critical to success.

The reverse of these success factors could be called the failure factors. When asked why their programs have

experienced few or no transfers, many TDR managers offered the mirror image of the success factors identified in this article. "Our developers don't want more density." "We don't have good receiving areas." "We give developers easier ways of getting bonus density." "Our sending-area zoning is too generous." "We don't offer landowners enough TDRs to motivate them." Although purely anecdotal, these familiar phrases appear to reaffirm the success factors identified in this article.

The findings in Tables 2 and 3 suggest a hierarchy of success factors that communities should keep in mind when developing TDR programs. Even though we assumed that all 20 of the successful programs we studied possessed factors 1 and 2, we do consider them essential to success. It is a common misconception that a community either possesses or does not possess these attributes, and nothing can be done about this. In fact, there are ways of creating TDR demand and tailoring receiving areas to fit a community. As discussed above, TDR requirements can be incorporated into the upzoning application process that occurs regularly in most communities. Similarly, if political opposition prevents the location of receiving areas within existing cities, communities can consider creating new towns, new villages, or even rural receiving areas.

As shown in Table 2, 6 of our 20 leading programs lack at least one of factors 3, 4, or 5. Nevertheless, we consider these three factors important to success, since 70% of the 20 leading TDR programs possess all three and all of these programs possess at least one of these three factors.

Although this article discusses the five leading success factors individually, these features interact closely with one another. Demand for bonus development (factor 1) is affected by receiving areas that fit local conditions (factor 2), by sending area regulations that motivate landowner participation (factor 3), by provisions that minimize ways to avoid TDR requirements in receiving areas (factor 4), and by market incentives that make TDRs attractive to buyers and sellers alike (factor 5). In other words, these five key factors are interrelated components of a coordinated regulatory framework.

We consider factors 6–10 to be helpful, but not critical to success. In support of this conclusion, one of our 20 leading TDR programs has none of these five helpful factors. However, any one of these factors could make a significant difference in a particular community. For example, developers in one community might oppose a TDR program unless they gain the certainty of being able to obtain bonus density when they use TDR (factor 6). Similarly, a TDR program could lose the support of the general public in some communities without a concerted effort to remind people of the benefits of preservation

(factor 9). And although TDR banks (factor 10) are found in relatively few programs, where they exist they can make an extraordinary difference in the amount of land preserved, as seen in King County, WA, and Palm Beach County, FL.

The 10 top programs in acres preserved possess on average more than eight success factors each. The second 10 programs in acres preserved possess on average slightly over six factors each. This suggests that TDR programs with more success factors will generally preserve more land. A close look at Tables 2 and 3 reveals that the top 10 programs exhibit more of the essential and important factors (included in Table 2) and more of the helpful factors (depicted in Table 3) than do the second 10 programs. It is noteworthy that nearly all of the top 10 programs possessed all of factors 1–5. This result suggests that communities should focus on coordination of these five key factors to create a regulatory framework that works for the sending-area landowners and receiving-area developers as well as for the community as a whole.

Acknowledgments

The following people provided information for this article: Darren Greve (King County, WA), Callum Murray (Montgomery County, MD), Greg Bowen (Calvert County, MD), Matt Lewis (Sarasota County, FL), Peter Fogg (Boulder County, CO), Veryl Morrell (Blue Earth County, MN), Joe Thompson (Collier County, FL), Buddy Bowling and Charles Rice (Charles County, MD), Ellen Sassano (Pirkin County, CO), Faith Elliott-Rossing and Jean Falsi (Queen Anne's County, MD), Pat Rutter (Palm Beach County, FL), Karen Nall (San Luis Obispo County, CA), Tom Spehar (Miami-Dade County, FL), Mimi Mow (Douglas County, NV), Joy Levy (Howard County, MD), Stanley Smiley (Rice County, MN), Mary Mejia (Payette County, ID), and Bonnie Haines (Chesterfield Township, Burlington County, NJ). We are also very grateful to the anonymous referees and the *JAPPA* editors for their thorough review and helpful suggestions.

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EXHIBIT D

Development Right Transfer Ratios

North Tahoe Preservation Alliance-June 19, 2012

Here is a scenario as we understand it:

A family has a house in an SEZ (stream environment zone), let's say it in Christmas Valley along the Upper Truckee River. Their home is located in a quiet and beautiful mountain setting. Let's say it is worth \$300k (a low average price).

They will have the option of tearing down their home and restoring it to its natural condition (cost approximately \$100,000. Now they have \$400k in the property.) for the opportunity to receive 6 "development rights" in a town center; let's say City of South Lake Tahoe Hwy 50 corridor (noisy, not so beautiful).

These 6 development rights will be worth \$40k each or \$240k? That's what Lew Feldman thought a developer could afford to pay...something along the lines of a TAU (tourist accommodation unit). A development right is currently worth \$30k. Now they are in \$400k, so they have lost \$160k already. How can they then purchase a 3 bdr., 2 bath condo in a walkable, bikeable community and come out ahead?

Questions:

1. Will the condo they purchase in the town center be constructed already or will they have to take a risk that it will be constructed in the future? How does that work? Who will purchase their development rights? Considering the current surplus of low cost, available housing supply, why do you envision a demand for these "rights" and how much do you speculate that each right will be worth? Aren't there many other ways for a developer to obtain a development right?
2. Or will they have to secure property in a town center at an average lot cost of \$400k and build 6 units @ 1000 sf each at the cost of \$200/sf or \$1.2m? They are already losing \$160k plus the \$1.8m to buy and build on a town center parcel which totals \$1.96m divided by 6 units or \$325k each unit...and that is all they would be worth....
3. Or It is our understanding that in addition to the cost of removing their old home and restoring their SEZ property (\$100,000) they also have to purchase the condo in the town center at some unknown cost. What cost are you considering for a replacement property?
4. Who will purchase their development rights? In other words, considering the current surplus of low cost, available housing supply, why do you envision a demand for these "rights" and how much do you speculate that each right will be worth?
5. Is this scheme primarily for undeveloped properties? If you have an undeveloped parcel you don't have the cost of demolition or restoration (\$100k) and the property is worth less or \$100k, but you receive less development rights. 3.5 rights are the maximum. 3.5 times \$40k equals \$140k....so you've made \$40k only if the property is worth \$100k or less.

Since this program is the fundamental basis for the RPU, these questions must be answered.

EXHIBIT E

Date: 6/27/2012
To: North Tahoe Preservation Alliance
From: Anthony Kalbfus, retired economist
Re: Comments on the Regional Plan Update Environmental Impact Statement (EIS)

I have five points to make: (1) The EIS focuses on incentives to build in the receiving areas but lacks analysis of the financial reality from the sending parcel owner's perspective. When you look at why someone would be willing to sell development rights, the problem of adverse selection arises. (2) New York State's land purchase program for the Adirondack Park may provide an effective alternative. (3) Population growth can be a misleading indicator for economic development in a resort area. (4) Forecasts of demand exceeding supply are problematical. And (5) Declining vehicle miles driven is a national phenomenon that is related to the weak economy and high gasoline prices and should not be attributed to the Marketable Rights Transfer program for the lake Tahoe Basin.

From the Land Owners' Perspective: "Adverse selection" is a term very familiar to the Insurance industry. People who are sick want to buy medical and life insurance, while people who are healthy are less inclined to do so. This causes insurance companies to increase premiums to cover their costs. The increased premiums further discourage healthy people from buying insurance. Hence the current political debate about forcing people to buy insurance.

A similar phenomenon is certainly at work in the Tahoe Marketable Rights Transfer Program. At first glance, the program seems similar to the successful market for pollution rights in the European Union. The problem is that you are not dealing with a homogeneous product. CO₂ is CO₂, but each piece of land is unique. If someone owns two parcels of land, each with the same amount of development rights, he might be inclined to develop the best plot and sell the rights to the other one which might be very difficult to build on, e.g. a pile of rocks or a steep cliff.

So the best land will be developed, and the worst land will remain undeveloped. But this is what would happen without the sale of development rights. What is to prevent a person from tearing down a dilapidated residence in one parcel and building a new residence in an adjacent one, while selling development rights for the first property. How much money is being spent on buying development rights that would never have been used? Is this wasted money? What is the value of an isolated plot of land with no development rights? I suppose that it could be bought by someone owning an adjacent plot for a buffer. If it is farm land, it could be farmed, but I haven't seen much farm land around Lake Tahoe. I'm sure there will be sales of development rights under this program, but I'm afraid much of the money will go for land that would never have been developed anyway. Having transferable development rights only makes sense if it results in not developing land that would otherwise be developed.

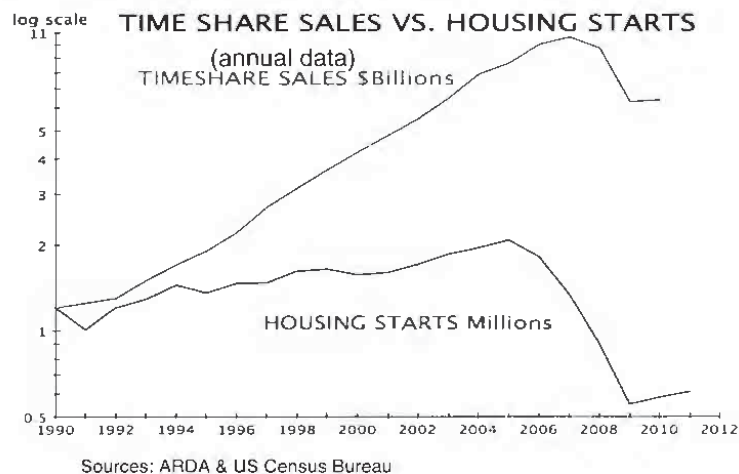
The Land Purchase Alternative: New York State has been buying up environmentally sensitive land in recent years for the Adirondack Park to be "forever wild". Similarly, the

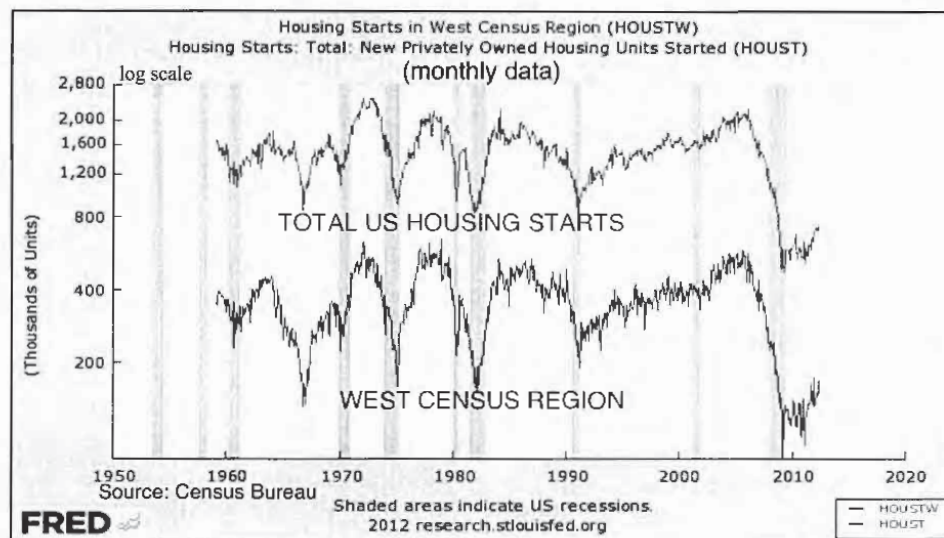
California Tahoe Conservancy and Nevada State Lands have bought up approximately 8k sensitive parcels in the Basin over the last 25 years. It was an excellent program until the Federal and State money dried up. They now are focusing on selling their large inventories of coverage to developers. Could the proceeds from the coverage sales be used to buy more sensitive land? How much is being spent on the TDR program? Would this money be better spent on purchases of the most sensitive land around Lake Tahoe? Public purchases could avoid the problem of adverse selection.

Demand and Supply Projections: I have a problem with forecasts that demand will exceed supply. This only happens when the price is held down artificially. Otherwise, restricting supply increases prices. What assumptions are being made to get demand exceeding supply?

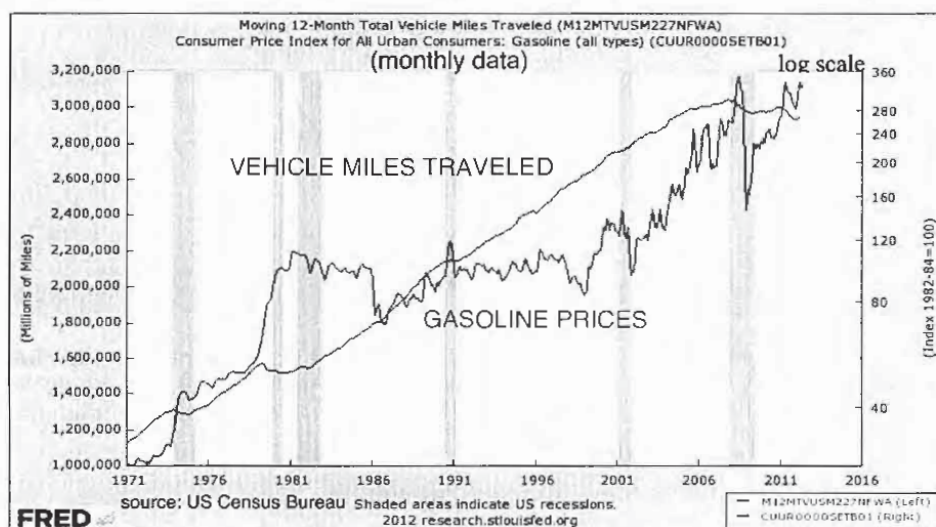
The Relevance of Population Statistics: Talking about the resident population of Lake Tahoe or any other resort area makes little sense when a large portion of housing units represents 2nd homes, vacation homes, hotel rooms, and timeshare units. The Census Bureau only counts people in their main residents. There seems to have been an explosion of timeshare units around Lake Tahoe in recent years. For a while, it seemed that everyone you met wanted to sell you one, offering free restaurant meals and lift tickets.

On a national basis, timeshare sales grew from \$1.2 billion in 1990 to a peak of \$10.6 billion in 2007, a compound annual growth rate of 13.7% per year. After that, they plummeted to just \$6.4 billion in 2010, a 40% decline (or 15.5% per year). Housing starts, which tend to lead new home sales, increased at an annual rate of 3.7% from 1990 to 2005, before declining by 73.3% in 2009 (or 28.1%/year) before rising again by 10.4% in 2011 (5.1%/year). Housing starts in the West Census Region have shown a similar pattern to that of National housing starts. Both have dipped to the lowest levels in more than 50 years, but are beginning to recover. Timeshare sales are likely to continue to follow housing starts as they recover from the US financial meltdown.





Air Pollution and Vehicle Miles: Declining vehicle miles are having a positive impact on air pollution in the Tahoe area, but this is a national phenomenon that is likely to be temporary. On a national basis, the number of vehicle miles driven has declined in



recent years in response to the combination of a weak economy and high gasoline prices. Persistent increases in gasoline prices despite an unusually sluggish recovery have extended the decline during the current business cycle.

Business conditions in Lake Tahoe have suffered along with the rest of the economy and should recover as the rest of the economy does. More and more people will visit Lake Tahoe, and the impact on air and water pollution will intensify, regardless of the

size of the resident population. The decline in vehicle miles should not be attributed to the Marketable Rights Transfer program for the lake Tahoe Basin.

My credentials:

Retired New York Life Economist.

Previously did economic forecasting and analysis for Lionel D. Edie, Merrill Lynch, TIAA-CREF, and Chase Manhattan Bank. I was a student of Milton Friedman at The University of Chicago.

I have been a part time resident of Incline village over the past five years. I'm also part owner of one of the great camps in the Adirondacks.

027

Development Right Transfer Ratios

Here is a scenario as we understand it:

A family has a house in an SEZ, let's say it in Christmas Valley along the Upper Truckee River. Their home is located in a quiet and beautiful mountain setting. Let's say it is worth \$300k

They will have the option of tearing down their home and restoring it to its natural condition (cost approximately \$100,000. Now they have \$400k in the property.) for the opportunity to receive 6 "development rights" in a town center; let's say City of South Lake Tahoe Hwy 50 corridor (noisy, not so beautiful).

These 6 development rights will be worth \$40k each or \$240k? That's what Lew Feldman thought a developer could afford to pay...something along the lines of a TAU. Now they are in \$400k, so they have lost \$160k already. How can they then purchase a 3 bdr., 2 bath condo in a walkable, bikeable community?

Questions:

1. Will the condo they purchase in the town center be constructed already or will they have to take a risk that it will be constructed in the future? How does that work? Who will purchase their development rights? Considering the current surplus of low cost, available housing supply, why do you envision a demand for these "rights" and how much do you speculate that each right will be worth?
2. It is our understanding that in addition to the cost of removing their old home and restoring their SEZ property (\$100,000) they also have to purchase the condo in the town center at some unknown cost. What cost are you considering for a replacement property?
3. Who will purchase their development rights? In other words, considering the current surplus of low cost, available housing supply, why do you envision a demand for these "rights" and how much do you speculate that each right will be worth?
4. Is this scheme primarily for undeveloped properties?

Based on the fact that this scenario/theory is the foundation of the RPU, we would hope that you could explain it in detail so it makes sense to the rest of us

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From: Ann Nichols, 42 year resident, Nevada property owner, President of the North Tahoe Preservation Alliance, a Nevada Non-profit which we created 4 years ago in response to the Boulder Bay project, Lake Tahoe Federal Advisory Board Member, in the Real Estate Business for more than 30 years, a Nevada and Ca. Real Estate Broker and Business owner.

TRPA'S Unintended Consequences

SB271 certainly got TRPA off the dime on the Regional Plan Update (RPU), but unfortunately the process has spun out of control. On April 25th, TRPA Governing Board will give recommendations on the final direction of the RPU, the Environmental Report for the RPU, code for the RPU and present revised environmental thresholds. According to TRPA this big push and resultant frenzy is justified by meeting the requirements of SB271. But to many of us, it's the excuse to overwhelm and wear out the Public with mountains of information and a rushed Regional Plan which is scheduled to be approved by the end of 2012.

What none of us want is a bad regional plan with adverse unintended consequences. We feel the following land use policies are contrary to TRPA's goal of "restoring and protecting Lake Tahoe water quality while creating sustainable communities". A few of our main concerns are the following land use changes outlined in the Staff preferred alternative:

1. **Up-zoning of Recreation Uses:** Currently "recreation" zoned property, which includes State Parks, Forest Service Land, GIDs, and Ski Areas, does not allow residential or tourist accommodation units. The RPU would allow these uses. This is additive development and an expansion of the current urban boundaries in the Tahoe Basin. Incline Village GID owned property is now zoned recreation. TRPA proposes to up-zone 250 acres of the Park Cattle property adjacent to Heavenly Valley and Edgewood from conservation to recreation. Northstar, owned by Vail, has begun the required County approvals to extend their ski lifts into the Tahoe basin side of Mt. Pluto. Allowing development of pristine forests does nothing to improve water or air quality.
2. **Density increases:** Tourist Accommodation Units (TAUS) with kitchens, which includes timeshare and fractional ownership, is going from 15 units/acre to 40 units/acre. That's over a 247% increase. Where is the demand for this development?
3. **Height Increases:** The Nevada side of the South Shore Casino core will be allowed 197' in height for new structures, not just allowing existing structures to be upgraded as TRPA repeatedly states. 95' in height will be allowed for commercial on the South Shore Ca. side and 56' for the rest of the Town Centers around the lake (Incline, Kings Beach, Tahoe City on the North Shore). These heights can be further increased by local community plans or the inclusion of TAUS. This is a prime example of repeating the mistakes of the past by creating a Tahoe on steroids. As far as County restraint, we've seen how Washoe County listens to the Public with the tax revolt. Counties are driven by revenue and will likely promote excess development with little concern for community character. Again, where is the demand for all this?
4. **Replenish Entitlements:** TRPA will be required to maintain a constant supply of entitlements. It's an open checkbook with no mention of what the current baseline is for

028-1

comparison purposes, nor what the proposed population or carrying capacity of the basin should be. How is this protecting Lake Tahoe?

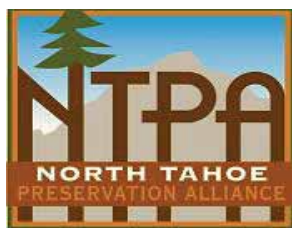
5. **Coverage Transfers:** Currently coverage can only be transferred within the existing hydrologic areas. However, the RPU proposes transfers anywhere around the basin. South Shore coverage can come to North Shore, but the North Shore geography and roadways can't handle much more population. We don't have South Shore's six lane highways or loop roads. New commercial coverage is also proposed to increase to 70% from 50%. How does increasing traffic congestion help protect Lake Tahoe?

Let's have a thoughtful process that enforces completion of BMPS (Storm water Treatment), encourages redevelopment of existing structures rather than additive development. Let's collaborate on a plan that increases open space, all without sacrificing the quality of life, community character and our pristine mountain/Lake environment.

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029



To the Governing Board of the Tahoe Regional Planning Agency

Lake Tahoe, the Jewel of the Sierra, is the largest and purest sub-alpine lake in North America. Its clarity has impressed visitors since the 1800s and it is imperative that we protect and restore this unique international treasure so the tranquility and serenity of this natural resource can be enjoyed by generations to come.

The multiple impacts of the Comstock era of logging and deforestation, the rapacious devastation wrought by the “gold fever” of the mining era, and the pressures that accompanied the 1960 Olympics combined over time to degrade the lake and region. As early as the 1950s, scientific

029-1

studies were showing a decline in lake clarity. It was apparent that the area needed regional planning. With the establishment of the Tahoe Regional Planning Agency (TRPA) in 1969 the previously unrestricted urbanization of the region was slowed and environmental standards to preserve the lake were enacted.

Those environmental standards are now threatened. It appears to us that the agency is reversing many of the crucial regulations mandated by the Tahoe Regional Compact. We urge the TRPA Board to exercise prudence and do everything in its power to uphold, achieve, and maintain the environmental thresholds it is charged to enforce.

It is our belief and concern that the proposed Regional Plan will neither restore nor protect the lake. Instead, it will open the floodgates one more time to rampant growth and high-density urbanization, thereby making more thresholds impossible to attain. These consequences would not be consistent with a proud legacy we know the members of TRPA's board desire.

As current and former elected officials, concerned residents, business owners, and local interests groups, we understand the economic pressures facing the region but also understand that whatever positive outcomes we may wish for the region are dependent on the health of the lake and its surrounding watersheds. As one of the few areas congressionally designated by the Clean Water Act as an "Outstanding National Resource Water," it is essential that we ensure that the RPU protects Lake Tahoe.

We therefore urge you to join us in actively pursuing a Regional Plan that protects Lake Tahoe.

Sincerely,

Laurel Ames
Conservation Co-Chair
Tahoe Area Sierra Club



Darcie Goodman-Collins, PhD
Executive Director
League to Save Lake Tahoe



Susan Gearhart
President
Friends of the West Shore



David Hornbeck
Vice-Chair
Sierra Club, Toiyabe Chapter



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Cont'd

Ann Nichols
President
North Tahoe Preservation Alliance



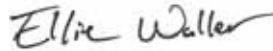
Roger Patching
President/CEO
Friends of Lake Tahoe



Scot Rutledge
Executive Director
Nevada Conservation League



Ellie Waller
Tahoe Vista Resident
P.O. Box 535 Tahoe Vista, CA 96148



Jerry Wotel
President
North Tahoe Citizens Action Alliance



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030

Ann Nichols
North Tahoe Preservation Alliance
4.25.12

Ann Nichols, North Tahoe Preservation Alliance said TRPA has failed to protect the public interest. When TRPA Governing Board approved the Boulder Bay project and its companion height amendment those of us who agitated for a down scale project thought the height amendment was contingent on the project. The height amendment for the North Stateline Community Plan is now a standalone variance and TRPA's code that runs with the land not the permit. It is now the new standard criteria for any development 75 feet in height and the height is changed how it is measured. It is now average slope not low to high point. Any new buyer or secured lender will be able to build this height. Boulder Bay touted an area wide storm management plan a reduction in the number of units and their use, a reduction in the square foot and build out, a 16 percent reduction in coverage leed building green roofs settlement agreement with Still Water Cove and the California Attorney General. The new height amendment does not mention any of these things in the text as contingencies. So it did not matter what the project claimed; it seems it was all about new allowed height for that area. The inflation and the value of the land that occurred as a result of the entitlement process. The TRPA permit for the project was apparently acknowledged the other day and is has been a year since project approval. The public should be glad that we do not have a hole in the ground like the South Shore, but we wonder whether the Biltmore storm water BMPs will ever be done. This confusing procedure is typical of the dysfunction of TRPA's option and system of letting projects drive its planning rather than planning to meet Thresholds as required by the project. Code requires that height amendments be analyzed in advance of a project but TRPA refused in this case, even though we asked numerous times during the EIS procedure. TRPA said the Counties are fine with it and it will conform with the Goals and Policies once there is a height amendment, so it is circular thinking. So we did not have a chance, it is the "we" will make it work mentality. Governing Board next time makes a project specific Code amendment subject to the permit; do not let it run with the land. Or was it always the intentions that the SEP approval process be an entitlement give away regardless of the agreements contained in the proposal.

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031

Ann Nichols
North Tahoe Preservation Alliance

6.27.2012

Ann Nichols, North Tahoe Preservation Alliance said going through this document having some trouble, John Hitchcock has been working with me and John Hester in the last couple weeks trying to get this baseline inventory of entitlements straight. Because it didn't seem to us that everything was taken into account and it appears it hasn't. There is a lot of stuff that the City of South Lake Tahoe has that aren't mentioned, we don't think. We have a report here that was done on all the entitlements that you have that we are including in our comments, but I just don't see how we can come to the correct conclusion when it is based on the wrong assumptions. So we really need to know where we are standing. How many of the units are timeshares and fractional and it is not broken down. What kind of coverage do you have, what kind of outstanding development rights.

The Counties, the agencies wasn't quantified. For instance, California Tahoe Conservancy is going to sell four parcels, trying to begin the process as of March, which total 68 acres, 15 acres at Heavenly Village, so it was 151 parcels just on that one site, so is that being counted. Then they have another 468 parcels that they want to sell, they think they can, so what really is the potential development. What is confusing about this is it is supposedly no growth but yet we are going to fix the economy, so where are we.

What is this conflicting information? So we are looking at these population numbers and the population is under estimated because we use the Censes Bureau, which doesn't talk about second homes or visitors fractional timeshare and then the loss of our population which would only be the resident portion which changes as much as 8% depending on how many as second and third homes. So we have these big swings and we are only considering a growth rate of .07% but in the decade from 1990 – 2000 it was 1.96% compounded. So why do we have the low rate, what is the basis for this. Is it the recession, well it's the same government TRPA controls. We just need a better analysis of where are we at, is that what really matters. Isn't it the 5-7 million visitors a year, which there is a swing per year of 2 million visitors. 2005 was 7.5 million, 2010 was 5.5 million and this is a big deal. We need to figure this stuff out and I hope we can get a good document that really gets us started the right way. Thank you.

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032**Ann Nichols****North Tahoe Preservation Alliance**

5.23.12

Anne Nichols, North Tahoe Preservation Alliance, said just wanted to talk about staff cooperation with trying to understand this plan. I think that everyone is really trying and it is a monumental task and is certainly is for the public with only 60 days and actually it is 4500 pages if you count everything. So what her current dilemma has been is the development right transfer and she has done a lot of this through emails, so you can try to understand it. For instance, today Arlo said well this just isn't working. All I am trying to find out is where do the development right transfers come from, what pool? Where are they? That is the 3-1, 4-1, 5-1, 6-1 for outlying, either existing development or raw land. This is very important because we are trying to have a cap on growth and figure it out. Also, say you owned a house in Christmas Valley on an SEZ and it was worth \$300,000 and you are supposed to tear it down and restore the site, and that would be another \$100,000. You have \$400,000 in and you get 6 development rights and Lew Feldman said they should be about \$40,000 a piece and that is \$240,000 that you get back and you are already under \$160,000, why would anyone ever do this? So that is the question, no one will ever do this. It says right in the study that we got the other day, wasn't an exhibit on the EIS, that BAE 2012 study say the developers are only going to require 10% over hard costs as profit, what developer, Shelly might know more, would ever do a project for that kind of return. We are just getting this information and trying to figure it out and I am sure you are too. I really need help with this, because then it only makes sense for properties with raw land where you don't have to tear down the building or restore the site to do the transfer, then you get less. You get a maximum of 3-1, so where do these come from. Is it from the 2600 units? That is my question. I would love the answer. I know they are frustrated with us, but we are just trying to figure this out.

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Ann Nichol
North Tahoe Preservation Alliance
5.23.12

Ann Nichols, North Tahoe Preservation Alliance, said some of the people from the open houses were disappointed that it wasn't more educating. Because everything was split into groups, there wasn't a general education or question and answer for the public. I think it is time for us to get down to specifics, particularly we shouldn't say things like modest increases in height when we are going from 197 feet. A small handful of parcels are being reclassified but how many acres are being changed to recreation. It is 90 parcels, but how many acres? It is a lot of land. So as far as the planning for recreation, it doesn't have to be a ski area; it can just be a master plan of any type or any sort of master development. Employee housing, if that is all it was and was restricted to that this would be great, but it is really expanding the urban boundary. Although it is next to high density tourist, the next time it will be well it is next to the recreation with the hotel which is next the high density tourist and that is how sprawl actually happens. I thought we were trying to stop that. As far as these bonus units, I am finally getting some answers. There is 1400 bonus units left which is for affordable housing, so now we are going to change those to accommodate hotels and recreational areas, is that what you are saying? 500 have been constructed which is what I think you said Arlo, so that would be 900 left that wouldn't be used strictly for affordable, it would now be for developing on transfer development rights from outlying areas and this is not the bonus unit pool that is doing the 600 for residential. You have to be an astrophysicist, so if we could just have a clear description of this in writing for all of us, where are these bonus units coming from and are going to and what there uses are. Then the BAE final feasibility was just mentioned and should be an attachment, sense it is the basis for a lot of the EIS document and should be attached as an appendix. There is no view of what the financial feasibility of an owner transferring his home. It is only from the view of a developer developing. We should look at it from the actual practicality of this. We really don't want to see pristine forest, outlying areas. It is one thing to transfer development that is already developed, but to transfer potential development from pristine areas into Town Centers, seems to be counterproductive.

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Greg Jones
Sierra Business Council

6.27.2012

Greg Jones, VP Sierra Business Council based in Truckee said I want to thank you for the opportunity to speak on this issue today. We are here today to support and acknowledge Alternative 3 of the Lake Tahoe Regional Plan Update. We recognize the community collaboration of an update of the scope and we appreciate, respect and encourage the leadership of the TRPA. The Lakes' future revitalization and environmental restoration requires a thoughtful and well-balanced approach. We feel that Alternative 3 provides the greatest level of flexibility for local governments to prepare and adopt plans tailored to the needs of local communities incorporating TRPA requirements and local policy objectives.

Alternative 3 promotes an area plan strategy which focuses on environmental redevelopment of existing built environment and provides allowances for new special district overlays including greater density and appropriately designed designated community centers. We support elements of the RPU which encourages community prosperity in green building planning and environmental innovation and in the geo-tourism and health and wellness clusters as identified in the Tahoe Prosperity Plan. Furthermore, SBC strongly supports the greater emphasis on non-auto mobility in the Regional Transportation Plan. Lake Tahoe can and should be a leader in the continued development of world class bicycle and multi-use trail networks. Finally, Alternative 3 supports achieving Lake Tahoe's Greenhouse Gas reduction targets as established by the California Air Resources Board consistent with requirements of the California Senate Bill 375. In short, Alternative 3 meets the value and vision of our organization while meeting the environmental, economical and community enhancement goals of the Tahoe Basin. Thank you for your time.

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035

Promoting opportunities for quality, human-powered
winter recreation and protecting winter wildlands

June 26, 2012

Tahoe Regional Planning Agency
128 Market Street
P.O. Box 5310
Stateline, NV. 89449

Comments on Draft Regional Plan

Dear Sirs:

Snowlands participated in Pathways 2007 and in 2010 submitted extensive comments with regard to the Tahoe Regional Planning Agency's revised management plan. Snowlands appreciates TRPA's dedication and attention to the long-range future of the Lake Tahoe basin.

Snowlands Network submits these comments on the Draft Regional Plan and Draft Environmental Impact Statement dated April 2012.

Snowlands Network represents the interests of California and Nevada skiers, snowshoers and other winter recreationists who enjoy areas that are free from the adverse impacts of motorized use. Snowlands has approximately 500 members and has collected petitions from thousands supporting its mission. Snowlands members specifically wish to preserve the opportunities for a quiet and serene recreational experience on Lake Tahoe lands, a major policy objective of TRPA.

Winter Wildlands Alliance has participated with Snowlands in commenting on the development of the plan and continues to join in each of the comments herein. Winter Wildlands Alliance is a national nonprofit organization promoting and preserving winter wildlands and a quality human-powered snowsports experience on public lands. It has 1,300 members and 40 affiliated organizations who together have an additional 30,000 members.

We appreciate the effort of the Agency to define general policies and objectives for management of the basin. We urge a few specific revisions to the language of a few policies to better address the enumerated goals.

Our proposed revisions are set forth below as new underlined text. Following the proposed revisions, Snowlands explains why these changes are necessary. These revisions will improve the effectiveness of the revised plan in controlling pollution, improving Lake clarity, enhancing recreational opportunity, and facilitating environmentally-responsible long-term economic growth.

P.O. Box 2570, Nevada City, CA 95959 • 530.265.6424 • E-mail: info@snowlands.org • Website: www.snowlands.org

035-1

AQ-1.3A ENCOURAGE THE REDUCTION OF EMISSIONS FROM MOTOR VEHICLES AND OTHER MOTORIZED MACHINERY IN THE REGION.

Significant emissions of air pollutants including green house gases (GHG)s are produced by automobiles, motor vehicles and other gas powered machinery in the Region. The Land Use Subelement and the Transportation Element contain Goals and Policies to reduce the amount of air pollution generated from motor vehicles in the Region. Additionally, TRPA shall pursue other feasible and cost effective opportunities to reduce emissions from motor vehicles and other gas powered machinery in the Region. Off-road recreation vehicles including snowmobiles contribute disproportionate amounts of pollution per recreational user and merit continued regulatory attention.

WQ-3.8 OFF ROAD MOTORIZED VEHICLE USE INCLUDING OVERSNOW VEHICLES IS PROHIBITED IN THE LAKE TAHOE REGION EXCEPT ON SPECIFIED ROADS, TRAILS, OR DESIGNATED AREAS WHERE THE IMPACTS CAN BE MITIGATED AND SUCH USE DOES NOT SIGNIFICANTLY REDUCE RECREATION OPPORTUNITIES FOR OTHER USERS.

R-2.1 WILDERNESS AND OTHER UNDEVELOPED AND UNROADED AREAS SHALL BE MANAGED FOR LOW-DENSITY USE.

Natural areas with limited road access are ideal for dispersed recreational activities keyed to solitude and appreciation of wilderness values. Such areas offer unique qualities best suited to such activities as primitive camping, hiking, cross-country skiing, fishing, and nature study. Winter recreation is highly popular in the Lake Tahoe region and management must take into account changes caused by snow accumulation and limited winter access in determining appropriate areas to be managed for low-density use.

In addition, a new noise policy should be added:

N- 1.6 APPLICABILITY OF NOISE THRESHOLDS

Noise thresholds are maximums for all areas and such levels of noise are not appropriate for many areas. Management should strive for the elimination of as much noise as possible from areas valued for their natural quiet.

These changes are warranted as a more specific statement of TRPA policy that acknowledges important issues and yet are limited to statements of policy goals and objectives. We urge TRPA to include these changes verbatim in the revised plan.

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In addition, we urge TRPA to include a new Recreational goal and objective, as follows:

R. 2.4 WINTER RECREATION OPPORTUNITY Backcountry skiing, nordic skate skiing and snowshoeing are fast-growing sports that are important to the Lake Tahoe Region, have a low impact on the environment, and can accommodate significant growth without taxing existing facilities and natural resources. The Lake Tahoe region should protect this recreational opportunity and encourage the best management practices that enhance such opportunity.

This new recreational goal and objective is warranted because the Lake Tahoe region appears to be losing such opportunities, due to loss of areas to motorized recreation and closure of nordic ski areas, including Diamond Peak. Communities around the basin have not developed community-based Nordic ski programs similar to areas that have highly-successful nordic programs. Communities such as Jackson, Wyoming and Sun Valley, Idaho – which compete with the Tahoe area for winter recreation visitors – benefit from having broad community-affiliated programs that groom winter trails for cross-country and skate skiing, as well as snowshoeing. These sports are ideally suited to community based programs for a variety of reasons and offer the potential for substantial growth in participation levels without overtaxing the natural resource. Community-based programs can complement the existing privately-run nordic areas, as is the situation around Mt. Hood, Oregon and Salt Lake City. We believe that it is important that TRPA recognize the need to continue to serve this segment of the winter recreation market.

Lastly, we continue to urge TRPA to ban older-technology, carbureted two-stroke snowmobiles from the Lake Tahoe Basin. This is warranted for reasons similar to those reasons that warranted TRPA's existing ban on carbureted two-stroke jet skis. The unique qualities of Lake Tahoe and status of the Lake Tahoe as one of the nation's premiere winter sports destinations make this action necessary.

Noise

For many winter users of the Lake Tahoe lands, snowmobiles constitute the single biggest source of noise pollution. The noise of snowmobiles ranges from a motorcycle roar to a high-pitched and very annoying whine. It can travel for miles and is annoying to many other recreational users to the point where snowmobile noise by itself will foreclose other users from enjoying the same area. Existing federal, state and local restrictions on snowmobiles noise are inadequate to preserve the Lake Tahoe recreational experience. We accept that TRPA's approach to this issue may be to accept that snowmobiles are noisy and deal with the issue by confining snowmobile use to appropriately designated trails and areas. Unfortunately, this has not happened.

Noise policy N 1.6 is needed because TRPA noise thresholds regarding snowmobiles simply incorporate state noise thresholds, which are not designed to protect serenity and quiet environments. They are appropriate for regulating noise on highways and defined routes where motor vehicle noise is anticipated. They are entirely

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inappropriate and ineffective in limiting noise in wilderness or backcountry environments – or even in residential environments.

In its report on the noise threshold following the Pathways 2007 study, TRPA acknowledged that the single event noise indicator “needs to become more useful in directing resources toward improving or developing strategies that preserve the serenity of communities and neighborhoods and provide abundant quiet recreation areas.” TRPA 2006 Threshold Evaluation – Chapter 9 – Noise (September 2007) at p. 9-10. Snowlands, proposed noise policy N-1.6 addresses this issue.

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Water Quality

TRPA should be concerned about the impact of snowmobile usage on Lake Tahoe and its clarity. Snowmobile use decreases the lands’ water retention capabilities. Soil compaction causes watershed areas to lose their ability to trap and hold water, and turbid water resulting from rapid runoff is a major contributing factor to the decline in Lake Tahoe’s clarity. Indeed, some high meadow areas suffer some of the greatest snowmobile usage. Snowmobile apologists often point to the low weight per square inch applied by a snowmobile when resting on ground. Such analysis ignores the exponential increase in weight of a snowmobile when travelling, turning and playing at speed. Such impact is readily apparent to even a casual observer of the deep ruts often made by snowmobiles.

035-3

Snowmobiles also release substantial amounts of pollution into the Lake Tahoe watershed. Old technology machines release as much as 30% of their fuel unburned, depositing much of it on the snow. Some evaporates into air pollution, other pollutants remain in the snowpack and are released during spring snowmelt. Assuming there are ten-thousand visits per year on Lake Tahoe lands using two-stroke OSVs and each visit consumes 5 gallons of gasoline, then OSVs are annually emitting approximately 15,000 gallons of gasoline into the Lake Tahoe watershed. Scientific evidence indicates that some of this pollution does not evaporate (and evaporation only changes the form of pollution to air.) Highly polluting two-stroke OSVs have been banned from Yellowstone National Park. Snowlands urges TRPA to adopt an identical prohibition for Lake Tahoe.

Air Quality

Snowmobiles are a major contributor to pollution in the Lake Tahoe lands, although their use is relatively low in comparison to other forms of recreation. The EPA has noted that a two-stroke snowmobile can emit as much hydrocarbons and nitrogen oxides as almost 100 cars and create up to 1,000 times more carbon monoxide.¹

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¹ *Environmental Impacts of Newly Regulated Non-road Engines: Frequently Asked Questions*. Office of Transportation and Air Quality Environmental Protection Agency, 2002,. See generally *Air Quality Concerns Related to Snowmobile Usage in National Parks* EPA, 2000, which study found that snowmobiles emit 500 to 1,000 times the amount of carbon monoxide produced by automobiles. Meanwhile, improvements in automobile emission standards exacerbate this discrepancy .

Accordingly, on heavy recreation days, snowmobile use could – by itself -- cause TRPA’s air pollution threshold to be exceeded on a daily basis.²

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Recreation

The problem of snowmobiles is intensifying in the Tahoe basin because of the growth in skiers and snowshoers, the growth in snowmobile impacts due to the increased power of today’s machines, and the expansion of permitted commercial outfitter-guide operations. Today’s snowmobiles have changed the sport of snowmobiling, with machines now used to high-mark steep slopes. They also travel much faster and much farther into wild lands, creating broader destruction of the ecosystem and disturbance of wildlife. These machines – even when only one user is in an area – can shred an entire slope of powder snow in less than an hour – a slope that otherwise could have provided multiple skiers days of powder skiing.

Contrary to TRPA policy, the responsible land management agency has not designated suitable areas for OSV use; instead, the Forest Service is allowing snowmobile use to dominate lands. Many Tahoe lands designated as “multi-use” are, in fact, de facto single use: motorized. As Winter Wildlands has stated:

Until the 1990’s, there was little overlap between motorized and non-motorized winter forest users. Before that time, motorized use was generally restricted to packed trails and roads as early snowmobiles would easily become bogged down in deep snow. Skiers and snowshoers wishing to avoid motorized impacts could go off trail to areas unreachable by snowmobile. In the 1990’s, however, the development of the “powder sled” vastly increased the reach of snowmobiles allowing the newer, more powerful machines to dominate terrain previously accessible only by backcountry skis or snowshoes and putting the two user groups on the current collision course. ...

035-5

Winter Wildlands Alliance and our constituents contend that in most cases the designation “multi-use” is a misnomer and is de facto single use: motorized. In other words, while skiers and snowshoers have access to multi-use areas, because of the [adverse impact of sharing an area with snowmobiles], the opportunity for a quality human-powered recreation experience is lost on forest lands designated as multi-use because those lands are in fact dominated by motorized use.³

² TRPA’s primary air pollution thresholds are based on air quality rather than pollution sources. However, TRPA has a vehicles miles travelled environmental threshold of 1.79 million daily miles, which is intended to correlate to achievement of the requisite air quality threshold. TRPA does not currently have a volume threshold for other vehicles. (See TRPA 2006 Threshold Evaluation Report – Air Quality/Transportation, .) Taking the environmental threshold of 1.79 million miles, and using the equivalency of one snowmobile to 100 cars (which can perhaps be translated to one snowmobile hour = 4,500 vehicle miles), 500 hours of snowmobile use (a low estimate for an average weekend day) is equivalent to 2.25 million vehicle miles, which *by itself* significantly exceeds the threshold. Although newer technology snowmobiles may have reduced the above equivalency, using this and other methodologies) it is obvious that, due to the lack of restrictions on snowmobiles, *a very small percentage of Lake Tahoe’s winter visitors are a major contributor to air pollution on the LTBMU lands.*

³ Winter Wildlands Alliance, *Winter Recreation on Western National Forest Lands*, 2006.

The “collision” with human-powered sports is happening in the Tahoe basin. For instance, the growth in commercial outfitter-guide operations on the west side of Brockway Summit has not only effectively closed that area to snowshoers and skiers, but has also caused private snowmobile users to shift to other areas, due to crowding and perhaps misperceptions about commercial exclusivity. This shift is now displacing human-powered recreationists from the east side of Brockway Summit as well as the west side.

Cross-country skiing, backcountry skiing and snowshoeing are each rapidly growing sports in the Lake Tahoe basin, as documented in Forest Service reports. National Visitor Use Monitoring data understates the participation in these sports (or such participation is lumped into “other”), because the NVUM methodology does not specifically include backcountry skiing or snowshoeing. These sports have gained wide participation only in the last fifteen years, with most of that growth occurring in the last five years. Such growth is readily apparent to anyone visiting the Tahoe basin in winter.

Cross-country skiing, backcountry skiing and snowshoeing are all extremely low impact sports (i.e. they have an extremely low impact on the environment, even less than hiking) and the Lake Tahoe lands can accommodate growth in these sports. TRPA should be encouraging such growth, even at the cost of displacing a few motorized users.

Each of these issues is discussed in further detail in Exhibit A.

We thank you for consideration of this letter and look forward to discussing our concerns further.

Sincerely yours,

Bob Rowen

Bob Rowen
Snowlands Network

Forrest McCarthy

Forrest McCarthy
Winter Wildlands Alliance

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Exhibit A – The Snowmobile Problem

Exhibit A to Comments
of Snowlands Network
and Winter Wildlands Alliance

The Snowmobile Problem

Snowmobiles are no longer used just to travel over snow on defined routes. Modern snowmobiles have changed the sport of snowmobiling, with machines now used to high-mark steep slopes and to penetrate deep into the forest. Today's snowmobiles have the highest power-to-weight ratio of any mass-produced vehicle and continue to be the most highly-polluting recreational vehicle in common use – more polluting than dirtbikes and ATV's, which themselves emit many, many times the pollution of automobiles. Today's snowmobiles also continue to generate a huge amount of noise for a backcountry environment, noise comparable to that generated by the loudest motorcycles legally permitted on our highways. And yet these machines are allowed to roam widely over backcountry lands cherished by other users for their clean beauty and serene quiet, including important wildlife habitat, watersheds, and fragile ecosystems.¹

Certain impacts of snowmobiles and other over-snow vehicles (OSVs) are obvious: the noise pollution, visible exhaust, shredding of the snowscape and safety. Impacts of snowmobiles to wildlife, ecosystems, and air and water quality are just as significant even though they may be less obvious to the casual observer.

One snowmobile can ruin the backcountry experience otherwise enjoyed by hundreds of human-powered recreationists. Snowmobiles also emit a highly disproportionate amount of pollution. That is the snowmobile problem. Snowmobiles may have their place as a purely recreational vehicle, but not at the expense of the far greater number of backcountry enthusiasts who seek a quiet and clean environment and not at the risk of ecosystems. Other industries and users continue to make substantial efforts to reduce their impact on the environment while one snowmobile user can disrupt the quiet of an entire parkland and in one hour emit 3.8 pounds of hydrocarbons, 8.3 pounds of carbon monoxide and 3.9 pounds of volatile organic compounds.² Snowmobiles must be restricted and managed like all other forms of highly-polluting, high impact activity.

Air and Water Pollution

The EPA has acknowledged that a two-stroke snowmobile can emit as much hydrocarbons and nitrogen oxides as almost 100 cars and create up to 1,000 times more

¹ Recreational snowmobiles have engines that generate up to 150 horsepower. They weigh up to 600 pounds, and can travel at speeds in excess of 100 miles per hour.

² Environmental Protection Agency 2010 emission estimates.

carbon monoxide.³ OSVs with two-stroke engines are especially dirty machines. Two-stroke engines discharge 25-30 percent of their fuel mixture unburned directly into the environment. Some of this is deposited on the snow, which enters the watershed in spring snowmelt (Ingersoll, 1998). Snowmobile exhaust is particularly dangerous to other users in the same environment because of the high amount of carbon monoxide in snowmobile exhaust.

EPA emission standards applicable to snowmobiles do NOT change these comparisons. They are meaningful – if at all – only in comparison to much older technology snowmobiles. Unlike emission standards for cars, emissions standards for snowmobiles are expressed in grams per kilowatt-hour. (Kilowatt hour is a measure of power comparable to horsepower.) Thus, the more powerful a snowmobile, the more it is allowed to pollute. Comparing a snowmobile to a passenger vehicle, a snowmobile is allowed to produce approximately 50 times more carbon monoxide per hour of use than a passenger vehicle.⁴ The differential is even greater for hydrocarbons.⁵

The differential in emission standards is even greater using California's more stringent requirements for automobiles.

In addition to carbon monoxide, OSVs emit dangerous levels of nitrogen oxides, ozone, aldehydes, butadiene, benzenes, and extremely persistent polycyclic aromatic hydrocarbons (PAH). Several of these compounds are listed as "known" or "probable" human carcinogens by the EPA. Benzene, for instance, is a "known" human carcinogen and several aldehydes including butadiene are classified as "probable human carcinogens." All are believed to cause deleterious health effects in humans and animals (EPA 1993). Although some snowmobile apologists claim that the exhaust is less harmful because it occurs during the winter when ozone smog is at its lowest levels, the concentration of emissions (and thus the impact on other users in the same environment) actually increases with elevation and cold (Janssen and Schettler, 2003).

Carbon Monoxide

Carbon monoxide (CO) is a carcinogen and extremely dangerous to humans.⁶ OSVs emit

³ *Environmental Impacts of Newly Regulated Non-road Engines: Frequently Asked Questions*. Office of Transportation and Air Quality, Environmental Protection Agency, 2002,. See generally *Air Quality Concerns Related to Snowmobile Usage in National Parks*, National Park Service, 2000. The EPA has adopted emission standards for new OSVs but they are meaningful only in comparisons to older snowmobile technology. They do not change the overall comparison.

⁴ A snowmobile is allowed to produce 275 grams of carbon monoxide per kilowatt hour, which translates to 206 grams per horsepower/hour, which translates to 4 kilograms of carbon monoxide for a snowmobile driven at an average of 20 horsepower for an hour. A passenger vehicle is allowed to produce approximately 3.4 grams of carbon monoxide per mile, which translates to 204 grams per hour at 60 mph. $8,800/204=43$.

⁵ A snowmobile is allowed to produce 75 grams of hydrocarbons per kilowatt hour, which translates to 56 grams per horsepower/hour, which translates to 1.1 kilograms of hydrocarbons for a snowmobile driven at an average of 20 horsepower for an hour. A passenger vehicle is allowed to produce approximately .1 grams of NMOG per mile, which translates to 6 grams per hour at 60 mph. $1,100/6=183$.

⁶ For a summary of the human health effects of snowmobile pollutants, including carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter, see EPA (1994). Fussell-Snook (1997) considered the particular impact of carbon monoxide exhaust on OSV riders.

dangerously high levels of carbon monoxide. A study conducted for the National Park Service in 1997⁷ concluded that a single snowmobile produces 500-1000 times more carbon monoxide than a 1988 passenger car.⁸

The National Park Service conducted air quality studies under various conditions at Yellowstone's West Entrance in 1995 and 1996, focusing on carbon monoxide and particulate matter concentrations at ground level. In this study they confirmed that snowmobile usage leads to an extremely dangerous buildup of ambient CO levels. Indeed, they took a CO reading of 36 ppm in 1996, which was the highest concentration recorded for CO nationwide, including in cities with notoriously high CO levels such as Los Angeles and Denver.⁹

Water Pollution

During spring snowmelt, pollutants that have accumulated in the snow from OSV travel are released into the watershed, causing elevated acidity levels in surrounding waterways and resulting in higher death rates for aquatic insects and amphibians.¹⁰ Pollutants "locked" in the snowpack are released very rapidly during the first few days of snow melt.¹¹ Researchers found that 80 percent of acid concentrates are released in the first 20 percent of snowmelt, and that this acid pulse is a major cause of death for aquatic insects and amphibians (E.g., Hagen and Langeland, 1973).¹² This acid pulse may also reduce the acid neutralizing capacity of aquatic systems, particularly those found at high elevations which typically are less capable of neutralizing acid deposition.¹³

Several studies have determined that the survival, productivity, and distribution of amphibians are drastically impacted by increasing acidity (E.g., Harte and Hoffman 1989)

⁷ *Air Quality Concerns Related to Snowmobile Usage in National Parks*, EPA, 2000.

⁸ These studies, being dated by several years, understate the disparity between snowmobile exhaust and passenger car exhaust because automobile manufacturers have continued to tighten passenger car exhaust limits while giving scant attention to snowmobile exhaust. Some modern cars emit only .12 grams/kW-hr as compared to California Air Resources Board estimates of 278 grams/kW-hr for OSVs. As a result, some OSVs produce almost 9,000 times more carbon monoxide during a given period than a modern car.

⁹ *Air Quality Concerns Related to Snowmobile Usage in National Parks*, EPA, 2000.

¹⁰ During the 1990's, when two-stroke engines were permitted in Yellowstone National Park, toxic raw fuel and air emissions accumulated in Yellowstone's snowpack along rivers, streams and lakes and roads where snowmobile use occurred. Ingersoll et. al., (1997) found increased levels of sulfates and ammonium in Yellowstone's snowpack compared to baseline conditions.

¹¹ Research in the Colorado Rockies has shown that a temporary depression of surface-water pH and alkalinity and a simultaneous increase in sulfate and nitrate levels occurs following spring snowmelt (Blanchard et al. 1987).

¹² Acidity fluctuations from vehicle emissions can disable a watershed's ability to regulate its own pH level, which can trigger system-wide problems and result in a long-term alteration of an entire ecosystem (Shaver et. al., 1998). This study found that the effects of pollutants can be both biological and ecological, and both acute and chronic. Such effects on plants include foliar injury, reduced productivity, tree mortality, decreased growth, altered plant competition, modifications in species diversity, and increased susceptibility to diseases and pests. Alterations to the vegetative community are also likely to result in implications to herbivores and other ecosystem components. In addition, ingestion by herbivores of trace elements deposited on leaf surfaces may lead to other impacts to the individual organism and throughout the food chain.

¹³ In one study, Charette et al. (1990) determined that "during the spring melting, the massive liberation of atmospheric pollutants accumulated in the snow cover is connected to a very important increase of acidity, which may be more than 100 times higher than the usual acidity level in surface water."

Several studies have also documented the adverse impact of two-stroke emissions on fish (E.g., Juttner 1995, Tjarnlund *et. al.*, 1995).

The most diverse trout species in North America, native cutthroat trout are found throughout the west. The cutthroat species has evolved through geographic isolation into at least ten subspecies, each native to a different major drainage basin (Duff, 1996). Two of the sub-species (the Yellowfin cutthroat trout and the Alvord cutthroat trout) are extinct. Three other subspecies (Lahontan cutthroat trout, Paiute cutthroat trout, and Greenback cutthroat) are listed on the U.S. Endangered Species List as threatened. Lahontan Cutthroat trout have existed in the Sierra Nevada; the Forest Service has sought to reintroduce such fish in the Lake Tahoe basin. Emissions, in particular from two-stroke engines, have been found to adversely affect trout. (Balk *et. al.* 1994, Tjarnlund *et. al.*, 1995, 1996, Adams 1975, Juttner *et al.* 1995).

A study by Ruzyski and Lutch (1999) used captive brook trout to determine effects of snowmobile emissions on fish. The exhaust components taken up by the trout correlated with the levels present in the environment due to snowmobile use. Even at extremely low levels of hydrocarbon pollution trout may experience chromosome damage, retarded growth, disruption of normal biological functions, and death.

Polycyclic Aromatic Hydrocarbons

PAHs are by-products of fuel combustion found in high concentrations in unregulated two-stroke emissions. They are particularly hazardous because they are both carcinogenic and mutagenic, and are extremely persistent in the environment. In a study of snowpack contamination by OSVs, Matthew R. Graham of the University of Nevada-Reno found elevated readings of four PAHs -- acenaphthene, acenaphylene, naphthalene and phenanthrene -- in snow samples under field conditions. Graham detected levels of naphthalene, for instance, of up to 12,000 ppb.

Ozone

Pollutants generated by OSVs cause the formation of additional ground level ozone from the photochemical reaction of released nitrogen and hydrocarbons. Health risks associated with exposure to smog and nitrogen include respiratory complications such as coughing, chest pain, heart problems, asthma, concentration lapses and shortness of breath.

Noise Pollution

One need not make technical noise measurements to recognize that the typical snowmobile creates a huge amount of noise. Due to their noise and speed of travel over roadless landscapes, OSVs have a unique ability to disturb wildlife (as well as other forest users) over a wide area.¹⁴

¹⁴ The problem of off road vehicle noise was recognized in Executive Order 11644, signed by President Nixon in 1972, which mandated that the government consider the noise impact on other recreational users when opening areas to off-

A noise study from Yellowstone involving four-stroke snowmobiles, which are much quieter than two-stroke snowmobiles, found that under a “best case scenario” (upwind, no temperature inversion, soft snow) snowmobiles were audible at distances of up to a half mile (NPS, 2000). When there was a temperature inversion or firm snow, or for those downwind of a snowmobile, the machines could be heard more than two miles away (NPS, 2000). At Yellowstone’s Shoshone Geyser Basin, four-stroke snowmobiles were audible from 8 miles away (Burson, 2008). Other reports document snowmobile audibility up to 20 miles away (NPCA, 2000). The typical practice of snowmobilers to ride in groups (Snook, 1997) further amplifies noise levels.

Current regulation of snowmobile noise treats snowmobiles essentially the same as motorcycles and other highway vehicles. These noise standards simply do not address the problems of bringing such levels of noise into a backcountry environment. The problem is that – unlike all other vehicles – snowmobiles are not managed to confine their noise impacts to designated areas.

Aftermarket modifications to increase snowmobile power also continue to defeat even these mandated limits on noise. (Rivers and Menlove, 2006.)

Snowmobile noise affects wildlife as well as other users. According to the Environmental Protection Agency, noise produces physical stresses similar to those brought about by exposure to extreme heat, cold, pain, etc. (EPA 1971).¹⁵ Natural soundscapes are intrinsic elements of the environment and are necessary for natural ecological functioning (Burson, 2008). Animals exposed to high-intensity sounds suffer both anatomical and physiological damage, including both auditory and non-auditory damage. The noise generated by OSVs can adversely impair animals’ feeding, breeding, courting, territory establishment and maintenance and other social behaviors, and can have other adverse impacts on wildlife, including increasing stress, and making animals

road vehicles. Executive Order 11644, as amended by E.O. 11989, states that: “Areas and trails shall be located to minimize conflicts between off-road vehicle use [including snowmobile use] and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.”

¹⁵ The EPA states that “Clearly, the animals that will be directly affected by noise are those capable of responding to sound energy and especially the animals that rely on auditory signals to find mates, stake out territories, recognize young, detect and locate prey and evade predators. Further, these functions could be critically affected even if the animals appear to be completely adapted to the noise (i.e., they show no behavioral response such as startle or avoidance). Ultimately it does not matter to the animal whether these vital processes are affected through signal-masking, hearing loss, or effects on the neuro-endocrine system. Even though only those animals capable of responding to sound could be directly affected by noise, competition for food and space in an ecological niche appropriate to an animal’s needs, results in complex interrelationships among all the animals in an ecosystem. Consequently, even animals that are not responsive to or do not rely on sound signals for important functions could be indirectly affected when noise affects animals at some other point in the ecosystem. The ‘balance of nature’ can be disrupted by disturbing this balance at even one point.”

Furthermore, the EPA anticipates that the consequences of a loss of hearing ability could include a drastic change in the prey-predator situation. It states “The animal that depends on its ears to locate prey could starve if auditory acuity decreased, and the animal that depends on hearing to detect and avoid its predators could be killed. Reception of auditory mating signals could be diminished and affects reproduction. (Masking of these signals by noise in an area could also produce the same effect). Detection of cries of the young by the mother could be hindered, leading to increased rates of infant mortality or decreased survival rates.

or their young more susceptible to predation (E.g., Janssen 1978, Baldwin 1970, Rennison and Wallace 1976).

Soil and Vegetation Damage

Over Snow Vehicles cause soil and vegetation damage through direct physical injury as well as indirectly through snow compaction.

Soil compaction causes watershed areas to lose their ability to trap and hold water. Ruts caused by OSVs further increase the rate of spring run-off. The compaction damage is most pronounced in high meadow areas where water retention is most critical.

Impacts on vegetation include retarded growth, delayed flowering, lower soil bacteria, erosion, and physical damage, in part from decreases in the natural insulative properties of fallen snow. These impacts are exacerbated on steep slopes or in areas with inadequate snow cover (Stangl, 1999; Baker and Bithmann, 2005, Canadian Wildlife Federation 1988.)

OSV usage is likely to be creating long-term damage to fragile alpine environments. Today's snowmobiles "play" in steep alpine slopes where tree growth is extremely slow. The adverse impact of the recent dramatic increase in snowmobile play on alpine slopes may not become manifest for many years at which point it may prove to be substantial, if not extreme. In these areas and in many other areas, one cannot afford to wait for science to prove – or disprove – what appears from the available evidence to be certain damage.

Wildlife Disturbance

OSVs are unique in their disturbance of wildlife due to their noise and their ability to travel rapidly across roadless terrain. The problem is compounded because snowmobile travel occurs in winter. During winter, when efficient energy expenditure is extremely important to an animal's survival, just the impact of snowmobile noise can throw off an animal's energy balance. Many of the impacts, while severe over time, may be difficult to measure or observe, such as increased stress levels or heart rate.

No other off-road vehicle comes close to a snowmobile in its speed of operation, its ability to "conquer" difficult, steep or shrubby terrain or its ability to access remote areas. Accordingly, OSVs can have a devastating impact on wildlife populations that otherwise are relatively free from human disturbance, including direct mortality from collisions, increased stress and mortality from flight responses, interruption in mating and reproduction activity, interruption in predator-prey relationships and loss of habitat.

Many studies have found significant adverse impacts on wildlife from OSVs usage. (E.g.,

Bury 1978, Oliff *et al.* 1999, Keddy *et al.* 1979, Reinhart 1999, Dorrance *et al.* 1975, Huff *et al.* 1972.) For instance, Severinghaus and Tullar (1978) theorize that for white-tailed deer, during a 20-week winter with snowmobile harassment each weekend, "food enough for 40 days of normal living would be wasted just escaping from OSVs."

While many affects are obvious, some are more complex. For instance, coyotes using packed snowmobile trails may travel into deeper snow areas and thus compete with animals such as lynx (a threatened species) to their possible elimination from habitat.

Subnivean Mammals

Subnivean refers to a zone that is in or under the snow layer, from the Latin for "under" (sub) and "snow" (niv). This space forms when latent heat from the ground melts a thin layer of snow above it, leaving, in places, a layer of air between the ground and the additional snow cover. The space is typically 1–4 cm in height. Subnivean animals include small mammals such as mice, voles, shrews, and lemmings that must rely on winter snow cover for survival. These species depend on the space between the frozen ground and the snow to live and by their movement and digging create tunnels through this space that are critical to their survival.

OSVs and ATVs can collapse the subnivean space. Also, when snow compaction from OSVs occurs, temperatures in the subnivean space decrease, which can lead to increased metabolic rates in these small mammal species. If the subnivean air space is cooled by as little as 3 degrees Celsius, the metabolic demands of small mammals living in the space increase by about 25 calories per hour (Neumann and Merriam, 1972). Compaction can also restrict air movement to the point of causing asphyxiation as the carbon dioxide builds up to deadly levels (Canadian Wildlife Federation, 1998).

Jarvinen and Schmid (1971) determined through controlled experiments that compaction due to snowmobile use reduced rodent and shrew use of subnivean habitats to near zero, and attributed this decline to direct mortality, not outmigration. In a study in Minnesota, Rongstad (1980) found that intensive snowmobiling on an old field eliminated the small mammal population in the layer between the ground and snow. Reduction of subnivean populations is likely to also reduce the population of species preying upon them -- hawks, owls, foxes (Brander 1974). Population declines of small mammals undoubtedly impacts the species that prey open them creating ecosystem level disturbance.

Human Safety

OSVs account for many injuries. They can and do travel at speeds in excess of automobiles, in areas where kids and families are moving slowly and sometimes with difficulty on snow. They present a clear danger to others.¹⁶ Only reckless land management would allow areas that are heavily used by families for snow play to be

¹⁶. See Blue Water Network, 1999.

wide open to OSVs without speed or other restrictions.

Mixing motorized and non-motorized winter users creates an unsafe environment for pedestrian users. This is one of the reasons supposedly “mixed use” areas become de facto motorized areas.

Waste of Natural Resource

Facilitated by the emergence of light and wide backcountry skis, many winter recreationists seek powder snow above all other winter conditions. From a recreational perspective, powder snow is a precious and highly sought resource. The allure of powder snow is evident to any recreational skier: most ski resorts become mad rushes on a “powder day” with the fresh powder “skied off” before 10 a.m. Such increase in the desire for powder snow conditions has also impacted the backcountry. Snow as a powder resource has indeed become overtaxed in many areas, causing users to seek alternative areas and increasing the conflicts between motorized and nonmotorized users.

Due to their speed and power, one snowmobile user can track up acres of powder that would have provided recreational opportunity for several dozen skiers. This highly disproportionate consumption of a valuable resource itself is sufficient reason to restrict OSVs in the backcountry. Recreational opportunities will thereby be maximized for the greatest number of users, while also reducing adverse environmental impacts.

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036

The South Tahoe Association of Realtors® Supports Alternative 3

Alternative 3 allows local jurisdictions more opportunities to get involved in community planning, allows for more needed TAUs and Bonus Units, and Alternative 3...



- Encourages building of pervious decks which don't create more coverage, yet allow homeowners to enjoy the outdoors

- Allows more flexibility for transfers of coverage, which is in line with smart growth planning principles



- Focuses on area-wide BMP planning, and not on a BMP point-of-sale mandate

036-1

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037**Haylay Williamson****South Tahoe Association of Realtors**

5.24.12

Hayley Williamson, Government Affairs Director for the South Tahoe Association of Realtors said we as a community has a unique opportunity with the new Regional Plan. The realtors would like to applaud the TRPA and all stakeholders in moving forward with this new Regional Plan toward effective environmental planning. TRPA did a great job taking into account many different points of view and came up with a preferred Alternative 3. The South Tahoe Association of Realtors really applauds many aspects of Alternative 3. The fact that there is more opportunity in land coverage transfers and the fact that it is more flexible between hydrologic zones seems to go toward smart growth planning which is something that TRPA has identified as one of their main goals. It seems natural that land coverage being able to transfer is heading in the right direction. Realtors, home buyers and home owners are very excited to see more flexibility in the building of decks which is something that allows people who live in Lake Tahoe to really get out and enjoy Lake Tahoe and the beautiful scenery that we live in. The South Tahoe Association of Realtors would also like to comment on Alternatives 2 & 5 in the form of a very strong caution against any point of sale mandate for BMPs. One of the things TRPA did recommend in Alternative 3 is region-wide planning. The South Tahoe Association of Realtors applauds region-wide planning. BMP compliance at point of sale would be disastrous for realtors, home buyers and home sellers. It would be close to impossible to implement in the winter with snow on the ground. TRPA has mandates against moving dirt between November and March and how do you implement Best Management Practices at that point. Some people have said hold money in escrow. Escrow companies are very unwilling to hold money right now, and furthermore how much do you know how to hold if you can't do an evaluation in the winter on the BMPs going in. It makes a market that is very fragile right now and starting to barely recovering at more of a disincentive. It makes it really hard for people to try to live and sell their home in Lake Tahoe, something that all of us have enjoyed. It also wouldn't be that effective. If you look at the number of homes changing hands in the Basin, many times it is the same home changing hands, which means that if you are trying to do BMPs on every property, that is not just an effective way to do it. TRPA has come up with an effective way to do it on a region-wide level and we think this is a way forward towards smart growth and a way for our community to do effective environmental planning.

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Pay to Play

Page 1 of 1

038**Pay to Play**

Tahoe Future [jchandler@sustainable-tahoe.org]

Sent: Monday, June 25, 2012 3:57 PM

To: regionalplancomments

Name	Jacquie Chan
Email	jchandler@sustainable-tahoe.org
Subject	Pay to Play
Message	As long as TRPA receives staffing funds from permits - the ability to truly uphold the thresholds will be flawed and compromised. Shorezone exposed this dilemma, when returning \$Ms in pier and buoy permits resulted in staff cuts. Solution: Property pays an annual amount based on sq footage and the TRPA Board is elected with no private campaign funding allowed to ensure representation is not bought.
Site	http://www.tahoefuture.org

038-1

Sent from (ip address): 24.205.215.43 (24-205-215-43.dhcp.reno.nv.charter.com)
Date/Time: June 25, 2012 10:57 pm
Coming from (referer): <http://www.tahoefuture.org/getinvolved/>
Using (user agent): Mozilla/5.0 (Windows NT 6.1; WOW64; rv:13.0) Gecko/20100101 Firefox/13.0.1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/26/2012

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039

Date: June 27

Honorable Members of the TRPA Governing Board
 Norma Santiago, Chair
 Joanne Marchetta, Executive Director
 Tahoe Regional Planning Agency
 PO Box 5310
 Stateline, NV 89448

Re: Sustainable Tahoe Comments on the Regional Plan Update and Regional Transportation Plan Draft Environmental Impact Statement (DEIS)

Dear Board Members and Ms. Marchetta:

Sustainable Tahoe is a collective vision of prosperity with water clarity. As a concerned group of passionate volunteers, we seek to accelerate the adoption of stewardship and sustainability by showcasing, cultivating, and connecting models of success throughout our Tahoe watershed.

The low cost action step to creating sustainable prosperity is to make stewardship fun and engaging using what we have in a new way. People are more likely to get enthusiastically involved if they are given meaningful opportunities to do so. The Regional Plan Update could reflect and create more opportunities for individual, community, business, and organizational stewardship.

- 1) **Impact fees:** Enroll owner in on-site impact fee implementation so they can take pride in their participation while building a greater appreciation for stewardship of the public lands we share. Impact implementation such as; energy-efficient systems, green building design, bike racks, free transit passes, drinking fountain, pervious cement, etc.
- 2) **Reward stewardship.** When Tahoe City spends time and money putting in bike paths that serve behaviors we want to encourage – reward them, with credits, TAU % from other areas with lodging that will be occupied by more people biking. Encourage the basin to work as one lake, rather than competing and fighting over TAU allotments.
- 3) **Restore Open Space**, by retiring SEZ coverage. Develop programs for the purchase and retirement of aging motels (TAUs) and commercial buildings. Create incentive transfers to “town centers.” If the majority were permanently retired, Tahoe could reduce its overall carbon footprint and restore wildlife habitats. The state of NY realizes \$1.6Billion in annual revenue from wildlife viewing (Audubon magazine May June) Where is this revenue stream in Tahoe?
- 4) **Climate Change Green and Clean:** Mandate existing and new buildings be required to incorporate green building and energy efficient design. Update ‘Scenic Threshold’ to reflect the need for clean energy systems (solar, wind, geothermal, etc vs. prohibiting reflective light from the lake
- 5) **“Area Plans”** that encourage local participation following threshold guidelines creates more ownership in the process and pride in the outcome - encourages involvement and responsibility. An approach based solely on strict and inflexible regulations, given every part of the basin has unique needs, does not encourage stewardship.

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Sustainable Tahoe

PO 3206, Incline Village, NV 89451

775 298-5080



According to TERC and the TRPA; restoration, EIP and mitigation measures will not be effective, successful or sustainable without visitor and resident education and participation.

- 6) **Water Transit:** Scientific analysis of Tahoe's ecosystem continues to document the devastating effect vehicles have on the health of our air, forest, wildlife and Lake clarity. 21st century water ferries, built in Reno (creating jobs), could; transport people, bikes, kayaks, strollers and cars across the lake all year, plus help with fighting fires from the water, emergency evacuation, invasive species and securing the Olympic bid. Lew Madden proposed a model, timeline and land to water basin wide system with a local engineer who could lead it – right here in the basin: <http://sustaintahoe.org/tahoe-water-transit/>. Let Tahoe become the “Silicon Valley” for advanced innovative water transit technology.

039-7

Sometimes the best way forward is to look around, then look ahead.

- 7) **“GeoCenters”**<http://sustaintahoe.org/geocenters-8-worlds-of-tahoe/> Encourage existing Visitor centers to follow the model of Explore Tahoe that actually welcomes, orients and inspires visitors with geotourism itineraries and mobility without cars, while supporting the local economy, community vitality, and prosperity. These can also be places to provide docent training and green building demonstrations that promote local environmental development and redevelopment projects.
- 8) **Watershed-based approach** to best management practices, SEZ restoration, and water clarity improvements. A watershed approach has greater environmental benefits. It requires collaboration and partnerships to make it happen. This promotes the understanding that we are all in this together and a broader appreciation for the importance of collective stewardship.

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039-9

From attending every **Pathways P7** meeting, the community supported a reduction of the carbon footprint of development at Lake Tahoe, mixed use development with community design that is more walk-able, bicycle and transit friendly. They asked areas of outdated strip commercial should be eliminated and restored, and open space for wildlife.

039-10

With and through the Regional Plan Update and Regional Transportation Plan (Mobility 2035), we encourage TRPA to take a greater leadership role in promoting green design, energy efficiency, innovations in transit technology and geotourism. These are all essential to the vision and goals of prosperity with water clarity and a sustainable Tahoe for this and future generations.

Thank you in advance for your consideration and response to our comments.

Sincerely,

J Chandler

Jacquie Chandler
Executive Director, Sustainable Tahoe

Sustainable Tahoe

PO 3206, Incline Village, NV 89451

775 298-5080

040

Jackie Chandler
Sustainable Tahoe

6.27.2012

Jackie Chandler, Sustainable Tahoe said our mission is to as yours long term economic prosperity with water clarity and I would like to comment on Joy's I used to be a visitor here for many years and I hated Tahoe because I was stuck and forced into the commercial corridors and I guarantee that I did not come up here for the lodging or the shopping or the food. They have way better food in the Bay Area and so I agree that Tahoe looks way better naked and when I got up here and I was able to access the temple of Tahoe and take off my shoes and really embrace Tahoe that I fell in love with Tahoe and I've given my whole life to serve Tahoe as we are a non-profit, unfunded group of local passion volunteers that are working to help this become a world stage stewardship.

Looking over the plan, I have a few comments that want to call out and one is to expanding this commercial space is insane. Sometimes the best way forward is to look around, not ahead or at least look around first. If you look around, we already have a footprint that could be reassessed or utilized and we are missing some huge money. I would like to comment on something Jennifer said and also Cindy as I thought they brought up a good point and it got me to draw a little map here. Since the Lake is not evenly distributed as where it is best to put hotels or lodging or accommodations and where it is best to really access the magic of the Basin, that it would make sense and I know this may be something that you don't have jurisdiction over but if when as we work together as Lake County as one entire Basin, one watershed what could make sense as money like what Cindy is talking about to mitigate up in the North where it is more conducive to bypass the pedestrian to somehow the people who have the heads and beds a percentage of the TAUs, maybe goes back a percentage goes back to preserve that area so they have the money to do this mitigation. There is some way where preservation is truly profitable.

One thing that I will just say to look at this, we have the Tahoe Expo which is basically guided adventures of everything that can be if Petriv lived (I don't understand what she said 1:11:44) on a rock would show the future what exists and I want to only put this out to show you something. We launched this through shoulder season and I've talked to the hotels and they discount 40% at shoulder season, so I said what if you didn't have to discount 40% cause hey the bears go down and they pull the salmon out of Taylor Creek and you could book your hotel just on that alone. Just a point of fact New York State gets 1.6 billion dollars a year in wildlife viewing. Why because people come up to see it naked. They want to see what is here that they can't get anywhere else. Then and this is all destinations want is hungry, tired and inspired people. Because once they are hungry, tired and inspired they will eat, sleep and shop no matter how bad our food is or how crappy our hotels and they won't notice. They won't notice because they can't get watching bears pull salmon out of the Taylor Creek anywhere else this close to San Francisco. They can't get seeing the eagles nest this close to the Lake and if we focus on what we have which no one else has which is important to us and important to the visitor all the money will come for the infrastructure.

Please don't expand the commercial core. Redevelop what we have in a magical way. For instance, Kings Beach economic runoff people come down off 267 and go right or left, why because we are blocking the abundance of Kings Beach. If all these hotels from Coon to Incline were removed you would have an economic tsunami where people would be able to handle the amount of money, you couldn't handle the money I guarantee it. It would smoke 1.6 billion. But you can move this over on the side, but when it makes it the ways things are set up now, the ratty crappy hotels stuck on the beach blocking abundance is the price we are playing.

Another missed opportunity is the colleges. There is all this thing about you have to hold a gun to the head to get people to do BMPs, but colleges could have whole classes around BMPs. Get the college kids to come up with unique ideas. You know they are trying to close state parks, why not make the college class university go figure how to keep the park open. The ski resorts where Diamond Peak can't pay for – Sierra Nevada College has a ski resort put those kids in a living lab and get them up there running that ski resort. Here is the deal, you get scientists that you are going to pollute the Lake and you got economists telling you if you are not making a profit. You have to make preservation profitable, do it that is your final. Forget the term papers and make it real. Use the living lab of Tahoe and that could be done in every California State Park. They don't need to close it, but they just need to get creative to connect curriculum to it. Right now I am helping Sierra Nevada College build out geo-tourism curriculum for 2013, we have already have students in the sustainability group go down to South Lake and create itineraries and will help people touch Tahoe naked without leaving a footprint and book those rooms during shoulder season.

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We can even out our economy using what we have in a new way helping people access in a new way using a tri-gnomic model. Thinking about what you love, what you have and what you are willing to do. That is what Northeast Kingdom did when they first looked at geo-tourism. First they looked outside and we need a waterslide and if we only had restaurants like them, this like them pretty soon that is what National Geographic said you are all cookie cutter and you all look alike. Great, you have great food. You think people from San Francisco come up here for our food, get real. We can't make them sick with our food, but they don't have this. Now we host water, snow, river, stream, forest and your property values is based on this water here there is no conservation without this water. How we host this water will determine your long term prosperity and our own survival, because this is critical to the world's water, according to the scientists.

My final thing and this isn't going to come easy, there really isn't no way that the TRPA can uphold the Thresholds if the staff funding comes from permits. I'm sorry it is a conflict of interest. I think property owners' pain by the square footage to fund the TRPA so there is no potential for pay to play economics that just infuriate people especially the ones who can't move a stone when there are people who get to remove all their trees and put a golf course up to the Lake. I don't know how you would do it and it is very hard to get beyond that mindset. The staffing money cannot come from permits and if you can't change that, I don't know really how you will pull this off. The Thresholds and the last thing I want to say about climate change. It is about time that we get out of denial that people live here and we shrink that footprint that you say in Option 3 and shrink it and make it higher and let people have solar. In Incline Village, the recreation center pays \$5,000 a month to heat that pool. 20 years they wanted to put solar on but it reflected to the Lake so we couldn't have the scenic corridor and I think that is what you are looking at, how to address the Thresholds so they make sense for the 21st century, because without alternative energy and in swap for putting alternative energy and shrinking the footprint, create open space for migration of the wildlife. 1.6 billion is just the tip of the iceberg, we are missing so much money there is no wildlife guide in here. Open space to see those bears and be able to walk down to the water, all the different animals that are here there is enough money to save us all. We can redevelop what we have and think about using the existing footprint in a new way and for God sake get those ferries out and use the talent this year. I am very excited to see a North transit going and I'm very sad to see that they went outside the Basin when the talent is here and we need the jobs right here in Reno with Nano batteries that could build the transit system we need as we have incredible engineers and we don't need to go outside the Basin. We need to look around before we look ahead. Blessings.

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Lake Tahoe Regional Plan Update EIS and Lake Tahoe Regional Transportation Plan (RTP)
and Sustainable Communities Strategy (SCS) EIR/EIS

COMMENT FORM

Please hand in comments during the meeting, mail them (address on back), or send an email by **June 28, 2012**. For electronic submittals of comments, provide comments in email, Microsoft Word format, or as a PDF.

For electronic submittal on the Regional Plan Update EIS, email comments to:

regionalplancomments@trpa.org

For electronic submittal on the RTP/SCS EIR/EIS, email comments to: mobility2035comments@trpa.org

Name (Please print clearly and legibly): Laurel Ames

Organization (if any): Tahoe Area Skiing Club (TASC)

Address (optional): _____

City, State, Zip: Atlanta, GA 30308

E-mail: same

Do you want to be added to the Regional Plan Update EIS and/or RTP/SCS EIR/EIS Mailing List?

Regional Plan Update EIS list? Yes or no X RTP/SCS EIR/EIS list? Yes or no X

This comment form is being furnished to obtain comments from other agencies and the public on the completeness and adequacy of the analysis presented in the environmental documents. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Comments (Please print clearly and legibly)

More space on back

TASC LOGO

April 25, 2012

Governing Board Members
Tahoe Regional Planning Agency
regionalplancomments@trpa.org

Dear Board Members,

The Tahoe Area Sierra Club submits the attached pre-comments, requests and suggestions on the overall effort to revise the Regional Plan and adopt a 2011 Threshold Evaluation Review.

The TASC is concerned that threshold standards may be treated as less important to the review process than that stated by the Bi-State Compact. We are concerned that the language of the Compact and Resolution 82-11 will be virtually set aside in the review of the Regional Plan.

TASC has addressed those concerns, especially as relates to the Soil Conservation Threshold and the Regional Plan elements that address Stormwater Runoff as a function of the Soil Conservation Threshold standard for impervious cover.

Thank you for the opportunity to comment.

Laurel Ames
Conservation Co-Chair

CONSERVE SOIL PROTECT TREES REMOVE PAVEMENT
REDUCE STORMWATER VOLUME AND VELOCITY

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RESTORE THE LAKE

Statement to the Governing Board of the Tahoe Regional Planning Agency (TRPA)

April 25, 2012

Regional Plan Update and 2011 Threshold Evaluation

The Sierra Club is a non-profit organization of more than 600,000 members. The Tahoe Area Sierra Club Group represents the Sierra Club on Tahoe issues. The national organization is devoted to the exploration, preservation and public enjoyment of the Sierra Nevada and other scenic resources of our nation.

The TASC notes that in 1971, the Sierra Club, the League to Save Lake Tahoe, and the United States Forest Service each issued impassioned statements to the Governing Board of the TRPA regarding the failure of the draft Regional Plan to officially include the Land Capability Map, based on the Soil Conservation Service soil survey. The concept of protecting soil was new to the rural governments of Lake Tahoe, and feared by others. By 1972 hearings the agency included the map and the first compromise of soils by providing for the excess coverage allocated to all development and roads. Forty-one years later, the TASC, channeling Dwight Steele, Reverdy Johnson, and Andy Schmidt specifically requests this Board to begin the reversal of years of compromise of the soil values in the basin, and thirty-two years of failure to adhere to the Soil Conservation Threshold that limits Innervious Coverage in the basin.

Based on the material we have seen to date, TASC respectfully requests that the Governing Board of the TRPA make substantial changes to the proposed Regional Plan and the implementing Code of Ordinances in order to comply with Public Law 96-551, the Bi-State Compact, to provide the necessary environmental controls in the Lake Tahoe Basin essential to the protection and restoration of this great natural and national resource.

We reserve our conclusions as to the real draft of the Regional Plan, plus the EIS, RTP and EIS and the 2011 Threshold Evaluation Report until those documents have been released to the public and carefully reviewed by us. We also look forward to new information in the proposed Regional Plan that may attenuate our greatest concerns.

These comments are based on the material available to us as of March 28, 2012. If late revisions, interpretations, changes or other actions that change the simple meaning of any part of the proposed plan, maps, ordinances, threshold evaluation, and transportation plan are added, we will review those as well and comment.

However, due to the numerous and voluminous documents to be released all at one time, the TASC requests that the comment period be extended to 90 days from the date of release. It's a rational action that will allow reasoned public opinion to be expressed after careful review. As the consultants say. Go Slow. to Go Fast.

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The unopened package before the public now, consisting of the Regional Plan, the maps, the EIS/R, the Threshold Evaluation Report and presumably some environmental analysis, and the Transportation Plan and its EIS/R, may not meet the requirements of PL 96-551. If adopted with the complacent dismissal TASC experienced of many existing goals and policies, as observed at the Governing Board Committee meetings throughout the last four-six months, it is our considered opinion that those intentions, if retained in the Draft Regional Plan, will not properly constitute a Tahoe Regional Plan that is focused on attaining environmental carrying capacity threshold standards within the meaning of the law and Resolution 82-11 of the TRPA and will result in the continued deterioration and degeneration of the waters of Lake Tahoe and other resources. This perilous state of the Tahoe resource is clearly described in Article I of the Bi-State Compact. Today, the lake is quite close to the tipping point, beyond which it will not be possible to restore. To act in a manner that allows further degradation of this National Treasure is contrary to the intent of the Congress of the United States.

The pertinent provisions of PL 96-551 are summarized in Article I. Findings and Declarations of Policy. These findings mimic, to a great extent, the same Article I in PL 91-148 (Tahoe Regional Planning Agency Bi-State Compact) which was adopted by Congress and ratified by the two states in 1969, and describe an ecosystem that is threatened with deterioration or degeneration, that is experiencing problems of resource use and deficiencies of environmental control, and that there is a need to maintain an equilibrium between the regions' natural endowment and its manmade environment..

That equilibrium is the heart of the Bi-State Compact, and refers to the equilibrium of the year in which it was enacted, 1969. That equilibrium has been out of balance for the past 43 years, due to ongoing and significant development, and the consequent further loss of natural values. That equilibrium can be pictured as a see-saw in balance. But, not only has the see saw always tipped toward the weight of development, conversely it has never tipped the equilibrium toward protections of the natural environment and the actions needed. Consequently the equilibrium called for in the Compact has never been attained.

The TASC requests that the Regional Plan recognize and acknowledge the foundational relationship between the adopted Environmental Threshold Carrying Capacity standards, as adopted in Resolution 82-11, and add that concept back into the Regional Plan.

The TASC requests that those threshold standards be re-installed in the Regional Plan itself as an introduction and recognition of their overriding guidance for the different elements of the Regional Plan. To remove those standards from the proposed Regional Plan, as we have seen in the working documents over the past months, is to utterly fail to provide the public, the developers, the local governments, and state and federal agencies of the Congressionally-mandated importance of the umbrella position of the Environmental Threshold Carrying Capacity Standards over the Regional Plan.

The TASC would also like to re-iterate the statements that it has made throughout the working committee process, that the Congressionally-mandated Soil Conservation Threshold is the most compromised Threshold Standard in the list of nine standards.

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Repeating the opening statement and introductory material in paragraph 2 of this statement, it is important to stress again that beginning in 1971, the Sierra Club, the League to Save Lake Tahoe and the US Forest Service, challenged the TRPA to implement the Bailey coverage standards. They made passionate arguments for including the Land Capability Map in the 1972 Regional Plan. From that time forward, the Sierra Club and League have argued for better implementation, better protection and less hard coverage. Throughout the past 41 years, the Sierra Club and League have worked to guarantee that rules are enforced to protect the basin's natural resources, including soils.

But the Bailey standards have been horribly mangled under extreme political pressure.

As you contemplate the draft Regional Plan, consider that this is your last chance to improve soil protection. The TASC requests that Soil Conservation will be no longer compromised in any of the documents rolled out in today's hearing, including the Threshold Evaluation.

As TASC has testified to you over the past months, the Bailey Report is a key piece of science designed to protect lake clarity, as well as healthy vegetation and the large pines that are critical to the scenic threshold, the amount of nutrients taken up by the soil, the amount of infiltration that cleans the stormwater runoff, the role in flood attenuation, and the benefit for the streams, wildlife, fish, and now, due to the precipitous loss of clarity in the nearshore, the protection that undisturbed soil provides to the tributaries and the warmer littoral shoreline areas of the lake.

While Bailey was cutting-edge science in 1971, and recommended a maximum coverage standard of 30%, new science says that impervious coverage adversely impacts streams, ponds and lakes at 10%. While the agency has failed to require 30% in almost all cases, we now learn that 10% should have been the standard if we truly wanted to protect Lake Tahoe. The new science is compiled in the document Impacts of Impervious Cover on Aquatic Systems, 2003, and was first disclosed in the TRPA's Technical Work Group for Soil in 2004. TASC has recommended this document to you in several appearances in the past few months at the Regional Plan working committees of the TRPA. Again, TASC requests that you re-evaluate the Bailey report in light of the new science in the above-cited document, which resides in the TRPA library.

In addition, one of the factors cited in Impacts, above, is the loss of B-IBI, as a measurement of benthic invertebrates. The Benthic Invertebrate Assemblages in Lake Tahoe, California/Nevada study by Sudeep Chandra and Marion Wittmann in 2008 and 2009 showed that density of benthic invertebrates had declined 87% since the 1960s. TASC requests that this document be reviewed by staff and entered into the record to support the fact that the lake's values have declined in more ways than clarity and primary productivity. In fact, the Soil Conservation standard and its impervious coverage threshold has been compromised and violated consistently throughout the life of the Bi-State Planning Agency for Tahoe. The Benthic Invertebrate study documents that directly.

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Next we request that you look at the State of Maryland stormwater ordinances, in particular, Volume I, Chapter 2 of the Stormwater Design Manual, 2009. In order to protect their water quality, Chesapeake Bay and natural resources, the state mandates that 90% all rainfall (42 inches/year) be retained and treated on-site of disturbed and developed property. The state relies heavily on infiltration on-site as the best use of stormwater and the best protection of water quality, using many of the same devices as the TMDL. In the most difficult cases, vaults and other 24-hour detention methods are used. Note that vaults were proposed for one of the CEP projects at the North Shore.

TASC requests that Stormwater Treatment programs at Lake Tahoe respect and uphold the Soil Conservation Threshold, and focus on infiltrating runoff on-site. Capturing runoff on pavement and in pipes as proposed in the Tahoe TMDL damages the lake and the soil and is counter-productive to 21st century, environmentally protective, treatment processes. TASC requests that the Maryland document, cited above is entered into the record to support the knowledge that infiltration is the preferred option at both ends of the county and to understand the extent and detail of the ordinances that cover, for example, rules for pervious pavement (4 pages), and formulas for retention and infiltration.

In King County, Washington, in an effort to keep stormwater out of the combined sewage/stormwater systems of the city, and to protect the water quality of Puget Sound, an array of methods are used to infiltrate stormwater runoff. The TASC requests that the Seattle Stormwater Manual, Vol 3, Stormwater Flow Control and Water Quality Treatment Technical Requirements Manual is reviewed and entered into the record to support that infiltration is the desired treatment system in a large city. In addition, King County, Washington has a robust program supported by the ordinances in their Stormwater Pollution Program Manual that describes a more rural approach to stormwater infiltration. They conclude that the more treatment on-site, the lower the cost to the local governments. TASC requests that the Seattle and King County ordinances and Design Manuals be entered into the record to support the fact that infiltration is a desired stormwater treatment process in both a highly urban and a rural area of the Northwest a very wet climate, and to provide examples of ordinances that actually control the installation of effective infiltration systems.

Closer to home, the Bay Area Stormwater Managers Agencies Association (BASMAA) promotes LID (low-intensity development) infiltration-based solutions. This manual was developed in part by the Save San Francisco Bay organization.

The TASC is fully committed to the upcoming Regional Planning process in all its iterations and various documents in order to present the most comprehensive comments that we can. We look forward to future dialogues and hearings and are convinced that Lake Tahoe can be protected and restored with a renewed commitment on the part of the bi-state agency and the two states to restore the close-to fatally threatened values of the Tahoe Basin, and the threats to this National Treasure that encouraged the taxpayers of the two states and the federal government to invest more than \$1.5 billion dollars in the efforts to protect and restore those values.

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042

Laurel Ames
Tahoe Area Sierra Club

4.26.12

Laurel Ames, Tahoe Area Sierra Club said she was going to write my comments at lunch, so these will be ad hoc. I would like to point out that she is channeling Dwight Steel today who in 1971 along with Robert E. Johnson for the League to Save Lake Tahoe; Dwight was a volunteer for the Sierra Club in those days and Robert E. Johnson was the attorney for the League to Save Lake Tahoe. Andy Schmidt was the head of the Forest Service and the all presented a very passionate series of statements about the importance of the land capability map to the Regional Plan. The land capability map is now often referred to as Baily, but Baily is derived from the land capability map. The issue was the coverage it was protecting the soil, the statements that these three men made were really to the point and definitely focused on the land capability map. There were other issues at the time, but that is the one I wanted to focus on this morning. I agree with Dan Siegel that the Plan as presented increases the coverage significantly and I have submitted documents to you, one was the impacts of coverage on aquatic systems and I have been reading stormwater manuals and infiltration is the technique that people who are serious about impervious coverage do. They infiltrate, they do not collect it and store it and hold and do other things with it, they just try to infiltrate it. This is in Seattle which is a big city, this is in the King County around Seattle, the entire State of Maryland has serious coverage ordinances. You have to retain 90 percent of the annual rain fall on site which means infiltrate. In addition to that the Bay Area stormwater agencies of which San Francisco Bay was a part of writing a stormwater manual that focuses on infiltration as well. The TMDL although it allegedly focuses on infiltration, focuses on collection. We have pipes dumping into the Lake as you all know. It is very important that this Plan adopt a series of ordinances that really focus in on protecting the soil and infiltrating the run off. I recommend those sets of ordinances; I have a set of prepared comments that were provided to Mr. Lewandowski this morning and site those documents. In addition, one of the imperious coverage impacts that sighted in the aquatic impacts report has to do with the benthic invertebrates in the Lake. A recent study by Sudeep Chandra and some others have found that there is an 87 percent loss of the benthic invertebrates in Lake Tahoe that is the impact of imperious coverage.

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043

Bob Anderson
Tahoe Area Sierra Club

6.28.2012

Bob Anderson, Chair of the Tahoe Area Sierra Club said we are not only to sing Cumby au this morning. The Sierra Club is a non-profit organization with about 600,000 members. Its mission is to explore, enjoy and protect the planet. Here at Lake Tahoe we have several hundred members and our mission is a little more modest, it is to explore, enjoy and protect the Lake Tahoe Basin. And we do that strictly through volunteers. We don't have a staff or building. The Sierra Club is cooperating with the League to Save Lake Tahoe and the Friends of the West Shore to prepare comments on your environmental documents, although I am not speaking for those other organizations this morning. The purpose of our comments will be to guide the TRPA to make your environmental document adequate and that is the key point. It's a legal term of course, but it is also a substantiate term. We share your goal of Threshold achievement and hope that through this process, your plan and your Environmental Impact Statement will indeed be adequate for achieving your Compact Thresholds. We believe the time for review of these documents has been too short for the public and for organizations like ours who rely on volunteers.

We have several gnomes working in caves eating blue cheese and reviewing your documents, but the time has been too short and we wish you had granted the Friends of the West Shore's formal request to extend the comment deadline. But we see the shadow of Bill 271 and that is unfortunate.

Just as an introduction to our comments which will be filed later, it appears that the environmental documents are not adequate, in other words they fail to adequately disclosure the impacts of the four alternatives and those four alternatives may not be sufficiently different from each other to satisfy NEPA.

The Compact gives very specific instructions to the TRPA for achieving Thresholds and we think the draft plan has weak linkages to those mandated Thresholds, air quality, water quality, soil conservation, vegetation protection and noise.

We think the draft document is weak with respect to the nearshore of Lake Tahoe and doesn't have a good plan for addressing the problems with the nearshore. Our comments will show that changes are needed because the draft fails to provide the necessary environmental controls essential for the protection and restoration of the Lake Tahoe Basin. In conclusion, we hope you will extend the deadline, we are not betting on that and will file on time when you don't. Please take our comments seriously because they are really aimed at what your goal is as well and that is having an adequate environmental document and a good plan for meeting Thresholds. Thank you.

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Gary Davis
Gary Davis Group

6.27.2012

Gary Davis, President Gary Davis Group in Tahoe City and I am here today representing the Tahoe City Downtown Association we are a business association with Tahoe City to promote healthy environment and a healthy economic environment. A lot of my issues will be detailed out in a letter to TRPA and some of them have already been addressed by Jennifer Merchant and others.

My top issue I would say is the TAU issue and you know in Placer County we have just a few bed bases, Tahoe City, Tahoe Vista and Kings Beach. The current regime requires us to aggregate TAUs from some other community for instance to say support a hotel in Tahoe City. This seems somewhat unfair to deplete the TAU resource out of Kings Beach or Tahoe Vista to make a project in Tahoe City be successful. As we understand it, there are a lot of TAUs are available and most of them might be in the South Shore and the current situation doesn't allow us to tap TAUs from the South Shore or Washoe or El Dorado County in order to relocate those. From our standpoint in Tahoe City, we need either more TAUs as addressed in Alternative 4 or we need to say this is a Basin-wide issue. If we are able to take something out of an environmental area in South Lake Tahoe why can't that be shifted to North Lake Tahoe. Why can't we make those environmental issues Basin-wide and make those TAUs wherever they are called for and open up the market and make them more reasonable in cost. I think as far as economic redevelopment in Tahoe City which is a very small area of, we are going to need more TAUs as we don't have a bed-base really to speak of at this moment. We are competing with Truckee, Squaw Valley, and North Star and if we are going to have a long term economic development we will need a larger bed-base.

My second point that I was to talk about is the redevelopment of our commercial core which is not likely to occur with the current group of incentives that are out there. I think the incentives are quite appropriate for residential development and I think retiring sensitive lands particularly farther away will work really well for residential, but I don't think that will work adequately in Placer County for commercial redevelopment. We don't really have commercial redevelopment out of the commercial cores – there is a little bit in Sunnyside and then primarily it is Tahoe Vista, Kings Beach and Tahoe City, but if you look at the bed-base there is not one hotel on Lake Tahoe between Sunnyside and Tahoe Vista. The great resource that we have at Lake Tahoe and we don't one lodging property in that great area of North Lake Tahoe. Tahoe City needs a hotel or maybe a bed and breakfast or something to bring people into recreate the economic engine. Related to that is that most of the lakefront property in Tahoe City is in Class 1 area and the current incentives are not going to allow redevelopment there that will make any sense. We need to broaden incentives somehow that would allow perhaps some metrics that would show not only improve water quality, but perhaps pristine water quality – the technology is there it is just a cost item that would allow a lakefront property to develop something that would still have all the environmental benefits, but perhaps would still maintain the historical coverage they have had or allow the heights requirements that show up in some of the other alternatives.

One thing that Cindy brought up that I certainly echo is the bike trail systems should not count as coverage again projects. This is a terrific benefit to the community and it does get people out of cars and does make projects around the Lake a lot more attractive and it does encourage less VMTs. I think from our perspective of the Tahoe City Downtown Association that while Alternative 3 is somewhat attractive, it is probably a blending of alternatives is perhaps some things out of 4 and some of the things that have not been brought to the table yet that will make ultimately the best alternative all around and I hope that the environmental impact statement is recognizing this. Area plans, we totally support area plans and we hope that we could eliminate as much redundancy from the different agencies as possible, typically in our commercial core we are dealing with Caltrans and the county and TRPA and we are dealing with Lahontan Water Quality Control Board and you add all these together and the added expense and the cost of unfortunately for my business it is good thing, but the cost of consultants and fees in redundancy, overlay and conflicting often requirements makes it very erroneous on small property owner that particularly who wants to just take an old building perhaps that is no longer useful and do something useful with it. I agree also with a comment made by the county the LOS and transportation is not a good metric for successful transportation. LOS is not appropriate. Thank you for your time.

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045

John Falk
Tahoe Sierra Board of Realtors

6.27.2012

John Falk, Tahoe Sierra Board of Realtors said I never thought I would be able to say it based on the past work of that this agency has done, but it has been an unparalleled joy to read through the myriad of documents that you have put before us. I can only promise you and it has yet to be completed so I'll see you tomorrow because I am going to hand deliver the commentary in total that we will be presenting in writing, but I can only guarantee our response will be equally fine grained and a joy to read. I await your responses to the many and diverse comments that we will bring to the table, but by in large we have found that while the number of documents seem daunting at the time, and in fact because I haven't finished the letter yet, are still daunting we find that there really has been a yeomen's effort amongst all parties to at least flush out the issues and we may not agree with any particular alternative in total.

People are always asking which alternative the Board of Realtors is supporting. We are not supporting an alternative, we are supporting a proposal, thrust, a philosophy a way of doing business that will really be a highbred of Alternative 3 with some suggestions from other alternatives mixed in for the betterment hopefully of the ultimate 20 year plan. We as an organization have spoken repeatedly on aspects of this issue and we have actually submitted in the past documentation and letters in support or opposition to various aspects both the update as well as the current plan, but at its core if you were to summarize the Tahoe Sierra Board of Realtors' policy position is that we support the reframing of the Regional Plan to emphasize or indeed encourage where and when appropriate redevelopment and that central to this approach is to focus on outcomes. This has been spoken by others today as well not micromanaging the process employed locally to achieve the desired end state. I can't emphasize that enough. You need to have a high standard and you need to set the bar high, but it would be to your benefit to our benefit to the Lake's benefit in setting that standard you don't presume how best to meet that standard at the local level.

The differences and the challenges as well as opportunities in the local area are unique in the communities throughout the Basin. So the more that you focus on the big picture and the less you manage those things that might be easy to manage but not necessarily to manage is to the advantage of everyone. The change in the policy approach as we see it is essential to secure the future of the Lake and the surrounding environment. The functionality of this course collection will be highly dependent upon a number of intersecting policy shifts including, flexibility in implementation, understanding that is these two competing desires and they are competing desires that we as an organization ourselves have been in conflict on and that is certainty versus flexibility. We like the certainty that comes with knowing if you do A, then B the algorithms that have been developed overtime but with that sense of certainty you lose the flexibility that is ever so important to making projects environmental and otherwise work on the ground. So balancing those two competing but not mutually exclusive aspects are critical.

Second is returning a high degree of responsibility and authority local control to the jurisdictions that will be empowered to actually provide the oversight not on the policy itself, but on the implementation. So once again, you set the bar and you tell us what needs to be done and then let the locals who have the most intimate knowledge of the area in which they are living, working, playing actually develop the implementation plan. In doing so we have also recognized that you need to engage the local population at the community level and this is not just a fluff and puff dog and pony show type of engaging the local population, we mean that the local population has to be truly vested in the process and the outcome. This would mean as you pass along a degree of authority, responsibility, control and implementation to the local jurisdiction, we believe it is incompetent upon the local jurisdiction to then pass along a degree of insight, input, policy level, implementation, development to the local community that will be directly affected by whatever the county does. So you have as it becomes more fine grained in implementation you have increasingly more involvement at the community level. We think that that will be ever so critical that ensuring that people buy into the plan because we need allies not adversaries, we need partners and to get there we will have to spend the time and effort as you have been to-date to ensure that everyone feels heard, everyone feels understood and even when you disagree with someone and you may not get your way on a particular point, at the end of the day if you understand why you lost, you walk away okay.

You feel and I know this from firsthand experience having lost too many times, that if I feel heard, I don't feel hurt, so I appreciate this opportunity. And avoiding duplication of effort, this is an area that has been spoken of again repeatedly today, but it can't be over emphasized. When we have such a government rich environment up here it is critical that you create and facilitate interaction between these entities but not overlap in purpose or intent or most importantly in reporting authority and things of that nature that you

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really have to do respect the divisions of responsibility. Give the mandate and expect it to be completed and then monitor to ensure that it is. Embracing many of these objectives is going to require that you embrace a variety of means to achieve those objectives, so once again that issue of flexibility versus certainty it can't be a cookie cutter approach. What works for South Tahoe may not work for North Tahoe. What is desirable on the West Shore may not be desirable on the East Shore. And so it is important that your policy stay at 10,000 feet and the minute you start to dip down to the tree level and fly at 500 feet you are really, in my opinion at least, you are dealing with issues that are better dealt elsewhere.

Stay at the highest level of policy and then in facilitating the continuity of purpose that is the final point that our board agreed upon is that if you do these aforementioned things that you actually create an environment where there is a clear division of responsibility and authority that you have a set of objectives that are well understood and then indeed you empower the appropriate people at the appropriate levels of authority to carry them out and then monitor the progress and make sure we reach those goals – in 20 years' time we will look upon this as a watershed moment where we have in fact turned the corner. Because if we do things the same as we have always done them, we will fail and we can't afford to fail. Thank you.

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046Lake Tahoe South Shore
Chamber of Commerce

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June 28, 2012

Ms. Norma Santiago, Chair
Members, Governing Board
Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89448

**Re: Comments - Regional Plan Update/Regional Transportation Plan
Draft Environmental Impact Statement (DEIS)**

Dear Governing Board Members and Agency Staff:

TahoeChamber.org, the Lake Tahoe South Shore Chamber of Commerce, is a dynamic organization dedicated to serving our 650 members and to the development and implementation of regional initiatives designed to improve our environment, economy, and community, and environment. These initiatives have included the **Lake Tahoe Regional Plan Initiative, Lake Tahoe Sustainability Measures Project, Lake Tahoe Basin Prosperity Plan**, creation of the **Tahoe Prosperity Center, regional geotourism strategies**, and, most recently, **TahoeFuture.org**. Specific to the South Shore, we participated in the development of the **South Shore Vision Plan**. We are now engaged in additional local visioning and planning efforts. We appreciate our continuing partnerships with TRPA/TMPO, Douglas County, City of South Lake Tahoe, El Dorado County, US Forest Service, Caltrans, NDOT, Tahoe Transportation District, and other local, regional, state and federal agencies in achieving and reconciling mutual goals and objectives.

We understand that the health and future of our environment, economy, and community are inextricably linked. With this in mind, it is essential that the TRPA Regional Plan provide the foundation, framework, and incentives to:

- Effectively address and eliminate barriers to community revitalization and environmental redevelopment.
- Incorporate a Code of Ordinances that allows Tahoe to reinvent its older, obsolete building infrastructure in a way that is financially viable so we can reverse the downward spiral of economic conditions that currently plagues the Basin.
- Significantly improve our transportation and transit systems with a reasoned priority placed on non-auto mobility.
- Coordinate with the Lake Tahoe Basin Prosperity Plan to execute specific strategies to revitalize the region's economy.
- Effectively encourage private sector investment to accelerate the attainment and maintenance of environmental gain.

Consistent with the above, our Board submits the following comments on the RPU/RTP Draft Environmental Impact Study (DEIS), all of which, with modifications, support the Chamber's preference for Alternative 3.

RECEIVED

JUN 28 2012

TAHOE REGIONAL
PLANNING AGENCY

046-1

Lake Tahoe South Shore
Chamber of Commerce



TahoeChamber.org

169 Highway 50
Edgewood Village, Bldg. D
Post Office Box 7139
Stateline, Nevada
89449

775.588.1728 **ph**
775.588.1941 **fx**

Principal reasons why TahoeChamber.org generally favors Alternative 3:

- Alternative 3 incorporates Area Plans and special district overlays; specific to the South Shore, the Town Center, Regional Center and High Density Tourist District overlays.
- Allows mixed-use development, including residential, commercial and public service.
- As compared with the other alternatives, Alternative 3 incorporates a more action-oriented set of incentives for the transfer of Commercial Floor Area (CFA) and Tourist Accommodation Units (TAU) into the special overlay districts.
- Best represents the opportunity to accelerate progress toward the attainment of Lake Tahoe's environmental thresholds.
- Allows 70 percent coverage on developed and undeveloped parcels (Bailey land classifications 4-7) within Town Centers and the other special overlay districts.
- Allows local Area Plans to manage coverage comprehensively rather than at the parcel-by-parcel scale. TahoeChamber.org believes this approach will be more effective at reducing coverage overall and within Bailey classifications 1-3.
- Would exempt non-motorized trails from coverage regulations, subject to design and maintenance requirements.
- Provides greater flexibility with respect to height. This is important for architectural design as well as for other purposes. Alternative 3 recognizes the existing height of buildings in the High Density Tourist District and does not require these buildings to be scaled back to the unrealistic requirements of Alternative 2 (no more than four stories).
- Allows the transfer of coverage across Hydrological Area Boundaries (HRA). Again, this moves away from the parcel-by-parcel approach to one that has greater potential for Lake-wide benefits.
- Provides the greatest flexibility for property owners who find that existing coverage regulations unreasonably impede their ability to make important home improvements.
- Would ensure that BMP implementation requirements are consistent with fire defensible space requirements.

We are pleased that Alternative 3 recognizes that the decline in gaming is not temporary, emphasizing the need to transition to a recreation based economy to reverse these declining trends and create an economic environment that will increase living wages, reinvestment in infrastructure, and environmental gain.

We support TRPA's shift from local control to regional planning, empowering local jurisdictions to develop local Area Plans consistent with the Regional Plan and Compact. The permissible heights available to local communities within Town Centers, the Regional Center and the High Density Tourist District provide planning flexibility to express the vision of individual communities for their locale and setting. We recognize that some local areas may not pursue maximum available heights, while others will.

046-2

Lake Tahoe South Shore
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Transportation/Air Quality (Regional Transportation Plan)

• We recognize that the vision, themes, and goals of the draft Regional Transportation Plan, *Mobility 2035* (RTP) are very similar to those in the adopted RTP (*Mobility 2030*). We recognize that the Sustainable Communities Strategy (SCS) is an important addition. We share growing concerns about the vulnerability of Lake Tahoe and its watershed to the impacts of climate change.

• Based on its approach to land use and associated package of transportation projects (Package C), Alternative 3 would meet the Greenhouse Gas (GHG) reduction targets set in California and TRPA Vehicle Miles Traveled (VMT) threshold targets, with mitigation as proposed in the DEIS. Alternative 2 would also meet these targets, but we do not support Alternative 2 for a variety of reasons, including its less flexible, more regulatory approach. All three other alternatives would require the development of an "Alternative Planning Strategy" to meet GHG and VMT targets. We see these as further reasons to support the features and direction of Alternative 3 over the other four analyzed in the DEIS.

046-2
Cont'd

Recommendations and Requests for Potential Inclusion of Features of Alternative 4 into Alternative 3

There are three specific provisions in Alternative 4 that we request be considered and analyzed as part of Alternative 3.

1. Extension of Time (at a minimum) for Air Quality Fee Basis

We understand that under current requirements, if a property owner wants to redevelop, refurbish and reopen a business in a building or space that has been vacant for more than two years, then the owner is required to pay same air quality mitigation fees as if the business was new. Alternative 4 recognizes this barrier to environmental redevelopment. It proposes to extend 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 two years to 90 days within the last five years.

Proposed mitigation measure 3.4.9 identifies and addresses the "potentially significant impact" of a reduced collection of air quality mitigation fees by proposing the following action:

Evaluate and adjust the Air Quality Mitigation Fee program to ensure that no decrease in the level of air quality improvements would result from the change in the eligible time period for a previous use from 2 to 5 years. According to draft mitigation 3.4.9, adjustments to the mitigation fee program may include, but are not limited to the following:

- *Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change;*
- *Implement regulatory changes that would ensure the same level of air quality improvements would occur with reduced fees;*
- *Develop additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.*

046-3

Lake Tahoe South Shore
Chamber of Commerce



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Please include in the EIS an explanation of how air quality mitigation fees improve air quality. This seems to be a given in the current analysis, but there is inadequate documentation for us to reach the same conclusion. Moreover, retroactive fee collection is a significant impediment to the regeneration of infrastructure.

2. Coverage Exemption for ADA-Compliant Access

Alternative 4 includes an exemption for ADA-compliant access to existing structures. As written, we understand the DEIS proposes to mitigate this exemption by requiring the property owner to meet BMP requirements, comply with appropriate design guidelines, and maintain coverage within the limits of the Bailey System.

We are compelled to express a concern that the property owner's cost for compliance with the proposed mitigation for this coverage exemption may have a negative impact on his/her ability to take advantage of the exemption and provide the required ADA access. We have all seen businesses go out of business because they are unable to provide ADA access at a reasonable cost. We request that Agency staff and EIS authors identify and propose mitigations for this important exemption that are less costly.

3. Coverage Mitigation

Alternative 4 includes a provision to prioritize the use of coverage reduction strategies in the following priority order:

- Implement all feasible on-site coverage reduction;
- Allow off-site reductions, and;
- Allow payment of excess coverage mitigation fees after all feasible direct coverage reduction options have been exhausted.

This provision should also allow the project applicant to select one or more priorities.

Additional Comments

Alternative 3 proposes to incentivize environmental redevelopment by increasing transfer ratios for retirement and restoration occurring within sensitive lands and distant urban nodes. Since the region is comprised of five local jurisdictions with private lands in the Basin, is it the intent of this proposal to authorize a local jurisdiction to object, or attach conditions to the export of a development resource from sensitive lands or outside of urban areas to another jurisdiction? (TRPA Codes 51.3.5). If so, what impact would this have on the proposed incentive? To incentivize unit retirement and environmental redevelopment, TRPA should eliminate barriers that impede the implementation of this policy change.

TahoeChamber.org supports TRPA's stated goal to continuously update the Regional Plan in four-year cycles. A top priority for the first review cycle should be a thorough analysis of whether or not the Transfer of Development Right (TDR) incentives have proven successful in achieving their stated purpose. If not, the

046-4

046-5

046-6

Lake Tahoe South Shore
Chamber of Commerce



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Agency should be prepared to incorporate additional TAU's and CFA in levels appropriate to ensure environmental, economic and community goals are met.

TahoeChamber.org fully supports the elimination of any and all barriers to environmental redevelopment. This is stated as a primary goal of the Regional Plan Update. Environmental redevelopment must be financially viable if it is to be a realistic strategy for accelerating the attainment and maintenance of environmental thresholds.

Thank you in advance for your consideration of the perspectives and recommendations of TahoeChamber.org, the Lake Tahoe South Shore Chamber of Commerce. We will remain engaged on the Regional Plan Update and Regional Transportation Plan throughout the time that these plans are reviewed and further considered by the staff and Governing Board. We support adoption of the Regional Transportation Plan (RTP) so as to avoid any lapse in "conformity" (before November 2, 2012) and adoption of the preferred alternative of the Regional Plan Update (RPU) by no later than December of 2012.

Sincerely,

Danna Meyer
for Casey Blann

Casey Blann
Chair, Board of Directors

046-6
Cont'd

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047

Good afternoon madam chair and GB members

For the record – “B” Gorman

2 hats – Board Member for the Tahoe Prosperity Center
CEO for TahoeChamber representing over 650
businesses and 8,000 jobs here on the South
Shore

Recognize and thank the staff for their hard work in pulling
together the input from the RPU Committee, stakeholders
and research into the excellent presentations provided over
the past two days.

But now the real work begins – the work of respectfully
compromising so that we can adopt a new Regional Plan in
order to move forward with revitalizing our communities.
Communities that are facing 16.2% unemployment, poverty
over twice the national average and blight and
environmental degradation that worsens with each day we
delay.

As Joanne outlined yesterday - we have already delayed this
process by several years. A delay which you as a Board
sought to end by virtue of your direction to staff to re-scope
last year.

And while the community appreciates this - the reality is that
the degradation started long before the P7 process got
mired.

047-1

Staff are recommending a progress review every four years in alignment with the Regional Transportation Plan updates. The recommendation for more frequent review of progress provides the safety net needed for areas where we may not have consensus. We must agree to compromise, learn to trust and agree to come back to the table as data and science are available and refine the plan accordingly.

The Tahoe Prosperity Center was formed to provide a regional collaborative model to implement the strategies recommended in the Lake Tahoe Basin Prosperity Plan. However, without a viable Regional Plan the Tahoe Basin will not see these or any other strategies implemented - as our reputation for complicated and layered policy is beat out only by our reputation as being a run-down, dated and unappealing place to live, visit or invest in.

I was struck yesterday in driving through Incline Village with how it is often held up as the shining star of the Basin. Yet it too is now riddled with empty, decaying buildings left lifeless as businesses, jobs and families have simply left the area, leaving it as a haven for second home owners. Home owners who bring or have delivered their supplies and lock themselves behind the gates of their estates during their few weeks they here each year because they too find little of interest in our community centers.

Is this the type of community we want to leave as our legacy?

047-1
Cont'd

I think not – and thus I urge you on behalf of both the Tahoe Prosperity Center Board and the businesses and families represented by TahoeChamber to delay no further. Please approve a 60-day comment period so that we can move forward with fairness, certainty and predictability in an effort to save not only the lake, but the very existence of our communities. I give you the word of these two boards that we are capable of, and will review the materials and provide our comments within this time period.

I thank you for your time and dedication to the Tahoe Basin.

047-1
Cont'd

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048**B. Gorman****Tahoe Chamber**

5.24.12

B. Gorman, representing the Board of Directors of the Tahoe Chamber said we have 650 members which encompasses about 8,000 jobs and as I shared with the Board the other day, had I been talking to you 20 years ago that probably would have been with the same number of members and about 18,000 jobs. If that doesn't tell the story, I don't know what does. The Board of Directors is pleased to support your process that you have adopted for reviewing and approving the Regional Plan Update and the Regional Transportation Plan. The Tahoe Chamber Board is in support of the process and the timing that you have adopted and then urge you to stick with that. We recognized that this has been a long and arduous process with thousands of citizens participating from throughout this Basin in the Pathway process, which really created the foundation for the documents that you are now reviewing. That said, I think we can all see the light at the end of the tunnel and now more than ever it is time for our community to come together, get these plans reviewed, refined and approved. The Board is very pleased to see the following components in the Regional Plan. They are very happy with the incentives to remove development from sensitive stream zones and definitely pleased to see encouragement to reduce vehicle traffic. We are pleased to see that we are encouraging environmental redevelopment that should result in net gains for stormwater treatment and scenic quality improvements. The Board has also begun to look at the Regional Transportation Plan and is very pleased to see the concepts for 40 bike and pedestrian projects. It is amazing to think that this could equal 160 miles of trails and sidewalks. That is twice around the Basin which is pretty impressive and forward thinking. Obviously this will reduce greenhouse gas emissions and this aligns with the tenant that you have heard me speak about before, which is geo-tourism recreation, this is how we say we want to present our community for future generations. We need this plan in order to get that done to actually walk out talk. Clearly, reducing vehicle miles traveled should also reduce sediment going into the Lake. We believe in rethinking transportation solutions and finding strategies that will work for both the environment, the economy and community. We think there are a lot of these elements in the Regional Transportation Plan. In order to make sure that we are doing the right thing and that we have looked at everything, we are also doing what we call a track in partnership with the North Lake Tahoe Resort Association/Chamber and the Tahoe Prosperity Center. We leave on June 5 and we are going to Monterey to look at how Monterey has integrated stewardship and environmentalism into their economy. We are then going to Livermore to see what happened when they did a highway bi-pass there. How did it affect their community and their businesses? From there we will be heading to Sacramento for some meetings with our leadership there. Should anyone interested in attending, we have a few spots available. We will bring back the results of our trek and share those with you as appropriate. In conclusion, the Board is in support of your 60+ day comment period and we encourage you to stick with it. We are hosting on our own a two-part workshop for small business owners and employees on June 12 and we are doing that so that they can come in and have a place for a dialogue about what the Regional Plan Update means for employees and small business owners. Once we have completed that and received their input, our Board will put together comment letters and submit those to you for your review.

048-1

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049



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June 21, 2012

Ms. Norma Santiago, Chair
Members, Governing Board
Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89448

Re: Comments - Regional Plan Update/Regional Transportation Plan Draft Environmental Impact Statement (DEIS)

Dear Governing Board Members and Agency Staff:

We are pleased to comment and hopefully our comments will be taken in the context for review in the DEIS. We reviewed the EIS alternatives, Code, and related information through the lens of our Tahoe City Downtown Association Mission statement. Our primary goal is to look at the RPU as it will provide future opportunity for to achieve Environmental goals through redevelopment of our decaying commercial core. As well the social goals need to be met to provide and revitalize what was once a vibrant family oriented community where people could live and work. The economy has certainly played a factor in the exodus of year round citizens and businesses, however the regulatory climate, particularly TRPA, has stifled any the community with a far greater impact.

We began our review with a study of the RPU Alternatives Comparison as described in Table S-1. We know the status quo (Alternative 1) is harming our economy and environment and reducing the viability of Kings Beach and the other communities around the Lake. Alternative 2 seems to rely on even more regulation. It lacks the flexibility we see as vital to engage private sector investment and achieve the balanced integration of environmental, economic and community goals. We identified some provisions of interest and value in Alternative 4 (see below), but don't concur with others. We understand Alternative 5 adds a range of impacts important for the purposes of analysis, but don't believe Alternative 5 is the right direction for Lake Tahoe. Overall, we found Alternative 3 to be most closely aligned with our goals in our Mission Statement and the stated focus and priorities of the Regional Plan Update. Ultimately there is not one alternative that will solve our issues specific to Tahoe City and the Placer County side of the lake. There will need to be a blend of the alternatives and we would hope that the DEIS will consider seriously all of the elements such that the best items can be pulled from the Alternatives to form the best scenario.

We support the "Environmental Redevelopment" goals of the RPU.

- Alternative 3 incorporates Area Plans and special district overlays; specific to Tahoe City, the Town Center district overlay. Several of our members are participating in the current Area Plan update process sponsored by Placer County, so we are already engaged in providing input for this approach.
- Allows mixed-use development. **Very important.**

049-1

049-2

- As compared with the other alternatives, Alternative 3 incorporates a more action-oriented set of incentives for the transfer of commodities that will enhance the residential sector.
- These incentives are not sufficient to enhance the Commercial Floor Area (CFA) and Tourist Accommodation Units (TAU) into Town Centers for Tahoe City. Tahoe City has almost no opportunity to redevelop without additional CFA as indicated in Alternative 4. More critical is the lack of ability to aggregate sufficient TAU's to provide for the extreme lack of bed base in Tahoe City. Currently the Tau's would need to be stripped from Tahoe Vista or Kings Beach in the Placer County area. This would seem to have a negative affect on those communities. Our understanding is that there are sufficient TAU's on South Shore but it is impossible to gain access to those. Either more TAU's, such as offered in Alternative 4, need to be available or the overall TAU pool needs to be available through out the water shed. No jurisdiction should have the right to restrict the free market transfer of TAU's which is a commodity only by virtue of TRPA. The environmental benefit of retiring and restoring sensitive land should be Basin wide not political jurisdiction limited.
- Best represents the opportunity to accelerate progress toward the attainment of Lake Tahoe's environmental thresholds.
- Allows 70 percent coverage on developed and undeveloped parcels (Bailey land classifications 4-7) within Town Centers.* However needs to accommodate small commercial parcels that may be 100% historically covered.
- Allows Area Plans to manage coverage comprehensively rather than at the parcel-by-parcel scale. The TCDA believes this approach is more effective at reducing coverage overall and within Bailey classifications 1-3.
- Would exempt non-motorized trails from coverage regulations, subject to design and maintenance requirements.* This makes only complete sense. Why penalize public and private efforts to provide pedestrian and bike trails that will only improve the VMT's.
- Provides greater flexibility with respect to height. This is important for architectural design as well as for other purposes. This is critical to Redevelopment. We cannot and should not redevelop horizontally and create more coverage in our Town that is constrained by clear geographical edges.
- Allows the transfer of coverage across Hydrological Area Boundaries (HRA).* Again, this moves away from the parcel-by-parcel approach to one that has greater potential for Lake-wide benefits.
- Provides the greatest flexibility for property owners who find existing coverage regulations impede their ability to make important home improvements.

049-2
Cont'd

Transportation/Air Quality (Regional Transportation Plan)

- The vision, themes, and goals of the draft Regional Transportation Plan (Mobility 2035) are very similar to those in the current RTP (Mobility 2030). Members of the TCDA are actively engaged in working with Placer County to assist in County, NLTRA, and TMA efforts to provide comprehensive public transportation.
- Based on its approach to land use and associated package of transportation projects (Package C), Alternative 3 would meet the Greenhouse Gas (GHG) reduction targets set in California and TRPA VMT threshold targets, with mitigation as proposed in the DEIS.

049-3

Concerns

Transfer of Tourist Accommodation Units (TAUs)

We recognize that Alternative 3 does not include any new TAUs, but does allow the award of bonus units to incentivize transfers. However, North Lake Tahoe does not have the same “excess level” of TAUs as exist on the South Shore. The TCDA shares the concern of others on the North Shore about the cost of acquiring and transferring existing TAUs to new projects proposed for Town Centers. Will those jurisdictions that have “excess” TAUs be or remain willing to allow a transfer to other jurisdictions? See Recommendations, below.

049-4

Level of Service (LOS) for Roadway Operations

The implementation of any of the five alternatives, including 3, would require measures to mitigate LOS impacts on specific roadway segments in the Basin. LOS is not an appropriate metric. This defeats the purpose of removing lanes of traffic and the goal of getting people out of their cars.

049-5

Recommendations and Requests for Additional Analysis and Information

There are two provisions in Alternative 4 that we request be analyzed as part of Alternative 3.

• Extension of Time (at a minimum) for Air Quality Fee Basis

We understand that under current requirements, if a property owner wants to redevelop, refurbish and reopen a business in a building or space that has been vacant for more than two years, and then the owner is required to pay same air quality mitigation fees as if the business was new. Alternative 4 recognizes this barrier to environmental redevelopment. It proposes to extend 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 two years to 90 days within the last five years.

Proposed mitigation measure 3.4.9 identifies and addresses the “potentially significant impact” of a reduced collection of air quality mitigation fees by proposing the following action:

Evaluate and adjust the Air Quality Mitigation Fee program to ensure that no decrease in the level of air quality improvements would result from the change in the eligible time period for a previous use from 2 to 5 years. According to draft mitigation 3.4.9, adjustments to the mitigation fee program may include, but are not limited to the following:

049-6

- Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change;
- Implement regulatory changes that would ensure the same level of air quality improvements would occur with reduced fees;
- Develop additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.

Please include in the EIS an explanation of how air quality mitigation fees improve air quality. This seems to be a given in the current analysis, but there is inadequate documentation for us to reach the same conclusion.

The TCDA fully supports the elimination of any and all barriers to environmental redevelopment. This is stated as a primary goal of the Regional Plan Update. Environmental redevelopment must be financially viable if it is to be a realistic strategy for accelerating the attainment and maintenance of environmental thresholds.

• Coverage Mitigation

Alternative 4 includes a provision to prioritize the use of coverage reduction strategies in the following priority order:

- Implement all feasible on-site coverage reduction;
- Allow off-site reductions, and;
- Allow payment of excess coverage mitigation fees after all feasible direct coverage reduction options have been exhausted.

We believe this approach would have the most direct and effective beneficial impact on actual coverage reduction.

049-7

• Incentives to Encourage the Transfer of TAUs across Jurisdictional Boundaries

To address our concern about the relative lack of “excess TAUs” on the North Shore, we recommend the Regional Plan Update include incentives for the sending jurisdiction.

Thank you in advance for your consideration of the perspectives and recommendations of the Tahoe City Downtown Association. The TCDA will remain engaged on the Regional Plan Update and Regional Transportation Plan throughout the time that these plans are reviewed by the staff and Governing Board. We support adoption of the Regional Transportation Plan (RTP) so as to avoid any lapse in “conformity” (before November 2, 2012) and adoption of the preferred alternative of the Regional Plan Update (RPU) by no later than December of 2012. We have given you our input on the direction and substance we believe the final RPU should include.

049-8

Very truly yours,

Gary Davis P.E.
TCDA Secretary

RE: LTSLT, FOWS, & TASC Joint Comments

Page 1 of 1

050**RE: LTSLT, FOWS, & TASC Joint Comments**

Nicole Gergans [Nicole@keptahoeblue.org]

Sent: Thursday, June 28, 2012 3:57 PM**To:** Alexander Leff [alex@friendswestshore.org]; Adam Lewandowski; Shane Romsos; Karen Fink; regionalplancomments; Arlo Stockham**Cc:** Susan Gearhart [susan@friendswestshore.org]; Jennifer Quashnick [jqtahoe@sbcglobal.net]; Laurel Ames; Darcie Goodman-Collins [Darcie@keptahoeblue.org]; Shannon Eckmeyer [shannon@keptahoeblue.org]; Judi Tornese [jmtornese@aol.com]

Dear TRPA staff,

It just came to our attention that a small correction needs to be made to the Section Titles of our Section I. Section One should have really been divided into two sections. The first should have been Land Use (p 6-7) which could be referred to as Section 1a since the other chapters are other titled and numbered. The second section we could refer to as Section 1b (p 7-45), should have been Titled "Coverage, Soils, Hydrology, and Biological Resources." Please accept this change into the administrative record. We can send you an updated copy to0, but it would likely not be until tomorrow after the administrative record period has been closed.

050-1

Our apologies for any confusion.

Kind regards, Nicole

Nicole Gergans
Natural Resources Manager
Office (530) 541-5388 ext 207
Fax (530) 541-5454
www.keptahoeblue.org

Follow us on [Facebook](#)**From:** alexander.leff@gmail.com [mailto:alexander.leff@gmail.com] **On Behalf Of** Alexander Leff**Sent:** Thursday, June 28, 2012 2:51 PM**To:** alewandowski@trpa.org; sromsos@trpa.org; kfink@trpa.org; regionalplancomments@trpa.org; astockham@trpa.org**Cc:** Susan Gearhart; Jennifer Quashnick; Laurel Ames; Darcie Goodman-Collins; Shannon Eckmeyer; Nicole Gergans; Judi Tornese**Subject:** LTSLT, FOWS, & TASC Joint Comments

Tahoe Regional Planning Agency and
Tahoe Metropolitan Planning Organization
Attn: Adam Lewandowski
Attn: Shane Romsos, Acting Measurement Department Manager
Attn: Karen Fink, Senior Planner
P.O. Box 5310
128 Market Street
Stateline, NV 89448

6/28/2012

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/29/2012

RE: LTSLT, FOWS, & TASC Joint Comments

Page 2 of 2

Re: Draft 2011 Threshold Evaluation Report, TRPA Regional Plan Update Draft
Environmental Impact Statement and Regional Transportation Plan Update Environmental
Impact Report/Environmental Impact Statement

Dear Adam, Shane, and Karen,

Please find the **League to Save Lake Tahoe, Friends of the West Shore, & the Tahoe Area Sierra Club** Joint Comments attached to this email. This email does NOT include the Joint Comment's attachments

We are also personally delivering a USB drive containing the Joint Comment and all attachments.

Thank you for this opportunity to comment on the RPU DEIS.

Sincerely,

Alex Leff

--

Alex Leff, Esq., Conservation Director
Friends of the West Shore
P.O. Box 552, Homewood, CA 96141
Phone: 530.412.8009 Cell: 516.567.7072
www.FriendsWestShore.org

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

051

May 16, 2012

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

RE: Extension of Comment Period on Updated Regional Plan

Dear members of the Governing Board,

The League to Save Lake Tahoe is appreciative for the opportunity and active involvement in reviewing the draft of the updated Regional Plan and corresponding environmental impact statement, Code of Ordinances documents, the Regional Transportation Plan and corresponding environmental impact statement, and Threshold Evaluation Report. The amount of time and effort put forth by the Governing Board and Regional Planning Committee in preparation and distribution of these documents does not go unrecognized and the League extends gratitude for this work.

As the Governing Board, the League, and the Lake Tahoe community are well aware, these documents will have a monumental impact on the future of this region. The length and complexity of the two plans, environmental impact statements, and threshold evaluations require thorough review and analysis for thoughtful and detailed public comments to be completed. After the initial review of these documents, the League believes that a longer comment period would allow for our staff to provide relevant and completed comments to aid in your final review of the updated Regional Plan. The need for more time for diligent review justifies an extension under good cause by the Governing Board as permitted under rule 6.13.5 in the TRPA Code of Ordinances Rules of Procedure.

Thank you for your time and consideration,

Shannon Eckmeyer
Land Use Specialist
League to Save Lake Tahoe

051-1

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052

Darcie Collins
League to Save Lake Tahoe

6.27.2012

Darcie Collins, League to Save Lake Tahoe said my staff and I have thoroughly read the environmental documents and we are providing extensive joint comments that articulate some key concerns and some big questions that we have with these documents and I urge you to make sure those are addressed in the final documents. I also want to clarify that our comments are very specific to the Alternatives presented in this document and that they do not address the conversations that are being held at the bi-state consultation meetings and that if any of you have any questions that are associated with our comments, please don't hesitate to contact my staff and I as we would be happy to set up a meeting to clarify. Thank you very much.

052-1

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053

Shannon Echmeyer
League to Save Lake Tahoe
5.23.12

Shannon Eckmeyer, League to Save Lake Tahoe and we are focusing on participating and being a helpful stakeholder though out this process. We are working hard in reviewing all of these documents and suggesting the most helpful improvements we possibly can. We are involved in conversations with other stakeholders and agencies throughout the area. We are also trying to involve the public as much as possible. The League is committed to addressing concerns that we have with the Regional Plan through the bi-state meetings that we have been asked to be involved in. One of our major concerns with the Regional Plan was brought out by Madam Chair but I would like to just echo and that is the idea of the extension of the urban boundary and the allowance of development in the recreation district. Specifically in Code 13.53c3 of the Code of Ordinances states an area plan may allow for the development and subdivision of tourist, commercial and residential uses in the recreation district. If found to be outside of the urban area and found to be in conformance with the Regional Plan. This is a major concern for us and we are working diligently to get through all of these documents and appreciate the opportunity to comment.

053-1

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054

Thomas Greene
Tahoe Prosperity Center
5.24.12

Thomas Greene, Chair of the Board for the Tahoe Prosperity Center said on behalf of the Prosperity Center I thank you for the opportunity to provide comments to the TRPA Governing Board regarding the ongoing Regional Plan Update and its related documents. The TPC represents an unprecedented regional collaboration of business, government, education and non-profit organizations encompassing the entire Tahoe Basin. Founded in 2011 to realize the Lake Tahoe Basin Prosperity Plan, the mission of the TPC is to promote sustainable economic development initiatives to foster environmental stewardship and improve the quality of live in the Tahoe Basin and adjoining regions. Unfortunately, the TPC cannot achieve this mission without the development of more predictable, consistent and forward thinking regulatory policy for the Basin. We believe the Regional Plan Update represents such forward thinking and by extension a real opportunity to raise the human condition of those who work, live and recreate in and around the Tahoe Basin. Specific to the Regional Plan Update, the Tahoe Prosperity Center supports the TRPA stated goal to take a more regional focus and to put local, neighborhood planning where it rightfully belongs with local government. Local jurisdictions are experienced, capable and committed to stewardship consistently with regional environmental goals and standards. We support local governments and the TRPA sharing responsibility for planning and project review. The environmental and economic prosperity of our region requires that we establish more efficient planning systems that integrate regional plan standards into the plans and project review processes of local governments and other agencies. Our present regulatory processes, rules and regulations and development approaches have been perfectly designed to achieve our present results and that includes high unemployment, visual blight, degrading Lake water quality, deteriorating infrastructure and the near insurmountable barriers to the in migration of the intellectual, and financial venture capital necessary to spur thoughtful and sustainable economic development and living wage jobs for our residents. A new vision and approach is needed and not the adoption of the Regional Plan Alternative that focus on no action or more regulation. Therefore, the Tahoe Prosperity Center supports Regional Plan Alternative 3, because it best invites property and business owners, local residents, educational healthcare and other organizations throughout the Region to become active stewards and investors in environmental restoration and community revitalization. We also support Regional Plan Alternative 3 because it best incentives the transfer of development rights from sensitive or outlying areas to existing designated town centers with the goal of restoring the lands from which development is transferred.

This opens the door to integrating environmental restoration with community revitalization and thoughtful economic development, providing a real opportunity to create a vital regional where residents can live, work, recreate and thrive. Lastly, the Tahoe Prosperity Center recognizes and is itself a product of all the energy and effort invested over the last several years to bring us to this point in time. We have the right plan and it is now time to put it into action. Therefore we encourage this Board to keep the 60 day RPU EIS public comment review period and not extend that timeline.

054-1

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Chapter 4

Individual Comments

Re: TRPA Regional Plan Comments

Page 1 of 1

I1**Re: TRPA Regional Plan Comments**

D Aaron [dca2319@yahoo.com]

Sent: Monday, June 25, 2012 3:48 PM

To: regionalplancomments

Cc: D Aaron [dca2319@yahoo.com]

Tahoe Regional Planning Agency
Stateline, NV

Attention: Adam Lewandowski, Sr. Planner

Enclosed please find my comments in response to the TRPA Regional Plan:

Future development projects - should focus on areas that are in the worst condition, not the best. This is a concept known as "Site Repair" where areas are left intact that are in nature's original condition; ie - don't remove trees or cover surface areas for parking lots. Incline Village, for example, has a number of vacant sites and vacated business sites (standing structures) that could be used first before touching beautiful wooded lots. Some of these lots are privately owned and some owned by Washoe County, but the idea is to preserve natural watersheds.

I1-1

Parking Garages - I believe a four story parking garage is being proposed for the downtown Kings Beach center. I am not sure if the plan is to build it right on N. Lake Blvd or set it back off the street. While parking garages should be easily accessible to cars, they should also be shielded from view from main street areas. Parking garages do not in any way fit in with the viewshed of Kings beach, but if they are absolutely necessary should be set back and not visible from the main street (N.Lake Blvd). Be creative and use other buildings, natural walls, shops and houses to hide the structure. At the same time have adequate signs on the main road so cars can easily find it.

I1-2

South Shore Casinos - these tall, monolithic structures are a real eye sore and in no way fit in with the surrounding viewshed. They are impersonal and for sure leave visitors and staff feeling detached from the natural and urban surroundings.

- Instead build a series of shorter buildings (as a complex) in the large already paved lots in the same casino area. Connect these buildings with arcades, paths, bridges, gardens and walls. This will invite people outside to stroll around and absorb the surroundings.
- These shorter buildings should be no higher than 4-6 stories in order for them to fit in with the surrounding buildings.
- There is a rule in architecture that heights of buildings should not vary too much from the predominant height of surrounding buildings. The casino stamp on the South Shore grossly violates this rule and results in four very tall monolithic buildings that have no connection with neighboring buildings.
- As I am sure you (TRPA) is aware, the shopping that surrounds the Heavenly Gondola is very popular for visitors and locals alike. This is because the buildings are 4-6 stories in height and have a "human" feel to them; people don't feel like they are strolling through the downtown area of a big city that has tall commercial structures. It is not possible to think of Lake Tahoe in terms of a Vegas because Tahoe is surrounded by immaculate nature and mountains unlike the desert surrounding Vegas.
- The overarching point is to keep Lake Tahoe towns and villages "human". Human

I1-3

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/26/2012

Re: TRPA Regional Plan Comments

Page 2 of 2

buildings and safe roadways to walk and bike along and to cross. .

Thank you for the opportunity to respond and contribute to the TRPA Regional Plan.

Derrek Aaron
Incline Village, NV

I1-3
Cont'd

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/26/2012

I2

Don Acolino
Embassy Suite Hotel

4.26.12

Don Acolino, General Manager Embassy Suites Hotel said he is here today in support which is directed toward the Regional Plan Update and its impact to the communities and functionality of the eco-system and improvements to transportation. It is my impression that the Tahoe Region needs to be economically sustainable or it will certainly continue to decay. Such as a Regional Plan alternative that would integrate its plan in the environment community and our visitors who are dearly important to us and to our survival as they come to the Tahoe Basin as a destination experience. The Regional Plan Update must take aim at much of the community structures many unchanged for decades, badly scarred and worn. I believe the TRPA can accomplish this by mitigating regulatory barriers to environmental redevelopment and by simplifying burdensome regulations that plague the Tahoe area. The proposed vision would reduce automobile dependency and increase pedestrian promenades and trails. It would also help to restore forests and wetlands. It supports growth control and open space preservation and the Regional Plan Update should address land coverage to be relocated to town centers where walking to public transportation is the most convenient choice. Our community is decaying, but by improving the environment we can improve our economic and social conditions. We can do this by creating a seamless permitting process that is easy to understand and where outcomes are predictable and reasonable and makes sense; this I believe would encourage much needed capital investment into the area. Do to the essence of time I support holding the review process to 60 days so that the Board and staff can meet its deadline and planning for the reducing of the rate of development from the 1987 Regional Plan and strongly incentivize environmental redevelopment.

I2-1

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I3

Dominic Acolino
Embassy Suites Hotel
5.24.12

Dominic Acolino, General Manager of Embassy Suites Hotel is representing some 150 employees who work and live here in Lake Tahoe and their expressed concerns of the decay and quality of life that they have experienced over the many years in South Lake Tahoe. Not only the diminishing of their quality of life, but also hours that they are able to work because the economy is also shrinking up here. We support Alternative 3 because we feel that it addresses some major issues and one of them in particular being the Loop Road rerouting Route 50 to behind our hotel and where the current Route 50 would become a more of a promenade and improve not only the quality of life of the residents here, but also improve the impact on tourism into our area. We envision, in front of our hotel an area where our approximate 1500 guest, when sold out, pouring out onto the street, which would be a tree-lined street that is safe and secure, where they could walk up and down this tree-lined street and visit shops and restaurants and sit down at an outdoor café, without the noise and the pollution of traffic with the stop and go. Sipping on a Latte and being entertained by some local musicians, this is the vision that we have, that is the needs that our guests are asking for. We also believe that we need to improve the infrastructure of the area, in order to allow our guests to access the Lake, VanSickle Park and Heavenly Village without having to get in their car and drive. This will, I believe, will reduce pollution in the area and noise pollution as well and create a much safer environment. To conclude, Embassy Suites supports Alternative 3 in the Regional Plan Update.

I3-1

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1928 mewuk Dr SLT, Ca 96150

Page 1 of 1

I4

1928 mewuk Dr SLT, Ca 96150

Tahoe Future [Mikea@vailresorts.com]

Sent: Thursday, June 28, 2012 8:25 AM

To: regionalplancomments

Name	Mike Allen
Email	Mikea@vailresorts.com
Subject	1928 mewuk Dr SLT, Ca 96150
Message	I would like to see greater attention to the entrance and Hwy 50 corridor leading to the heart of our community, the "village"...enforce our current signage policies, add additional indigenous plant life (trees) and improve green belts
Site	http://www.tahoefuture.org

I4-1

Sent from (ip address): 216.24.133.55 (216.24.133.55)

Date/Time: June 28, 2012 3:25 pm

Coming from (referer): <http://www.tahoefuture.org/getinvolved/>

Using (user agent): Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.1; Trident/4.0; .NET CLR 2.0.50727; .NET CLR 3.0.4506.2152; .NET CLR 3.5.30729)

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/29/2012

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Regional Plan Update

Page 1 of 1

15**Regional Plan Update**

Tahoe Future [mbefu@sierraattahoe.com]

Sent: Monday, June 18, 2012 10:33 AM

To: regionalplancomments

Name Mindi Befu
Email mbefu@sierraattahoe.com
Subject Regional Plan Update

Message

Dear Norma and the Governing Board, I have lived in South Lake Tahoe for 15 years, own a home, and have two beautiful daughters in elementary school in the school district. I am excited to see the potential for a sustainable future for my children partially due to the Regional Plan Update. I am in support of Alternative 3 of the Regional Plan Update. It integrates fresh ideas from many sources, including the Pathway Forum, Place-Based planning, and the more detailed work and public input over the past 18 months. Alternative 3 was discussed, considered and advanced by the TRPA Regional Plan Update Committee, and should now be approved. The status quo is harming Lake Tahoe and our community, and we should embrace a plan ensuring a sustainable and successful future. This proposed approach combines environmental restorations with community revitalization to create a region where people can successfully live, work, recreate, and thrive. Thank you for your consideration.

Site <http://www.tahoefuture.org>

Sent from (ip address): 12.71.37.125 (12.71.37.125)

Date/Time: June 18, 2012 5:33 pm

Coming from (referer): <http://www.tahoefuture.org/getinvolved/>

Using (user agent): Mozilla/5.0 (Windows NT 5.1; rv:13.0) Gecko/20100101 Firefox/13.0.1

I5-1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/22/2012

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I6**Mindi Befu**

5.24.12

Mindi Befu, Director of Sales & Marketing at Sierra Tahoe, Treasurer on the Board of Ski Lake Tahoe and Marketing Chair for LTVA said I am invested in the success on many levels of our community. I am strongly in favor of the RPU getting passed and getting passed in a timely manner. I think it is important that we do not extend the public comment review period. This period has been inclusive and there has been extensive research put into it with lots of expertise which has brought us to this point, so I believe our economic and environmental well- being are dependent on this happening and on it happening now. Alternative 3, I believe is the best option as I think it integrates the economic revitalization of our community as well as an environmental restoration. We have received a lot of input over the last 18 months there has been detailed information thought out plans that have brought us to a point that incentivizes environmental redevelopment, which is our goal. So I don't think that more regulation is the answer and it is time to more this plan forward.

I6-1

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Larry F. Benoit, Ph.D.

Tahoe Water Quality – Resources

P.O. Box 18591

South Lake Tahoe, CA 96151-8591

June 26, 2012

To: Tahoe Regional Planning Agency Governing Board

Subject: Water Quality Comments on Draft Regional Plan EIS

In my fifteen plus years on staff at TRPA I was largely focused on issues relating to water quality starting with a condition inventory and database of prior water quality projects, and erosion control needs on the primary roads in fall of 1993 (Revegetation Headstart Project, November 1994). I completed inventories of roads and databases for local jurisdiction water quality needs (including maintenance) between 1995 and 1997 and worked with the five local jurisdictions and both state highway departments in water quality project development for most of the remainder of my time working at TRPA. The last nearly eight years of my time at TRPA I was the Water Quality Program Manager, while at the same time working with Lahontan RWQCB and NDEP on the TMDL for Lake Tahoe. I also work on Pathway 2007 for the LTBMU Forest Plan and the Regional Plan Updates until I retired from TRPA in January of 2009.

17-1

Improved Roadway Operations and TMDL should be included in all Regional Plan Alternatives. The EIS acknowledges the findings from the TMDL research that the largest loads of fine particles come from primary and secondary roads, followed by commercial and industrial land uses, and there is a stated goal and requirement for the Regional Plan Update to provide for improved water quality. It seems to me that both Improved Roadway Operations and Maintenance requirements for pollutant load reduction and TMDL consistency requirements and

17-2

programs should be included in all Regional Plan update alternatives. Both these approaches should be considered baseline requirements for the Regional Plan Update and not mitigation measures for particular alternatives. None of the alternatives proposes adding primary and secondary roads *per se* relative the different proposals on new or redevelopment. Therefore, the balanced operations and maintenance of existing roads for fine particle load reduction seems to be a basic need of all development alternatives. Incorporation of TMDL load allocation, milestone schedules and TRPA permit requirements for pollutant load reduction into all alternatives should underscore the need for especially large development projects to be part of improving water quality beyond standard infiltration requirements for impervious coverage, not just the two state highway departments and local jurisdiction roadway managers.

17-2
Cont'd

Watershed Model build out analysis is inadequate to analyze the impacts of transferred and concentrated impervious coverage. The Watershed Model was used to analyze build out based on vacant parcels by sub-watershed and the worst case potential land use based coverage of those parcels (assuming standard BMPs where in place). The development proposed under alternative 1 may be usefully compared to the build out analysis using the Watershed Model, however those types of comparisons are inadequate to analyze the impacts of transferred and concentrated coverage proposed in alternatives 2, 3, 4, and 5. While it is certainly laudable to remove and restore coverage on low land capability parcels, the impacts to pollutant loading from concentration of such transferred coverage in other sub-watersheds cannot be adequately analyzed by comparison with the Watershed Model analysis. In addition the restoration of hard coverage areas in land capability 1A and 1C is difficult at best and should not be seen as 100% mitigation for such coverage once transferred and concentrated in new or redevelopment. There are plenty of scars on the Tahoe Basin to demonstrate the difficulty of restoration on 1A and 1C. The water quality impacts of concentrated coverage of increased runoff and the impacts of that runoff, if not pollutant loading, are most likely to be expressed on a sub-watershed basis rather than on Lake Tahoe or the Tahoe Basin as a whole. I don't think that parcel based infiltration requirements and analysis can adequately account for the cumulative impact of infiltration from concentrated coverage on multiple parcels in a contiguous area of a sub-watershed. Such areas with close proximity to Lake

17-3

Tahoe, or relatively high ground water elevation, or areas that have been man-modified to a higher land capability may not be successfully mitigated using infiltration technology.

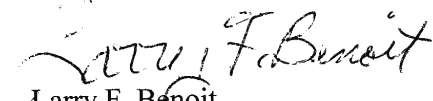
17-3
Cont'd

There needs to be a commitment for sub-watershed level analysis for focus areas of transferred concentrated coverage proposed for Alternatives 2, 3, 4, and 5 to ensure that water quality impacts are fully mitigated. The promise for the Regional Plan Update to improve water quality through full BMPs on new development and redevelopment areas of concentrated coverage deserves a better analysis than the comparison with the status quo for water quality. The land use maps included in the EIS alternatives can easily point out the areas for further analysis of potential concentrated coverage impacts. If such analysis demonstrates that stormwater infiltration in any of these areas will not adequately mitigate their water quality impacts, then these areas should either be rejected as concentrated development areas, or a functional area-wide treatment plan needs to be implemented for the area prior to or at least concurrent with new or redevelopment in these areas. The initial construction phase is the best time logistically to construct onsite infiltration or stormwater storage and stormwater transfer capacity as part of any area-wide treatment. Area-wide treatment cannot be seen as a panacea or promise only, or a free pass for developers and land owners to avoid mitigation of their water quality impacts. There also need to be irrevocable commitments to any area-wide treatment and long-term maintenance prior to the development or redevelopment being approved to insure the success of any such treatment.

17-4

I submit these comments in the sincere hope that the Regional Plan Update can be successful in improving the water quality that is so basic to the legacy and long-term interests of the Lake Tahoe Basin.

Sincerely,


Larry F. Benoit

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18**Larry Benoit**

5.24.12

Larry Benoit, retired from TRPA after 15 years of service said my concern is that besides the fact that the public announcements on the 60 days and this public hearing weren't entirely clear that the 60 days only applies to the EIS. I want to point out the inadequacy of the draft Code for Chapter 60, the Water Quality Chapter online to represent the promise of the Regional Plan Update and to implement it. At best, it only represents the no project Alternative and that is it. There is nothing there to fulfill the promises of especially redevelopment and those kinds of things to improve water quality. If it is not in the Code, it is not there. The coverage is bear in terms of tools to enhance that water quality if we don't have an update of the Water Quality Code that reflects this. I don't see a problem with the EIS, the project descriptions, the alternatives and the Goals & Policies, but it is not reflected at this point with the Draft Code that is available online. We don't have this and if the Board were to go ahead and approve that Code, I think it would be a big gap and then the two states and the EPA at that point would be justified in pulling the Section 208 Water Quality planning authority from TRPA and basically let the states try to deal with this. What I hope to see is that we are reflecting that promise of improved water quality in the Water Quality Code section.

I8-1

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Please revamp plan

Page 1 of 1

19

Please revamp plan

Tahoe Future [lebiggs33@hotmail.com]

Sent: Monday, June 25, 2012 3:25 PM

To: regionalplancomments

Name Brian Bigley
Email lebiggs33@hotmail.com
Subject Please revamp plan

Message Hello, My Name is Brian Bigley. I have been here in Tahoe for about 10 years now. I love Tahoe. I bought a house, and started a family since I moved here. I understand what the TRPA is trying to accomplish. I consider myself an environmentalist but believe the current plan is flawed. There must be a better way to include the balance the business and livelihood of the Tahoe community with the preservation of the beautiful place we love and live in. Please open up a discussion to revamp the current action plan. Thank you.
Brian Bigley 530.318.0890 1162 apache ave South lake tahoe, CA 96150

Site <http://www.tahoefuture.org>

Sent from (ip address): 65.165.167.186 (65-165-167-0.dsl.volcano.net)

Date/Time: June 25, 2012 10:25 pm

Coming from (referer): <http://www.tahoefuture.org/comment/>

Using (user agent): Mozilla/5.0 (compatible; MSIE 9.0; Windows NT 6.1; Trident/5.0; BOIE9;ENUSSEM)

I9-1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/26/2012

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I10

April 25, 2012

Norma Santiago, Chair
TRPA Governing Board
P.O. Box 5410
Stateline, NV 89449

APR 27 2012

REGIONAL
PLANNING AGENCY

Re: Regional Plan Update and EIS Review

Dear Supervisor Santiago,

Thank you for the opportunity to comment on the Regional Plan Update. As a manager at Barton, a small business owner, and a mother of two young children, I am concerned and interested in a positive and sustainable future for the Lake Tahoe area. It is an area we hope to raise our children, grow professionally and continue to be active stewards of this place we call home.

I applaud the efforts of the TRPA to collect comments from residents over the years to update the Regional Plan. The Regional Plan Update's Alternative 3 allows for a revitalization of our area and supports positive growth for businesses, environmental restoration and an improvement in the community we call home. The existing built environment is damaging our economy and our environment.

I support a plan that incorporates meaningful incentives to business owners to transfer development rights from sensitive areas to town centers with the goal of restoring the lands from which the development is transferred.

I support modifying land coverage regulations to treat pervious improvements like decks and patios different from impervious surfaces like buildings and parking lots.

I support efforts that support businesses that improve the economic vitality for Lake Tahoe, while improving the living conditions for residents and sustaining and improving the environment.

I encourage the board to stay the course with the 60 day comment period, as delaying projects can be detrimental to the positive changes we hope to see come to fruition. The status quo is harming Lake Tahoe, our economy and our communities. Doing nothing is hurting the ability for current businesses and potential investors from improving on our current environment.

More regulation is not the answer. I support an alternative that allows us to be better stewards of our community.

Sincerely,

Shannan Birkholm

Shannan Birkholm

I10-1

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I11**Casey Blann**

5.24.12

Casey Blann, 31 year resident of the South Shore and we have raised two children and we are very proud to live in the local community and having our children attend college in California and graduate. I am an active member of many organizations here in Lake Tahoe and am currently the Chairman of the Tahoe Chamber. I am encouraging the Governing Board to take forward thinking action approving a modified Alternative 3. A modified Alternative 3 as a result of recent efforts by hundreds of engaged participants. In my opinion it is fresh thinking, not old concepts and outdated theories. A modified Alternative 3 represents creative and innovative ideas and approaches to one, energize our economic opportunities, as well as also embracing and acknowledging our environmental responsibilities. One reminder, status quo is harming our Lake, our economy, our people and our future generations. Let's get to work and approve a modified Alternative 3, but please don't stop there. There is plenty of work to do with the Regional Transportation Plan which is also critical for our future.

I11-1

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I12

Mike Bradford
Lakeside Inn

6.28.2012

Mike Bradford, Lakeside Inn said I am here in support of the RPU and Alternative 3. I apologize for being late, but it is my birthday and I was being spanked this morning. I want to compliment staff for their insights into what this plan proposes. I have been involved with a large group of community members that has been working on a South Shore vision which intends to transform our area from a decaying gaming based economy to an outdoor tourism recreational destination. Many things need to happen for that to occur. Improved transportation is certainly one and I think this concept of walkable areas, pedestrian areas is a critical factor which requires that we create nodes in our community that create density in some areas that is addressed by height that allows us to reduce coverage. The RPU is very insightful and how it allows this transformation to take place and it completely supports the vision that many of us have for our community to rely on our outdoor recreational area at the same time that we revitalize and create an urbanized areas that is environmentally sensitive. So from the point of view of the people that have worked on the vision plan and myself, this RPU really supports our long term vision and I can't emphasize enough how much I appreciate the agencies insight into what needs to happen to make our community into a new environment and a new economy. Thank you.

I12-1

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I13

How will bank owned homes be handled? Will banks be required to follow the same enforcement as a homeowner?

Lorie Chapman

I13-1

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I14**Natalie Collin**

5.24.12

Natalie Collin moved here three years ago after researching mountain towns for about 6 years. We went everywhere in the West and we eventually decided on South Lake Tahoe and hoped we would get jobs here. My husband works at Barton and I work in the school district. We are both professionals and when we moved here we knew we were giving up a really nice downtown. We saw some great downtown areas in Colorado, Oregon and Washington and yet we loved the natural beauty here. We felt that this was the place we wanted to raise our children who are 9 years old and currently in the public school system here. We just feel like is just so much potential here. Especially when it is centered around recreation and yet we feel that this is not being taken advantage of yet, the natural beauty here. Along with that, I think a downtown area that really supports a community feeling. I would really like the plan to move forward and I agree in a very timely manner. We really do hope that we have really great downtown areas to gather as a family before my kids graduate from high school.

I14-1

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I15**Jason Collin (per Heidi Hill Drum)****6.28.2012**

Heidi Hill Drum on behalf of Jason Collin who works for Barton and is in a meeting and he thought he would be here around 10:00 a.m. but obviously we are moving forward quickly so he just emailed me his comments. I am going to have to read them. He has a local family here and he says we moved our family to South Lake Tahoe because of the natural beauty but also with the hope and dreams that Tahoe would realize true sustainability which results through environmental, social and economic strength. We are excited about the Regional Plans broader look at environmental sustainability via economic and social infrastructure projects. Thank you for putting together a plan that can help move in the direction that we need to go so please adopt the Regional Plan.

I15-1

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PO Box 9417 South Lake Tahoe, Ca. 96158

Page 1 of 1

I16

PO Box 9417 South Lake Tahoe, Ca. 96158

Tahoe Future [joncopeland9@gmail.com]

Sent: Wednesday, June 27, 2012 8:48 PM

To: regionalplancomments

Name Jon Copeland
Email joncopeland9@gmail.com
Subject PO Box 9417 South Lake Tahoe, Ca. 96158

My name is Jon Copeland and I am a 20 year resident of South lake Tahoe. Even before moving to Tahoe full time at the age of 20 my family was visiting Tahoe for a long as I can remember as we owned a vacation home on the West Shore. I am an avid outdoor person who skis, bikes, hikes and fishes regularly. It has been tough to see what I consider the decline of the area I love, friends losing their jobs and many homes in my area becoming vacant. I am in full support of both the Tahoe Regional and Transportation Mobility 2035 Plan. The status quo just won't do anymore TRP: The overall goals of the program all have a tremendous upside to the Basin. -Water Quality Improvement -Stream/Watershed Zone restoration & coverage -Transportation -Scenic Quality -Alternative transportation uses -Build environment quality The Growth Control System and Accelerate Threshold Gains Environmental Redevelopment just makes sense. Along with improving the quality of our water through stream shed restoration, forest health improvement and air quality all go hand in hand with the community we live in and the area we would like to have. Transitioning from a gaming town to a recreation town with improved easily accessed opportunities is long over due. The Mobility 2035 plan is also a welcome change in thought process. Myself, I see plan "B" as being the smart choice. The thought of a US 50 loop revitalization is really welcoming. Improving the transportation system and addition of bike paths will encourage both tourists and locals to leave the fuel guzzlers at home and take to the road alternatively. While everyone hates to deal with endless construction around our roadways, it is about time that construction goes towards being sustainable with realistic achievable goals rather than patchwork repairs. With the use of best practices in construction and road work the short term impact will be worth dealing with for the long term gains. It is exciting to see some handwork and smart thinking starting to come to fruition and I look forward to the process of approvals and funding with smart thinking to see some much needed change. This is very good work and the thought to put the website together to help the community understand the process, options and opportunities is exciting. It will be interesting to see how the funding for these projects is received as I don't see incredible opportunities through state and federal support. Although I hope I am wrong. Good work TRP

Message

Site <http://www.tahoefuture.org>

Sent from (ip address): 71.142.224.130 (adsl-71-142-224-130.dsl.scrn01.pacbell.net)
Date/Time: June 28, 2012 3:48 am
Coming from (referer): <http://www.tahoefuture.org/comment/>
Using (user agent): Mozilla/5.0 (Macintosh; Intel Mac OS X 10_7_4) AppleWebKit/534.57.2 (KHTML, like Gecko) Version/5.1.7 Safari/534.57.2

I16-1<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

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RP Comments

Page 1 of 1

I17

RP Comments

Crumpton [crumpton3@verizon.net]

Sent: Tuesday, June 26, 2012 12:46 PM

To: regionalplancomments

Dear TRPA,

We think your regional plan is too high growth and not enough protection for Lake Tahoe itself. We believe that current rules should be followed and not amended.

Thank you for your consideration.

I17-1

Crumpton, Cathy, Tom & Will

4840 West Lake Blvd.

Homewood, Ca 96141

crumpton3@verizon.net

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/29/2012

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I18

June 28, 2012

Ms. Norma Santiago, Chair
Members, Governing Board
Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89448

**Re: Comments - Regional Plan Update/Regional Transportation Plan
Draft Environmental Impact Statement (DEIS)**

Dear Governing Board Members and Agency Staff:

I have lived in South Lake Tahoe for almost 30 years; I attended grade school, high school and college here, and it is overly apparent that in those 30 years, Tahoe has not changed. We have a higher than average unemployment rate, a bad housing market, crumbling roadways, and countless rundown and vacant structures. Having recently visited the communities of Livermore and Monterey on the TahoeChamber Trek, it was refreshing to see that although they once were struggling much like us, with collaboration, partnerships and a shared vision for the future, they completely turned their economies around. Now it is time for us to take the steps to do the same.

The Regional Plan Update and the Regional Transportation Plan create a process by which we can change. These documents contain a vital framework for economic growth and environmental improvements. Without these imperative modernizations, the Tahoe Basin will continue to lose business to other communities that have the functional bike/pedestrian paths, multi-family accommodations, and recreational opportunities that modern travelers seek. I see Alternative 3 as our best chance to move forward while paying attention to environmental standards, myriad recreational opportunities, and the desires of each of our distinct communities or areas. Additionally, the goal of updating the plan every four years should help ensure that the appropriate goals are being met and upheld.

Thank you in advance for considering my suggestion as a truly concerned longtime local.

Sincerely,

Jessica Cunningham

I18-1

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I19

From: [Mary Cushing](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); [ronslaven@hotmail.com](#); [Claire Fortier](#); [Nancy McDermid](#); [jreid@bhfs.com](#); [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Subject: latest TRPA plan
Date: Monday, May 14, 2012 4:38:12 PM

The Regional Plan is too complex to be reviewed by both you and the public in only 60 days. You must grant an extension of at least an additional 90 days. I am against urban sprawl and high density development. I have lived here for 40 years. Those of us who have been here for years are here because it is a quiet, low-traffic area. I do not want to be like South Shore.

I19-1

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I20

From: Joy_Dahlgren <joy@lucasvalley.net>
Sent: Sunday, June 17, 2012 7:42 PM
To: Karen Fink
Subject: Questions re the RTP/EIS

Hello-

I have been reading the RTP/EIS and associated publications so that I can make informed comments on the RPU before the deadline next week. I have several questions?

1. Was the Lake Tahoe Transportation Model run by TRPA/TMPO staff or by a consultant? If the latter, which consultant?
2. Did this model include effects of bike/ped travel time or safety in the mode choice parameters?
3. Did this model include effects of transit wait time and travel time in the mode choice parameters?
4. Was the TRIA tool developed in house, or by a consultant? Which consultant?
5. How was the TMPO Bicycle Trail User Model used in developing the TRIA tool?
6. Exactly what bicycle trail and transit projects and operational changes were assumed in the Lake Tahoe Transportation Model and the TRIA?

I20-1

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I21

From: Joy_Dahlgren [<mailto:joy@lucasvalley.net>]
Sent: Sunday, June 17, 2012 9:00 PM
To: Keith Norberg
Subject: Question re application of TRIA adjustments

Hello-

I am trying to understand the estimates of VMT so that I can make informed comments on the RTP/EIS this week.

The description of Step 2 on page E.7-17 of the RTP/EIS Appendix C Part 7 does not describe exactly how the TRIA reductions are applied. Are the TRIA reductions shown in Table 9 on page E.7-18 applied directly to the daily zone-to-zone vehicle trip matrix, such as shown on page E.7-17? Are the urban center reductions applied to all trips between 2 urban center zones? What reductions are used for trips from other areas to urban centers and vice versa?

Thanks for you help.

Joy Dahlgren
1200 Idylberry Road
San Rafael, CA 94903
415 479 7930 cell 415 464 7930

I21-1

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I22

1

June 26, 2012

To: John Hester, Senior Planner, Tahoe Regional Planning Agency
128 Market Street, Stateline NV 89449

From: Joy Dahlgren
1200 Idylberry Road, San Rafael, CA 94903



Subject: Comments on the Regional Plan Update EIS

Dear Mr. Hester:

TRPA was created in 1969 to preserve and enhance the Lake Tahoe environment, particularly the unique clarity of its water. It has been successful in stopping runaway development, but the clarity of the water has continued to decline—the 2011 clarity was 68.9 feet far short of TRPA's standard of 109.5 feet.

I22-1

So, the primary focus of the Regional Plan Update Plan should be lake clarity. Yet instead the focus has been on redevelopment and vehicle-miles traveled.

The RPU/EIS acknowledges that construction adversely affects the lake and we know that increased coverage increases runoff and that runoff closer to the lake is less likely to be filtered by the ground.

Yet Alternative 3 would involve more construction and would transfer residential development into urban areas, which are close to the lake, and would allow more development and more dense coverage closer to the lake than the current plan. How could such a plan reduce runoff into the lake or increase lake clarity?

I22-2

It won't reduce lake clarity because the EIS says the construction will use best practices, so its effects will be less than significant. It says that replacement of structures outside the urban centers with more coverage in the urban centers will reduce individual vehicle miles traveled because trips will be shorter, allowing people to walk and bicycle rather than driving. More transit, employee transportation programs, and more bicycle paths will reduce auto trips further. This would reduce nitrogen emissions from cars.

2

In the 1970s nitrogen was thought to be a primary factor in lake clarity, but the most recent research has found that fine sediment is the primary cause of loss of clarity¹. Urban runoff is the primary source (72%), and only 15% is due to atmospheric deposition from vehicles, wood smoke and other sources of airborne dust.² The research has not demonstrated that VMT is linked to water quality. In fact, although VMT has been declining, lake clarity is not improving. And as new cars have become cleaner and more fuel-efficient, nitrogen emissions have declined dramatically and will continue to decline as older cars are replaced.

The whole reduced VMT argument doesn't make sense.

Although the transportation model includes the effects of density and transit on VMT, the output from the transportation model which found more VMT for Alternative 3 than Alternative 1 was adjusted to account for various transportation measures such as reduced parking, employee trip reduction program, ferry service, transit operation changes, transit coordination and trip planning, real time arrival information, timed transfers and common ticketing, completion of the bicycle/pedestrian network, and removing snow on bike paths. It was claimed that these would reduce urban-centered vehicle trips in 2035 by 4.32% for Alternative 3 and 2.66% for Alternative 1—enough to make Alternative 3 VMT 0.5% lower than Alternative 1, rather than 0.3% higher. I have shown in my letter to the North Tahoe Preservation Association, part of their comments on the RPU/EIS, that these adjustments are not reasonable.

But these differences are well within the range of error, given the way the VMT is estimated. Densification of the town centers and all the proposed transportation measures won't make much difference in VMT. Many are expensive and have their own negative environmental impacts, for example the ferry, and some are hard to enforce, such as employee trip reductions.

The whole exercise in VMT reduction seems to be a diversion from the central issue—what development scenario would best protect the lake.

And rather than protecting the lake, the RPU seems to be a justification for increased development and reduced controls on development. This may benefit development interests but it does not benefit people like me and the other millions who visit Lake Tahoe to enjoy its natural beauty. My family has owned a cabin in Crystal Bay since 1950.

As a retired transportation professional, I am aware of state and federal regulations regarding transportation and general plans. But these plans should be within the context of the TRPA mandate to protect the lake—they should not hijack the Tahoe Regional Plan.

Thank you for your consideration.

¹ Regional Plan Update page 3.8-8

² Exhibit 3.8-3, Regional Plan Update, page 3.8-14

I22-2
Cont'd

I23**Joy Dahlgren****6.27.2012**

Joy Dahlgren said I am here to talk about transportation is used and misused in the Regional Plan Update. I have 24 years of experience in transportation research and planning. My family has owned a cabin at Crystal Bay since 1950, so we have seen a lot of changes happen at the Lake. TRPA was created in 1969 to preserve and enhance the Tahoe environment, particularly the unique clarity of its water. Up till now, TRPA has been really successful in stopping runaway development but the clarity of the water is not improving. The 2011 clarity was 68.9 feet which is far short of TRPA's standard of 109.5 feet. So the primary focus of the Regional Plan Update seems to me should be Lake quality, yet instead the focus has been on redevelopment and vehicle miles traveled.

The Regional Plan Update acknowledges that construction can adversely affect the Lake and we know that increase coverage increases runoff and runoff closer to the Lake is less likely to be filtered by the ground. Yet Alternative 3 would involve more construction and transfer residential development into urban areas which are close to the Lake and would allow more development and more dense coverage closer to the Lake than the current plan. How could such a plan increase Lake Clarity? Will the EIS, since the construction will use best practices and it makes no distinction between the level of development and Alternative 1 and Alternative 3, so that the effects of any construction will be less than significant.

It also says that the replacement of structures outside the urban centers with more coverage in the urban centers will reduce individual vehicle miles traveled because trips will be shorter allowing people to walk and bicycle rather than driving. Transit and employer transportation programs and more bicycle paths will reduce auto trips further. This would reduce nitrogen emissions from vehicles or particularly cars. In the 1970s nitrogen was thought to be the primary factor in Lake Clarity. But the most recent research has found that fine sediment is the primary cause of loss of clarity. Urban runoff is the primary source of this sediment, 72% and only 15% is due to atmospheric deposition from vehicles, wood smoke and other sources of airborne dust.

The research has not demonstrated that vehicle miles traveled is linked to water quality. In fact although vehicle miles traveled has been declining, Lake Clarity has not been improving. And as new cars become cleaner and more fuel efficient, nitrogen emissions have declined dramatically and will continue to decline as older cars are replaced. The whole reduced VMT argument just doesn't make sense to me. Although the Lake Tahoe Transportation model includes the effects of density and transit on vehicles miles traveled, the output from the transportation model which found more VMT for Alternative 3 than alternative 1 was adjusted to account for various transportation measures, such as reduced parking, employee trip reduction program, ferry service, transit operational changes, transit coordination and trip planning, real time arrival and information, time transfers, common ticketing, completion of the bicycle/pedestrian network and removing snow on bicycle paths. It was claimed that these would reduce urban centered vehicle trips in 2035 by 4% for Alternative and 2.6% for Alternative 1. Enough to make Alternative 3 VMT in 2035 .5% lower than Alternative 1 rather than .3% higher. I've shown in my letter to the North Tahoe Preservation Association which is included with their comments, that these adjustments simply are not reasonable or justifiable.

But the differences in VMT are well within the range of error given the way the VMT is estimated. Densification of the town centers and all the proposed transportation measures won't make much difference in VMT. Many are expensive and have their own negative environmental impacts such as the ferry and some are hard to enforce such as employee trip reductions. The whole exercise in VMT reduction seems to me to be a diversion from the central issue which is what development scenario would best protect the Lake. And rather than protecting the Lake, the Regional Plan Update seems to be a justification for increase development and reduced controls on development. This may benefit the counties surrounding the Lake with extra revenues and it may benefit the development interests in the Lake, but it doesn't benefit the 5-7 million people who come to visit Lake Tahoe and I would like to know how many of the people who have commented or speaking to you today are visitors or are seasonal residents like I am.

The only way I was able to find out about this whole process was through TRPA's website and my address and name are available to the planning agency to get notice that this was happening. Notices could be posted in tourist areas to let people know that this is happening so tourist have some input in whether they want to have an urbanized Tahoe or a Tahoe that is primarily good for its environment and the clarity of the Lake. So I am aware that there are state and federal regulations regarding transportation in general plans and these plans should be within the context of TRPA's mandate to protect the Lake. They shouldn't be used to hijack the plan. Thank you for your attention.

I23-1

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Comments to be included in the June 28, 2012 Regional Plan documents

Page 1 of 1

I24**Comments to be included in the June 28, 2012 Regional Plan documents**

Daniels, Susan [Susan.Daniels@cbnocal.com]

Sent: Thursday, June 28, 2012 4:57 PM**To:** regionalplancomments**Cc:** Jeff Cowen**Attachments:** TRPA updates 6 2012.doc (39 KB)*Hello,**Please add my comments to the Regional Plan documents. While more philosophical in nature than critical of any one plan, I do want to have items of concern addressed.**Most important is keeping the TRPA above and/or separate to the other governing bodies. Many people share the opinion that turning critical review processes over to the local governments will be a huge conflict of interest. As I spoke yesterday, it is essentially putting "the fox in charge of the hen house" and will only lead to compromise that will be of detriment to the lake, the forest around it, and the expectations and lifestyles of the current property owners.*

I24-1

*Thank you, Sue**Susan L. Daniels**DRE# 01066252**Coldwell Banker Residential Brokerage**530-581-7772 direct line**530-583-7702 fax**P.O. Box 5248 (475 North Lake Blvd)**Tahoe City, CA 96145**Sue@LakeTahoeSue.com*<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

TRPA updates: will the new plan be sustainable? Philosophy of a paradigm change: Changing people's lives for the next 20 years.

Four months ago, February 15, 2012, many folks attended a TRPA sponsored event hosted by Joanne Marchetta as one of several "fireside chats" in Tahoe City. The consensus of many in the room is that the TRPA, formerly an environmental protection agency, now should be known as the "TRDA", "Tahoe Regional Development Agency". It became evident that there is a huge paradigm change in the agency that has affected so many thousand's of people's lives during the past 30+ years of its existence... It is becoming a new agency on the march.

I24-2

The new TRPA direction, (per the Fireside Chats and open houses), will be achieved by pushing for and allowing more height, more coverage and denser "city" cores; because "the cities and developed cores are very capable of capturing and taking care of all storm water runoff". Really?!

Discussion: If that were true, why haven't the government owned portions of our town centers been completed already? Roadways are still under construction. Government designed, permitted-- or even government built conduits, wastewater culverts and easements **expedite** runoff waters efficiently straight into the lake or streams leading to the lake. This is not acceptable!! TMDL research, wetlands studies have provided our scientific proof, and we see the lake clarity continually decline. We have gotten visual verification from the YouTube videos that the Tahoe Pipes team has produced which show filthy water pouring into the lake.

I24-3

Now the proposed change: The TRPA staff's conclusions that the current practice is not working is based on the continued degradation in the status of the clarity in the lake. Changing stream flows, reestablishing wetland absorption and filtration regions as the streams and waterways enter the lake have begun. But, allowing more coverage and density in the urban cores?? That seems counterintuitive!!

The TRPA goes on to blame current residents: longtime and middle class property owners whose poor land-use practices "have not been able to keep the lake from degrading". In reality it appears that most individuals have been predominantly following TRPA and other governmental agencies requirements, in many cases these agencies' required/prescribed science and

application of such may have had as much “fault” for the failures. While the TRPA has had money provided to complete corrective measures, private citizens have not been so lucky. Says the TRPA, “\$1.5 billion has been spent to date by the government agencies”, and they now want another \$1.5 billion.

How to get that money?? Conclusion: “Wealthier (and therefore wiser?) new residents should be enticed to come in and save the lake”. The new TRPA's mantra is that the \$funds\$ needed "to save the lake's clarity" will somehow be generated by giving large developers permission to over-build or over-cover, and then these project's \$funds\$ will be used to mitigate the new storm water runoff issues.

“Finance the fix” by imposing it on large developers who will pass it on to eventual buyers. Question: should it just be the rich developers that save the lake? With what?? Time shares, shared ownerships??...This thought pattern has deeper implications too, as it is based on false pretenses and fabricated assumptions that there is the demand for such products and that there is financing available in the current economy. How many fractional, timeshare and condo sales will be needed in the next 10 years to generate enough \$funds\$ to pay the bills??

Realtors know that there is no hungry market hankering for these developments. The last 10 years shows us huge heights followed by deep loses, down-sizings, and bankruptcy's of Ritz Carlton, East West and Tahoe Mountain Club, SK Brown CEP, the Resort at Squaw Creek, Royal Gorge, the “hole” at Stateline in SLT, stagnation of hotel/motel upgrades in general in SLT, Kings Beach, Tahoe Vista and Tahoe City, and the declining market in general. Look at the vacant commercial inventory. Look at the failing businesses in Northstar and Squaw Valley “villages”. Look at our overstocked inventory. NOTE: Recovery, when it happens, will be slower to take hold as existing stock is plentiful and market studies show evidence that there is no sustaining market for more vacation products than we already have in inventory. See the main indicators for gambling and casino projections. That paradigm has definitely changed!! Look at government buying golf course property in Tahoe City.

I24-3
Cont'd

And be aware: Notably most the recent big developments' "first offerings and sales" of the 2000-2010 period were sold to "shills": The hype and urgency of the sales were falsely reported and developer staff were provided many units as company perks, just like issuing stocks. ** But the TRPA staff and planners are basing financing the new plan on the thought that these were valid and real buyers. And they are basing the new development high rise/high density zoning patterns on the fact they think there are more many buyers out there. And philosophically the belief is that these plans will now try to price average citizen out of the basin, the TRPA new plans favoring only rich developers who will need to fund their work by selling to rich clients. At this time that premise is unproven, unrealistic and UNSUSTAINABLE.

The TRPA direction: make density the goal, finance with future sales. When asked at a Fireside Chat: "where will all those buyers come from?" Joanne twice noted: "I have no ability to tell the future".

Wow, what a revelation. Of course, no one does; but the staff's plan is hedging a huge bet on exactly that!! Just when the terms of development rules within the Tahoe Basin had begun to stabilize from the first 30+ years since implementation, now the new direction of the TRPA (again) is proposing to play with real people's lives. It could be said that we all have "just as poor a vision into the future", but history being 20/20 tells us a lot.

Really. It's not that hard. Look to the past. Look what happened when over building and greed took a hold of the developments here in the 1960's and early 1970's and then again in the early 2000-2006. "White elephants on parade..." Look to your indicators like the national real estate market, the stock market and the state and federal governments.

And back to the Lake: The scientific reality doesn't seem to fit the vision the TRPA staff are proposing. We can agree with simple research results showing the lake's clarity diminishing yearly, and by scientific observations and sightings of storm water inflow as well as air flow. In the Kings Beach area where storm water retrofits are currently under construction from Placer County and CAL-TRANS, and Placer County Ex-Redevelopment Agency is a predominant property owner, we are told that "the government is the best

I24-3
Cont'd

suited property owner to save the lake from environmental degradation like untreated water runoff and erosion leading to the lake” (per Jennifer Montgomery on transferring the Redevelopment Agency properties to a successive agency formed to hold these properties). Is the government REALLY the best caretaker of such problems...hmmmmmm??? Well, at least, not as yet.

- Why will concentrated zoning make the government better at protecting the lake??
- Why will it make any town center better at it??
- Why will moving some of the TAU’s and other commercial entitlements from the worst areas (notably Stateline and SLT) to other areas, (notably Tahoe City, Homewood and Kings Beach) make them more palatable??
- Will that make them just as bad??
- Why take a hotel room TAU and make it into a 3 bedroom, 3 bath, full kitchen “home” or condo... and still call that REDEVELOPEMNT? That is new development in most people’s minds.

Points to consider:

* The TRPA's staff is planning to, again, change people's lives by now rewarding those who didn't succumb to the IPES unbuildable lot scheme of the past. Now the governing board will be asked to allow this government agency acting on our behalf to protect the lake's clarity, to “reward” these private property owners in allocations 3 or 4 times what they have with their one sensitive lot. Are there about 5000 past property owners rolling over in their graves right now??

Proposals: And the new reorganization of the TRPA: Streamline the process, get rid of duplication of tasks, fees and permitting requirements. Could be a good idea... BUT be careful!!! ...there are major implications here: Is the lake’s clarity a TMDL's issue, or what?

*By passing the TMDL threshold responsibility to Lahontan Water Board, their enforcement will be only to “fine any county who is not meeting compliance.” Really? More fines, what will that do to save the lake’s

I24-3
Cont'd

I24-4

clarity? Will Lahontan put in the water mitigation measures in place with those fines? Who will pay the fines? Tax payers...again!!

*More of the TMDL background/story: From Lahontan Regional Water Board and TRPA staff: The current “science” has established that the major part of the loss in lake clarity has been from fine sediments entering the lake. And the major contributors have been determined to be the urban cores and the highway road systems that act as manufacturers and distributors of these fine sediments. The next new TRPA directive: tasking the county governments to “feel free to do whatever they deem necessary to reduce the TMDL's”. (Most likely the TRPA is shirking from this responsibility because they don't have the ability to enforce this work themselves and, as yet, they haven't been very successful.)

Why are TMDL's so important?

*Explanation: fine sediments manufactured by traffic: contributing causes include the numbers of cars, the auto exhaust pollutants, the sands and salts on the road, the ground up asphalt and tire treads are the main ingredients of the road way made fine sediments.

*Distribution: Waterborne fine sediments flow easily down, along, and off to the sides of the roadways, and into gutters, storm-water drains and pipes taking the ingredients away... down hill, and eventually to the lake. Airborne fine sediments fly as dust past each vehicle, when CALTRANS and county sweepers stir them up and when property owners clean off their driveways and road curbs with air “leaf blowers”. Since most highways are near the lake, much of this dust easily makes it into the water.

*Implementation: The TRPA is “passing the buck” by “allowing the local governments to decide how best to remedy this problem.” The counties encircling the lake are the local governments, and they will now have to decide if reducing building permits, getting higher mitigation fees or incentivizing owners into trading out of sensitive lands will get them to their goals.

*Since this is an “unfunded mandate”, the already strapped counties will also be “incentivized” into charging as much \$extra\$funds\$ and allowing variation from current standards as much as possible to pay

I24-4
Cont'd

themselves back for this extra work. (**Major conflict of interest exists here.**)

*By allowing new projects to pass with less environmental review is one way. New commercial and residential allowances will include “neg-dec”-- negative impact declarations and avoiding the whole CEQA process. This will be a windfall for large developers. For increasing developers' projects financial feasibility, the TRPA will add potential allocations, “incentivizing” owners of sensitive lands to trade in their one allocation in exchange for adding 2-3 and possibly 4 new allocated building units. This is counter intuitive!! Each of these new developed units will add more traffic, which is the major cause of TMDL overloads. And these will not be scrutinized by CEQA or any local government, and that will dynamically alter the way development has been restricted for the past 25 years.

Now we have come full circle: the counties will need more money to pay Lahontan fines or do water-mitigation work, they will get it by charging more for the new developments, the new development will need more incentives (height, coverage and density) to be “cost effective”, this will bring more traffic is causing pollution, which will cause the counties to need more money.

Money, how to get it, greed, financially induced results will prevail.

And, do not think that there are thousands of wealthy investors and visitors out there waiting to bail this plan out. Currently this plan is not sustainable. Look around.

Respectively submitted,

Sue Daniels

North Shore Resident

I24-4
Cont'd

*Conclusion: the lake will suffer at the hands of its guardians. You know this is wrong.

I25**Sue Daniels****6.27.2012**

Sue Daniels, realtor in the area too like Scott Teach's comments and I would like to add on to that. More a philosophy that I would like to speak to quickly.

I feel that the Tahoe Regional Planning Agency has been something that everybody has grown to understand and to live by and to represent property and ownership by and I've often referred it actually to the Tahoe Regional Protection Agency. We feel that it created a standard that we could know by, learn by, live by. My philosophy is that we want to have somebody that is the protector for the millions of people that come here and the hundreds of people that aren't here in the room today because they are out there. I hear about them all the time. They come and talk, they come and visit and they love the area.

What I am sort of hearing today on some of the choices is that we might be taking a philosophy paradigm change and turning it into the Tahoe Regional Development Agency and I just want to caution on that because it is those un-visiting persons here that aren't in the room that you are protecting and that this plan need to protect. We want to make sure that it is not people first and the Lake last as we are here for the Lake. Let's always remember who should be first. I just would like to say that in your process of passing on some of the responsibilities; remember to keep your standards high.

When you pass on the TMDL loads to Lahontan Water Board for the local agencies to administer, their only process to really administer and keep these in check is to fine. Where will the fines go? Will they really benefit the Lake or some other bureaucratic pocketbook, also the developments pushing those concerns to the local jurisdictions to the county governments? The county governments have a conflict of interest and they will gain more money by allowing more building, more relaxation of your Code because they will get more tax revenue, etc. and it is similar to having the fox guarding the hen house.

So I want to let you know from what I hear in real estate for years and the people who come up here and the people who aren't in this room, they like to know that you are here and that you are strong, so don't let that go in your choices and don't feel you have to level the playing field. South Lake Tahoe has its problems and most of what you have done is directed toward South Lake Tahoe and that doesn't mean we need to equalize North Shore to South Shore. We like the North Shore the way it is and we hope that the South Shore can level to our standards instead. Thank you very much.

I25-1

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I26

LAW OFFICES

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June 28, 2012

Norma Santiago - Chair
TRPA Governing Board Commissioners
128 Market Street
Stateline, Nevada 89449

VIA U.S. MAIL & EMAIL

E-Mail: norma.santiago@edcgov.us

Re: *Regional Plan Update / Draft Environmental Impact Statement April 25, 2012*

Dear Ms. Santiago and Governing Board Commissioners:

On behalf of the Edgewood Companies (Edgewood) and Heavenly Mountain Resort (Heavenly), we want to thank you for the opportunity to comment on the technical adequacy of the April 25, 2012 Draft Regional Plan Update (RPU) / Draft Environmental Impact Statement (DEIS) as well as specific provisions of the RPU. Both Edgewood and Heavenly applaud the Agency's efforts, in particular with respect to Alternative 3, recognizing the need to incentivize redevelopment to accelerate environmental, economic and social gain. We appreciate the Agency's efforts to ground its update on the best available science.

I26-1

Tourist Accommodation Units

Many of our comments are based upon the impacts of TRPA's development caps under the 1987 Regional Plan, and in particular, the existing oversupply of Tourist Accommodation Units (TAUs) and the intended and unintended consequences concerning TRPA's TAU policies.

The DEIS estimates approximately 12,000 TAUs exist within the Basin. Alternative 3 does not propose to increase the existing inventory of TAUs. We submit an overview of the performance of the existing TAU inventory over the past 10 years makes clear four sobering facts:

I26-2

- (1) At south shore, room nights rented have decreased from approximately 1.5 million to approximately 1.1 million annually, resulting in annual occupancies below 30%, less than half of the state wide annual occupancy for California of 66%.
- (2) Gaming revenues, without adjustment for inflation, declined from \$338 million in 2004 to \$209 million in 2011. The 30% decline in rooms rented and the 38% decline in gaming revenues explain the loss of over 8,000 jobs within the past decade.

FELDMAN McLAUGHLIN THIEL, LLP

Ms. Norma Santiago
June 28, 2012
Page 2

- (3) There is no evidence these trends will abate without collaborative efforts, reinventing Tahoe's built environment, de-emphasizing gaming as the economic engine and transitioning to a recreation destination model.
- (4) The oversupply of TAUs perpetuates obsolete strip motels, largely located within the urban cores, contributing to the pollutant load and fine sediments in particular. These properties are generally over 90% covered with buildings and surface parking lots. Their economic performance does not enable them to install best management practices (BMPs), rehabilitate or regain market share.

We are pleased Alternative 3 recognizes the decline in gaming is not temporary, emphasizing the urgency to transition to a recreation based economy to reverse these declining trends and create an economic environment that will increase living wages, reinvestment in infrastructure and on the ground environmental gain.

The inescapable conclusion is the significant excess supply of TAUs within the Basin and the proliferation of gaming elsewhere in California have permanently reduced the demand for strip motels, the predominant TAU product within the Basin. It is noteworthy the smallest strip motel properties are continuing to lose market share to larger properties with amenities. Motels with less than 50 units saw their share of room nights booked decline from 23% in 1997 to 14% in 2010, whereas the TAU properties with over 50 units saw an increase in market share during the same time period. The outdated small motel product is not sustainable and constitutes a significant portion of the oversupply, degrading our communities and environment.

Based on the foregoing, we respectfully submit the RPU and the EIS should:

- 1) Include an analysis of the environmental and economic benefits resulting from the retirement of excess TAUs within the region, including the retirement of associated land coverage and restoration of the retired sites. Moreover, we believe Alternative 3 should include policy directive to work with federal, state and local governments to create a funding source (similar to the very successful sensitive residential lot retirement program) to permanently retire obsolete TAUs and restore or repurpose acquired sites inventory.¹
- 2) We respectfully submit, based on existing occupancy levels, while the existing inventory may operate at capacity on the Fourth of July and New Years Eve, permanently reducing TAU supply will result in an overall reduction in land coverage, VMT, green house gas emissions (notably excessive from older strip development), improve the scenic quality of the travel routes, and create an

¹ Its noteworthy only 4% of the pollutant load is attributable to the residential neighborhoods whereas over 70% of the pollutant load originates in the commercial cores – redirecting resources to reduce pollution from those high source areas represents an opportunity to better utilize the limited resources available to maximize load reduction.

I26-2
Cont'd

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environment for the remaining properties to upgrade, install BMP's, and pursue economic sustainability.

- 3) The current proposal to restrict the transfer of TAUs from outside town centers to areas eligible for mixed uses within recreation plan areas, conflicts with the need to reduce outdated strip development, even within urban areas. For example, whereas the area between Wildwood and Ski Run has become open space (within the proposed Stateline / Ski Run town center) further unit retirement along this travel route would improve the scenic quality of the area and provide incentive for private sector retirement and transfer of outdated TAUs, a win-win. Moreover, the DEIS's proposed mitigation for mixed used development requiring TAU transfers 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.²

I26-2
Cont'd

At S.2.3 Alternative 3:, page S-9, the DEIS discloses: "regulations that effectively prohibit the conversion of apartments and *motels* into condominiums would be removed." However, we have been unable to identify the provision implementing this policy, which we believe is an important component to incentivize retirement of distressed motels. We propose TRPA permit conversion of a 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 the transfer of development, and further provided the unit size corresponds to the square footages proposed under the draft TAU definition.

The EIS should disclose this provision would reduce demand from second homeowners purchasing single family residences within existing residential neighborhoods, reduce impacts of vacation rentals within existing neighborhoods and provide a for sale product to respond to market demand from second homeowners. Permitting TAU conversion to ERU would reduce VMT and DVTE by concentrating development in PTOD areas.

I26-3

We support the proposed definition of a TAU at Chapter 3, section 3.2-48 but propose the transfer regulations also reward the transfer of development into recreation areas that are identified as receiving areas. Whether in a Town Center, Regional Center, High Density Tourist District, or a Recreation area identified as eligible for mixed used development, mixed use projects should be allowed to subdivide at the maximum density permitted for unsubdivided densities.

Allowable Coverage and Coverage Transfers

² TRPA's growth control strategy has inflated the value of transferable units of use, frustrating redevelopment. TAU retirement and transfer has averaged around \$50,000 per unit.

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We support the flexibility proposed to allow the transfer of coverage across hydrologically related areas (HRAs) as well as the expenditure of collected excess coverage mitigation fees (ECMs) in other HRAs. Permitting expenditure of ECMs across HRA's will accelerate the strategic acquisition of sensitive lands.

I26-4

Table 3.2-115 sets forth land coverage retirement ratios in exchange for development commodities. However, we have not seen an analysis indicating the propriety of the equivalencies.

I26-5

Mitigation Measure 3.2-2

This mitigation measure should recognize that implementation of mixed uses in recreation areas designated as receiving areas for the transfer of development rights will result in a beneficial impact on recreation. As noted above, restricting the transfer of units of use from areas outside town centers serves to perpetuate the status quo and does not incentivize environmental redevelopment. Consequently, to suggest a transfer ratio "of more than 1:1" again frustrates the benefits discussed above and serves to prolong the status quo and environmental harm occurring along travel routes and within town centers.

I26-6

Transfer of Units of Use

Alternative 3 proposes to incentivize environmental redevelopment by increasing transfer ratios for retirement and restoration occurring within sensitive lands and distant from urban nodes. Since private lands in the Basin are spread over five local jurisdictions, is it the intent of this proposal to authorize a local jurisdiction to object, or attach conditions to, the export of a development resource from sensitive lands or outside of urban areas to another jurisdiction? (See TRPA Code § 51.3.5). If so, what impact would this have on the proposed incentive? To incentivize unit retirement and environmental redevelopment, TRPA should eliminate barriers that impede implementation of this important policy.

I26-7

We do not understand why an owner of a single family residence on sensitive lands would be incentivized to "relocate single family homes and development rights to community centers" based on the proposed transfer ratio since homes sited in remote areas are attractive to a market share often commanding a premium for the very reason that they are distant from urban areas. In other words, this does not appear to be a sufficient incentive to implement this provision.

Town Centers, Regional Center & High Density Tourist District / Height / Accessory Uses

We support TRPA's shift from local control to Regional Planning, empowering local jurisdictions to craft Local Area Plans consistent with the Regional Plan and Compact. The permissible heights available to local communities within Town Centers, Region Centers and High Density Tourist Districts provide planning flexibility to express an individual community's

I26-8

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Page 5

visions for its locale. We recognize some local areas may not peruse maximum heights while others will.

To incentivize redevelopment of the high rise towers within the casino core, it is essential to permit the proposed maximum height of 197 feet, limited to the 5 existing towers within the core.

It is also essential to permit exterior access along the streetscape to access existing uses, thereby encouraging pedestrian activity and animating the streetscape while simultaneously reducing vehicle miles traveled. In the event an existing casino property is redeveloped, the EIS should disclose that it would not forfeit documented interior accessory space which would otherwise be recognized for reuse street side, consistent with the relocation of an accessory use vis a vis an existing structure.

We also support the delegation of local planning to local jurisdictions and agencies, with a conformance review and approval by the TRPA Governing Board. We are mindful that the prior Community Plan adoption and approval process often took several years, required environmental impact statements and/or environmental assessments, and cost hundreds of thousands of dollars. We understand the Local Area Plans are intended to embody TRPA's goal to streamline this process and facilitate, as appropriate, a checklist for Local Area Plan compliance with the Regional Plan.

The proposed checklist should be disclosed and analyzed in the EIS and a proposed schedule of the expected time saved should be included.

Scenic / Mitigation Measure 3.9-1b

As noted above, the High Density Tourist District must achieve existing heights and warrant removal of existing structures if redevelopment of this area is to occur. Replacement structures will necessarily be taller in the case of the Horizon Casino Hotel, which currently does not embody mountain architecture and stands out as evidenced by the views depicted in the DEIS at page 3.9-28, Exhibit 3.9-4.

The DEIS summary does not accurately reflect the recommended mitigation at page 3.9-31, Mitigation Measure 3.9-1b. Although we propose revisions to this Mitigation Measure, Table S-2, Summary of Resource Topics / Impacts & Mitigation Measures at page S-54 should accurately reflect the final product of Mitigation Measure 3.9-1b.

We respectfully submit the term "visual prominence" contained in the proposed Mitigation Measure is confusing and the final EIS should reference "scenic quality" consistent with TRPA's past practices. Accordingly, we propose Mitigation Measure 3.9-1b to be revised as follows:

I26-8
Cont'd

I26-9

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“The height and visual mass of redeveloped existing high rise structures that project above the forest canopy shall not decrease the scenic quality ratings compared to baseline conditions as viewed and evaluated from key scenic view points, including but not limited to views from public recreation areas (e.g., Van Sickel Bi-State Park), scenic roadway units and scenic shoreline units. When considering the changes to scenic quality rating, the following factors shall be evaluated: building mass, contrast, location, articulation, color, materials, and architectural style; and the quality of the landscape feature and views that are blocked or revealed as a result of the structures redevelopment.”

I26-9
Cont'd

Recreation / Land Use

The RPU and the DEIS recognize that mixed use development within Recreation areas, particularly those adjacent to the urban core of developed recreation, will result in environmental gain. In particular, we support the Map I Conceptual Regional Land Use, April 25, 2012 (Conceptual Map) designating the 256 acres owned by Edgewood Companies, opposite Edgewood Golf Course and adjacent to Van Sickel Bi-State Park, as recreation. The proximity of this parcel to the bed base will facilitate implementation of recreation and appropriate mixed uses within walking distance of over 2,000 lodging units.

Similarly, we also support the map revision depicted in the Conceptual Map identifying Heavenly Mountain Resorts private lands, currently within PAS 085 near the California base area adjacent to PAS 095. Although the DEIS identifies this as within Alternative 5, we support its inclusion in Alternative 3.

I26-10

This 22+/- acres was originally mis-mapped during the preparation of the 1987 Plan Area Statement Maps and is in fact within the 2007 TRPA adopted Ski Area Master Plan.

Please note the DEIS at page 3.2-70 incorrectly states, “...and 22 acres of residential land in PAS 085, Lakeview Heights, all owned by the USFS, to recreation.” This land is owned by Heavenly Valley Limited Partnership, not the USFS, and is within the boundaries of the current Ski Area Master Plan.

Accordingly, we respectfully request that this revised mapping be included in the adoption and implementation of Alternative 3.

Air Quality Mitigation Fees / Greenhouse Gases

Alternative 3 should include the 5-year exemption for Air Quality Mitigation Fees contained within Alternative 4, as opposed to the 2-year look back contained in the 1987 Regional Plan. In light of the current state of the economy, the 2-year exemption is primitive and only serves to maintain the status quo and degrade economic opportunity in the region.

I26-11

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The EIS should disclose that the prior commercial uses mitigated their impact and that no further mitigation should be required.

We also support Transportation Package C within Alternative 3 as the only alternative to meet Greenhouse Gas (GHG) reduction targets. The EIS should disclose the dramatic decrease in GHG emissions resulting from the replacement of energy inefficient older development with energy efficient replacement structures.

I26-11
Cont'd

Level of Service

We support the proposed addition to T-10.7, incentivizing multi-modal amenities and/or services as alternate mitigation for project impacts in lieu of increased roadway capacity. This policy facilitates decreased dependence on the automobile and promotes walkable communities. This strategy was utilized and has been successful at Heavenly Village.

I26-12

Bike Trail Coverage Exemption

We support exempting bike trails from land coverage requirements, with appropriate BMPs. This exemption is an important step in decreasing dependence on the private automobile, accelerating construction of alternative modes of transportation, reducing VMT and DTVE, and moving the region towards geo-tourism consistent with the goals of the Tahoe Prosperity Plan.

I26-13

We appreciate your consideration of the forgoing and look forward to a responsive and technically adequate final EIS.

Sincerely,

FELDMAN McLAUGHLIN THIEL LLP

By:

Lewis S. Feldman

LSF/lds

cc: Heavenly Mountain Resort
Edgewood Companies

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I27

June 27, 2012

TRPA

RE: Regional Plan Update

Dr. Goldman of UC Davis made a career of studying the decline of water quality at Lake Tahoe and concluded that the impact of the automobile is the cause. The environmental impacts of the past, which we are trying to repair are small compared to the scale of what is being proposed. It is wrong for Tahoe to be considered one of 17 urban metropolitan areas, for the purpose of high density vertical development, along major thoroughfares. We have only one road around the Lake, and it includes mainly rural, wilderness, and low density residential areas. What was done years ago to obtain funding for a struggling transit system has now come back to bite us.

I27-1

The unspoiled scenic beauty as a setting for recreation is the reason people visit here. The proposed development at Homewood will be a huge scar on the landscape visible from most spots along the shoreline, from across the lake, from boaters on the lake. The height limits should be scaled back, and no upper mountain lodging, homes, and restaurant buildings allowed, as it detracts from the scenic beauty.

I27-2

Some of my other concerns include the inevitable light spill, causing lake sized reflections on the water at night, and light pollution diminishing the darkness of the nighttime sky. The increase in commercial traffic such as semis, and delivery trucks, will result in increased diesel particulates in the air and water, not to mention the increase in noise. There may not be enough water available to service such a facility, and excavating for underground parking could be dangerous since it is located on a known earthquake fault. The idea that waterborne transit would be anything more than a fun tourist ride, to experience once, is a stretch. The increased private auto traffic will be unmanageable.

I27-3

I27-4

I27-5

I27-6

The so called "public" workshops are committees peopled with the engineers and architects, their employees and wives, who will benefit, with county staff manipulating the desired comments and results. Developers who are used to working with re-development money frequently, make the quick buck, and get out, leaving the bank and the community to figure out what to do with the white elephant.

I27-7

Yours truly,

Nancy A. Dodge

P.O.Box 5698

Tahoe City, CA 96145

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I28

Seana Doherty
Fresh Tracks Communications

6.27.2012

Seana Doherty, Fresh Tracks Communications based in Truckee and I just wanted to make an announcement that there is a great resource that exists now, it is called TahoeFuture.org and it is a website that the North and South Chambers who have over a thousand businesses combined put together because they are dedicated to getting more people involved in this process, acknowledging that it is very complex and it is very complex to even go to the TRPA website and still get information. This website is geared towards making access to the information easy. Summaries are there and you can make your comment to the TRPA right on that website and hopefully it is a resource that will get more and more people involved in this over the next seven months, so we have a postcard that tells you about the website and I'll hand that out and hopefully everyone in the audience will find this useful. Thank you.

I28-1

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I29**John Drum****6.28.2012**

John Drum said thanks for this opportunity and thanks for holding this process. I am here basically to speak on a personal note as a 17 year resident of the Lake Tahoe community. I have chosen to live here, raise my family here and I've seen first-hand where collaboration results in great projects coming together that truly enhance the community. The bottom line for me is we have been discussing the process for the past 8 years and it is time to make a decision and move forward not extend the comment periods, not get involved in lawsuits but to make a decision, whether or not we agree with it and not trying to appease everyone and move forward. Specifically on a personal note, in the past year and a half I have worked with TAMBA (Tahoe Area Mountain Biking Association) and we have resurrected a dormant non-profit group focused on bicycle advocacy throughout the Lake Tahoe Region. We are collaboratively with various land managers, most specifically with the US Forest Service because that has been the bulk of the projects to general over 1500 volunteer service hours in the past year and a half to create, I forget what the specific numbers are, but close to 400 dues paying members from throughout the Northern California Region and specifically Tahoe, working on a variety projects throughout the entire Lake Tahoe Basin. For me a major goal in this plan would be the creation, the support and enhancement of creating walkable and bikeable communities even though it doesn't necessarily impact mountain biking, it does impact cycling creating Tahoe's a truly unique recreation destination, creating better links and increasing this as a bicycle friendly community as a recreation friendly community that truly promotes making this a unique recreation destination. Thanks

I29-1

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I30**Tee May Duggan**

5.23.12

Tee May Duggan thanked everyone for listening to us and our process that in my view has been open and transparent. It has been informed, interactive and inclusive. Thank you for the Kings Beach Core Project. Thank you for approving the Domus project. Kings Beach is seeing amazing investment in our community. I will announce very soon a major project that is going on within 1000 feet of here and you will be seeing more of that coming up. Thank you for allowing us to dream about a future that is walkable and livable and where you can make a living. Where you can share and where you can give. I think it is great news that there is not a lot of people here today because I know in the Kings Beach Core Project, the last few meeting that we have had, has been more sparsely attended and not because people are not interested, but we want the good ideas to be implemented. In reading through the document for this, I saw so many fingerprints of place-based. You asked us for our vision and we gave you our vision. We were excited that you asked and so bravo and continue the good work and just implement the good ideas because it pays off big time.

I30-1

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Draft Goals and Policies public comments

Page 1 of 1

I31**Draft Goals and Policies public comments**

carol endicott [crlendicott@yahoo.com]

Sent: Tuesday, June 12, 2012 11:29 AM

To: regionalplancomments

Hi~

I would like to suggest a program for the community that includes drought tolerant, native landscaping. I have the booklet given out by TRPA, but am interested in actual sources that provide such plants.

UC Davis has drought tolerant plant sales a few times a year to encourage people to utilize plants the University knows will work in the Sacramento valley. These sales are a huge community hit and provide access to unique plants that will hopefully decrease water usage.

How about a workshop at Tahoe for residential landscaping, including the opportunity to purchase plants at the workshop and get suggestions on layout and care from local professional landscapers?

Thanks,

Carol Endicott

I31-1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/15/2012

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1850 Brule St.

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I32**1850 Brule St.**

Tahoe Future [daetahoe@att.net]

Sent: Thursday, June 28, 2012 12:33 PM

To: regionalplancomments

Name Diana Evans
Email daetahoe@att.net
Subject 1850 Brule St.

Message

I support the RPU and RTP plans and the technical adequacy of the environmental studies within each documents (EIR and EIS). I have lived in this community for approximately 28 years. I am a marketing specialist and have worked with many south shore businesses including the Heavenly Village, Embassy Suites, Camp Richardson, and Barton Health. Most importantly, I'm a long-time local raising a family. I have never come to public comment sessions in the past, but I felt moved to do so this time because I feel it is vital that our community invests in change, improvements & progress to experience economic growth and to enhance our quality of life. And I feel that these improvements should be broad, courageous, and impactful. Because of this, I am in support of the RPU and RTP. In my opinion, our community is in desperate need of an overall transportation system for safety, to encourage environmental awareness, to revitalize our community, to entice visitors, and to re-energize locals. Within the RTP, I specifically support its mission of investment in walkable, mixed-use town centers served by reliable and convenient public transit, with complete streets that encourage biking and walking. Reducing dependency on the automobile and advancing public transportation projects and programs will ultimately improve our Lake's water quality, make us user-friendly to visitors, enhance the beauty of our town centers, and increase pedestrian safety. I would like to see us move forward with the RPU quickly and whole heartedly. A lot of expertise and community-wide input is ready to go to improve where we live and how we present ourselves to those that visit. It is essential that we work together to make these improvements a reality. If we do not embrace these changes, I feel there could be serious repercussions to our community and, ultimately, our economy. I specifically support the policies in the RPU that • Encourages property owners to transfer development rights from sensitive or outlying areas to existing town centers with the goal of restoring these lands. • Eliminates regulatory barriers to environmental redevelopment of rundown buildings. • Simplifies burdensome regulations for homeowners while achieving threshold gains. • Integrates with the Regional Transportation Plan to support sidewalk and bike trail projects that reduce automobile dependency and increase walkability and safety. Thank you. I appreciate your attention and look forward to seeing these visionary plans a reality.

Site <http://www.tahoefuture.org>

Sent from (ip address): 71.142.219.137 (adsl-71-142-219-137.dsl.scrm01.pacbell.net)
Date/Time: June 28, 2012 7:33 pm
Coming from (referer): <http://www.tahoefuture.org/getinvolved/>
Using (user agent): Mozilla/5.0 (Macintosh; Intel Mac OS X 10.5; rv:13.0) Gecko/20100101 Firefox/13.0.1

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<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

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I33

Jerome Evans

Antique and Contemporary Art of the Native Peoples of Africa,
Oceania, and the Americas

May 24, 2012

Kristi Boosman
TRPA
128 Market Street
Stateline, NV 89449

MAY 29 2012

Dear Ms. Boosman,

I have read TRPA's draft Regional Plan Update with some care and found much to applaud. However, as I mentioned at the recent open house, I also have a number of questions regarding statements that are made in the draft. These are:

1. "There is a limited need for additional tourist accommodation units." (p. II-2)

What evidence of "need" is there to support this statement?

2. "The amount of additional commercial development is based on the estimated needs of the region." (p. II-3)

Where is that estimate to be found? How was it determined?

3. "The Recreation Element of the Regional Plan provides for the development, utilization, and management of the recreational resources of the Region, among which include.....skiing areas and other recreational facilities." (p. V-1)

It does? I thought that was the responsibility of the USFS, State Parks, Vail Corporation, and others.

4. "Provisions shall be made for additional developed outdoor recreation facilities capable of accommodating 6,114 PAOT in overnight facilities and 6,761 PAOT in summer day use facilities and 12,400 PAOT in winter day-use facilities." (p. V-4)

Where is the justification for this statement? How was the need for additional PAOT determined?

5. "There is a need for additional boat launching capacity on Lake Tahoe" (p. V-5)

What evidence is there for this "need"?

I look forward to receiving your answers to these questions, and I hope they will be as precise and factual as possible.

Thank you,

PO Box 7101 South Lake Tahoe, CA 96148 / 530.541.3450
jeromeevans@sbcglobal.net www.jeromeevans.net

I33-1

I33-2

I33-3

I33-4

I33-5

I33-6

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I34**Jerome Evans**

5.24.12

Jerome Evans said I have two topics I want to speak about and one very specific has to do with the transportation plan. The transportation plan in various languages incorporates waterborne transit. That has many faults but among those is its potential impact on small craft on the Lake. By small craft I mean sailboats, canoes, paddleboards, which are in great number, kayaks and the handful of us that row on the Lake. What has not been taken into account anywhere I can find in the documents are the fact that a large motorized craft charging up and down the Lake 24 times during daylight hours at speeds of 35-45 miles an hour average will put up enormous wakes that will go back and forth across the Lake, which will have severe impact, not only on dockage and peerage on the East and West side but very severe for small craft on the Lake. I think the EIS is technically lacking in dealing with this potential impact.

I34-1

The other topic is much more general and as to do with the land use planning. As I understand it from the documents, TRPA hopes in expectations of making progress with respect to Water Quality Threshold is heavily dependent upon private investment in redevelopment in what you call urban areas in the Lake. This may or may not be an attractive notion, but the problem is there has been no analysis as to whether this is likely to succeed. In fact, given the documents that have been produced elsewhere, for example the City of South Lake Tahoe recently adopted a 5-year financial plan which projected no growth whatsoever. It is unlikely that this investment will take place unless it is heavily subsidized. In the absent of that investment then it is very questionable that we will make very much progress toward attaining the very important Water Quality Threshold.

I34-2

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I35**Diana Evan (per Carol Chaplin)****6.28.2012**

Carol Chaplin on behalf of Diana Evans said Diana actually had a family emergency this morning and actually it was furry emergency, so she is at the vet this morning. Diana Evans is actually someone that I work with and she is a person who you don't see at these meeting very often and I thought it was very bold of her to join us today because she really feels strongly about this and it is kind of the first time she has weighed in so you are making an impact on some of our residents. So thank you for bringing some other people into this process. I have lived in this community for approximately 28 years. I am a marketing specialist and have worked with many South Shore businesses including the Heavenly Village, Embassy Suites, Camp Richardson and Barton Health. More importantly I am a long-time local raising a family. I have never come to public comment sessions in the past, but I felt moved to do so this time because I feel it is vital that our community invest in change, improvements and progress to experience economic growth and to enhance our quality of life. And I feel that these improvements should be broad, courageous and impactful. Because of this I am in support of the RPU and the RTP. In my opinion our community is desperate need of an overall transportation system for safety to encourage environmental awareness, to revitalize our community, to entice visitors and to reenergize locals. Within the RTP I specifically support its mission of investment in walkable mixed use town centers served by reliable and convenient public transit with complete streets that encourage biking and walking. Reducing the dependency on the automobile and advancing public transportation projects and programs will alternately improve our Lake's water quality, make user friendly to visitors, enhance the beauty of our town centers and increase pedestrian safety. I would like to see us move forward with the RPU quickly and wholeheartedly. A lot of expertise and community wide input is ready to go to improve where we live and how we present ourselves to those that visit. It is essential that we work together to make these improvements a reality. And if we do not embrace these changes, I feel that there could be serious repercussions to our community and ultimately our economy. I specifically support the policies in the RPU then encourage property owners to transfer development rights from sensitive or outlying areas to existing town centers with the goal of restoring these lands. Eliminates regulatory barriers to environmental redevelopment of rundown buildings, simplifies burdensome regulations for homeowners while achieving Threshold gains, integrates with the Regional Transportation Plan to support sidewalk and bike trail projects that reduce automobile dependency and increase walkability and safety. Thank you for listening to my comments today and I appreciate your attention and look forward to seeing these visionary plans a reality.

I35-1

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I36

Nicholas D. Exline
3033 Bellevue Avenue
South Lake Tahoe, CA 96150

June 27, 2012

Ms. Norma Santiago
Chairman
TRPA Governing Board
P.O. Box
Stateline, NV 89449

Subject: Comments on Regional Plan Update (RPU) and Draft EIS, Transportation Plan DEIS

Dear Ms. Santiago:

There is little debate that the existing built environment and economy in the Tahoe Basin are struggling. These struggles have resulted in diminishing returns and missed opportunities for environmental improvements. No longer can the economy and the environment be thought of as competing interests. Neither the economy nor the environment can succeed without the other. The current TRPA Ordinances disincentives redevelopment, which in turn disincentives the economic and environmental benefits that are brought about by redevelopment projects that are not feasible as a result of the current code. A trip around the lake makes this reality painfully obvious. As a young man raising a family in South Lake Tahoe I have some serious concerns with the trajectory of the Basin.

The ongoing RPU process is seeking to create a framework in which both the economy and environment of the Basin can thrive. After reviewing the RPU I have concluded that an RPU with amended Alternative 3 as presented and analyzed in the Draft EIS should be approved by the Board as fulfilling the requirements of the Tahoe Regional Planning Compact.

Although I am aware that there will be minor amendments I would urge that you maintain the precarious balance between the environmental protections and the economic well being of the Basin. The shift to environmental redevelopment is overdue and must occur now to speed the improvements in the built environment, replacement of the decaying infrastructure, improvements to our social and economic environment.

I would like to conclude with commending you and all of the Governing Board Members on your tireless efforts. It will take a great amount of courage to implement the change that is needed. Please let me know if there is anything I can do to aid you in this process.

Sincerely,

Nicholas D. Exline
South Lake Tahoe Resident

I36-1

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I37

Nick Exline
Midkiff and Associates
4.26.12

Nick Exline, Midkiff and Associates said he wanted to echo some of the comments made by Gary Midkiff. I would like to applaud Ms. Marchetta and the TRPA staff and the RPU Committee for bringing this forward and commend all of you for taking a look at environmentalism and this this symbiotic relationship that is required between the environment and the economy. Without a very robust strong economy the environmentalism will fail. In turn I also like the idea of incentivizing people to do the proper things with the properties, etc. using the carrot is a far better solution than using the stick. On a personal note the continued deterioration of South Lake Tahoe, Tahoe as a whole is having drastic impacts on families and communities, education everything associated with trying to live and work and raise a family in South Lake Tahoe. As a member of both the working community and working as a planning consultant and as a young father I would like to see progress made in that vein.

I37-1

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Timeshare Small Property Exemption

Page 1 of 1

I38**Timeshare Small Property Exemption**

Faccinto, Randall M [RMFACCINTO@stoel.com]

Sent: Friday, June 08, 2012 4:31 PM

To: regionalplancomments

I ask that TRPA consider including in the proposed amendments to its Code of Ordinances a small property exemption from the definition of a regulated timeshare project. Many homes in the Tahoe Basin are owned and used by two or more persons or families on a shared time basis. Historically, vacation homes are often owned and used in a way that falls within the current TRPA definition of a timeshare, and therefore could be in technical violation of the Code if in an area for which timeshare is not an allowed use (as I suspect is common), or requires a special use permit. Such owners probably have no idea they are out of compliance. They are likely exposed to problems of false disclosures on loan applications and claims of failure to disclose a violation to buyers.

I have been practicing land use law in the Tahoe Basin for 30 years and have drafted a number of single family home Tenancy in Common Agreements that include the home being owned in multiple co-tenancies and used on an agreed annual schedule. In my opinion, such arrangements are of no significantly different impact on any environmental, legal or social aspect of the Basin than a residence owned in some other form and should be expressly exempt from regulation. They are so far from regulated multi-unit, commercially sold timeshare projects that there should be little question that they do not require TRPA regulation. Both California and Nevada exempt small timeshare projects (10 or fewer timeshare interests) from subdivision sales regulation. Placer County has adopted this exception from its land use ordinances for small timeshare properties:

Placer County Zoning Ordinance: 17.56.310. Timeshare projects.

"The provisions of this section apply to any development offering for sale or lease more than eleven (11) estate or use interests in a specific structure or structures for commercial, transient residential or residential purposes, including any and all internal ownership projects regulated as "timeshare projects" by the State of California as well as other developments which, in the opinion of the planning commission, may be accurately reflected by this description."

I suggest that the Code be revised by the addition of a similar provision, perhaps by adding it as an exemption to the definition of "timeshare" use.

Please call if you have any question or if anything more is required from me to add this proposal to those being studied for inclusion in an amended Code as part of the RPU process.

Randy

Randall M. Faccinto, Partner**STOEL RIVES LLP** | 555 Montgomery Street, Suite 1288 | San Francisco, CA 94111

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I38-1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/15/2012

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CFA

Page 1 of 1

I39

CFA

Tahoe Future [carlfair@aol.com]

Sent: Thursday, June 21, 2012 11:47 AM

To: regionalplancomments

Name Carl Fair
Email carlfair@aol.com
Subject CFA

Message

I own Meyers Station in beautiful West Meyers. I feel that alfresco dining will attract tourists and locals in sharing an enjoyable experience like in Europe, San Francisco and Key West. Is it possible to allow food and beverage concerns to allow this outside the CFA guidelines?

Site <http://www.tahoefuture.org>

I39-1

Sent from (ip address): 71.140.9.222 (adsl-71-140-9-222.dsl.scrn01.pacbell.net)

Date/Time: June 21, 2012 6:47 pm

Coming from (referer): <http://www.tahoefuture.org/getinvolved/>

Using (user agent): Mozilla/5.0 (compatible; MSIE 9.0; AOL 9.6; AOLBuild 4340.5004; Windows NT 6.0; Trident/5.0)

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/22/2012

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I40**Lew Feldman****4.26.12**

Lew Feldman said he attended all 15 Regional Plan meetings and cheer leader for the preferred Alternative 3. I certainly think that Mr. Shute and Ms. Reedy did a phenomenal job in getting through a unprecedented level of material and yesterday when I heard that there were unanimous votes on a 145 items. That is a pretty staggering coming together and 18 dissents and of those 18 dissents those items are continuing to be topics of conversation I think that those of us who are close to the process are optimistic that those divides will be narrowed and there was so much at stake for us to bring this plan to the finish line and try and make the kinds of changes that people have been talking about this environmental redevelopment is spurring some fear that there is a proposal for untethered development. Nothing could be further from the truth you heard some yesterday from Mr. Teshara. The fact of the matter is our problem is the built environment of the 12,000 or so TAUs that have been identified by TRPA staff the business community if of the mind that perhaps as many as 3000 should be permanently retired and not replaced. We have too much development it is not sustainable we have too much coverage and an opportunity to focus on some serious significant coverage reductions and development reductions that could be permanent. I am hoping through this RPU process this EIS will look at and help develop a program to make real change and real time and let's open up these corridors and get rid of and save these people. If you own a 30 unit motel what are your choices, no one wants to buy it and your cannot redevelop or rehabilitate it so we need to solve this problem and I think that is the corner stone of our success in moving forward.

I40-1

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I41**Lew Feldman**

6.13.2012

Lew Feldman said Chuck raised an interesting question on the transfer ratio. If we take this example there is a sensitive lot in Christmas Valley on the Upper Truckee River that somebody wants to retire which is more than a mile and one half from services; and there is an opportunity for redevelopment in the City of South Lake Tahoe for more than six units, but this would accommodate development resources for a six unit redeployment of this resource once restored. What role if any does the local jurisdiction have; in this example it is going from El Dorado County to the City of South Lake Tahoe in terms of authorizing or prohibiting the access to that multiplier. I do not know if that is addressed in the document or not, but I know historically local jurisdictions have coveted their development resources and if we have a policy that in effect can't be implemented without the cooperation of a local jurisdiction we probably ought to disclose that in the document.

I41-1

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I42**Lew Feldman****6.28.2012**

Lew Feldman said these comments are in support of Alternative 3 and I think the process that we have undergone here has been I think a great debate. I certainly respect the critics of Alternative 3 perspective and I believe we are closer to a middle ground than perhaps some of us might imagine. By that I offer to you the observation I guess that people don't want to see more development in the Basin and I think that is a pretty broad and universally accepted observation. What the business community has learned is that the degree of development in this Basin is not sustainable. We have a dramatic, huge surplus of obsolete inventory and we don't have an economic engine that fills those rooms. Gaming is now everywhere and gaming is no longer the attraction to Tahoe. So this transition to an outdoor recreation based economy is vital I think to the environmental and economic survival of our area and I think we can all agree that we need to have less development. So what I would urge us to embrace with enthusiasm is to try and create a mechanism that has proven successful in the past on the residential scale and incorporate into Alternative 3 a retirement program for these outdated, obsolete motel units that are the primary contributors of pollutant loading in the Basin and serve to provide inventory two days a year on the 4th of July and New Year's Eve, other than that you know they have annual occupancies that are almost flirting with the single digits. So units, motels in the Basin of 50 units and less now have about a 14% market share. So they are not doing BMPs and they are not changing the sheets. They are hanging on by a thread. So we need less development, smarter development and we need to retire this excess supply and I think Alternative 3 if we can embrace that strategy could advance the ball in a huge way. We have retired 8,000 residential lots and the residential areas only contribute 4% of the pollutant loading whereas the urban areas contribute over 70% of the pollutant loading. So I think this science-based exercise has been profound and enlightening and I hope we can build upon it and embrace that notion. Thanks very much.

I42-1

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I43

From: Dave Ferrari [mailto:dave_ferrari@hotmail.com]
Sent: Monday, May 21, 2012 9:55 AM
To: Joanne Marchetta; Marja Ambler
Subject: RE: New Regional Plan

Sent to Joanne and Judy but found out Judy has retired.

Joanne,

I will be gone this week and not be able to attend the meetings. I am very supportive of the new plan.

My only concern which I have voiced before is on coverage being done by percentage. It really penalizes Kings Beach which was zoned into 25 foot lots. Many houses are built on 50/125 lots and have only 25 or 30% coverage. Thus you will see that every new house in Kings Beach on lots that don't have existing extra coverage are built right at 20 foot setback with some asking for variance to get into garage parallel to road.

My concern is that houses are often not situated in best place on property for sun/privacy etc.

Was just hoping there might be some consideration for longer driveways so that folks could situate house on best spot on property. I am not proposing just more coverage so folks could build a mega size house right on the road.

Hope this makes sense and maybe new plan no longer looks so hard at coverage if people are doing proper BMPs.

Thanks for all the great work and hope to see you soon. You should come hang out at Crown in the summer! Very nice here and no one will know who you are and Lake is right up to our property. We could drink wine on the deck and talk everything but politics!!

Take care and thanks again,

Dave

I43-1

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Dave Ferrari

6.27.2012

Dave Ferrari said I would just like to speak a bit, I am not that familiar with everything that is in the new proposed Code and Plan, but I would just like to say from my perspective as a family who is going into our 57th year in business here in Kings Beach. What we see happening in Kings Beach under the old plan which is basically nothing other than our town has continued to age so our buildings that were built in 1967, which is the newest parts of the town are amongst the newest buildings that are in Kings Beach. The Betty Latens or Judy Latens building across the street is the newest commercial building in Kings Beach and it is about 20 years old. It was the only one and if you go back before that, I don't even know what the next one would be, maybe it's the Denarri building which is falling down now as part of the project that Mr. Brown had and it is now all going to be for sale. Basically, this town is the same town I grew up in, it is just an older town and far less business than were here in 1960 and 1970. Everybody here is struggling to make it and I think we are the last lodging property that has a workmen's comp certificate that has housekeepers and a maintenance staff. This was a town in the day I think had between 500 and probably a 1000 TAUs because all the cabins on the back streets that are now housing, many was thankfully torn down by the new housing development. You know we are all built as TAUs for tourist which is no longer happening. And so I am hopeful, the cost of redevelopment up here, especially commercial is very high. Just having finished a commercial building, luckily on the top street here, just one example and this doesn't even pertain to anything you do, but what things cost. A school happened to move into this building and as part of their process they were asked to add two floor drains, a drinking fountain and a washing machine. The connection fees, the connection fees alone, this isn't the monthly fee, the connections fees alone for these four things at almost no water will go into and I'll guarantee nothing will go into the floor drains, a drinking fountain certainly doesn't use much - \$5300 and that is just in connection fees to TTSA and the PUD and that is not the monthly fees and that doesn't count fire and now you know there is another tax that will probably come on redevelopment also for fire protection. I agree we need all that but I think the ability to build commercially is pretty much impossible, at least within the current rent structure in town.

144-1

I would also just like say that we suffer in Kings Beach and I hope the plan is addressing, and I did write a letter in this effect. You know we were zoned as a camp ground, so we were zoned into a 25 foot lots. So much of Kings Beach is built on 50 foot, 75 foot lots, even houses on 25 foot lots and so what the coverage law I guess is done is that you know when you look at new houses, and there are some new houses going up in Kings Beach thankfully, there are almost all built to the front of the lot because that is the only place you can get enough coverage on a 50 foot lot, you have to build to the front, so I was hoping that there might be somehow within the new plan that if you do your BMPs that perhaps that you could get some extra coverage for a driveway, so that for people that want to maybe build to the back of the lot, because that is where the sun is or that is just the right place to build that they would be able to do that.

I also think that when Kings Beach was developed, we were developed with a two-lane road in town and parking on both sides of the road, right out in front of here there was actually two rows of parking on this side of the road, straight in parking, so we've lost all that parking over time and so the businesses were developed without parking so now to redevelop and you have to meet parking requirements, you are on a 50 or 75 foot lot there is no way you can do it. Then again that is why we sit here and our buildings age and some of it is cute and maybe some of it there are some buildings I hope don't go away here, but I know that the town we are reaching the end of our usefulness there.

It is hard to say but we don't, we really don't have the product that tourist are looking for today, but we are keeping our head above water. It is time to redevelop and I don't know the economic work that we have done, the economic studies show pretty starkly that to develop TAUs is not going to work and it is not going to pencil out given the costs to redevelop. I think there is a lot of talk about all these TAUs and I do hope that at some point it does become feasible and we do see because I think to lose that nightly lodging businesses.

144-2

We are in four generations with some of our guests and those guests I can say are again there are looking for the renaissance of Kings Beach as well. They are looking forward to the two-lanes and looking forward to sidewalks, they have never been able to walk safely down the street. But they are also wondering what is going on, again because the town has started to sort of deteriorate you know after a bit of a renaissance when the Conservancy tore down a bunch of old buildings and put a nice beach in that we have. We have the great amenities here, so I look forward to the new plan to hopefully allow more redevelopment.

In terms of Lake Clarity, I would like to say one thing, I am not a scientist but I feel pretty good that the Lake Clarity is staying at where it is at. I have waterskied ever since I learn how and I can just say that my scientific

144-3

study that I can get into the water much easier today than I could as a kid because the Lake has warmed up anywhere from 4-6 degrees. I think with that warming up it allows the growth of algae and it allows things to happen. We didn't use to see algae and now we do and I commend everybody, the League and everybody that has worked to save the Lake because I think in a way we are doing that. The fact it is as clear as it is and remains as clear is success and I think if we can stay even we will have won the battle. Thanks for your time.

I44-3
Cont'd

I45

ELISE FETT - ARCHITECT & ENGINEER
PLEASE ACCEPT THIS PUBLIC COMMENT:

I WAS A VOLUNTEER FOR THE PATHWAY 2007 FORUM
AND REPRESENTED THE LOCAL HOMEOWNERS.

I LEARNED MANY THINGS THROUGH THE PROCESS BEYOND
MY OWN EDUCATION AND EXPERIENCE. WHAT WAS THE MOST
IMPRESSIVE STATISTIC WAS THE PERCENTAGE OF THE
LAKE ~~LAKE~~ AND AIR CONTAMINATES THAT COME FROM
ROADS. I FEEL THAT PUTTING DESIGN AND RESEARCH
OF INTERACTIVE PAVING OPTIONS THAT REDUCE
MAINTENANCE / CHIPPING / SEALING / TRAFFIC WAITING
TIME, ETC.

I AM A RESIDENT OF CRYSTAL BAY AND I CAN NOT
RIDE MY BIKE SAFELY TO GET TO TOWN AND RUN
ERRANDS OR TAKE MY SON TO SCHOOL AND PICK HIM
UP. PLEASE MAKE THE BIKEWAYS A PRIORITY, BUT
KEEP COSTS DOWN BY USING THE 45° ANGLE PILE N/
MASONRY AND DIRT FILL THAT IS EASIER ON THE
ENVIRONMENT AND SCENIC. ALSO, REALIZE THAT
THE RECOMMENDED BIKEPATH WIDTH IS GREAT IF
IT IS FEASIBLE, BUT SOMETHING IS BETTER THAN
NOTHING AND THE BIKERS WILL BE MAKE A
PATH THAT IS 6' WIDE TOTAL FOR BOTH
DIRECTIONS NORTH, JUST AS THEY DO ALONG THE
TUNGSTEN RIVER NED.

THANK YOU!

Elise Fett

I45-1

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I46

Joe Filipko
Chase International
5.24.12

Joe Filipko, Realtor with Chase International said I support Alternative 3. With respect to the BMPs, as a realtor we are not employees of any government agency. We are independent contractors that work for a private company and we earn a commission based on transaction that we help to close between a buyer and a seller. I don't think it is our job to be at the point of sale, enforcers to get buyers and sellers to do things that we don't have the ability to perform that duty.

I46-1

With respect to transportation, give those roundabouts a chance. I have some experience in driving in areas where there are roundabouts and I think they are awesome. If they can be fit into the geographical location, they work great.

I46-2

The lighting issue pointed out by the gentleman from Meyers was great. You don't want to eliminate it upwards regardless into the sky, as lighting will bounce off anything, even a rock in the ground, but to keep it facing downwards is important and the safety concerns of course is important so that people feel comfortable walking or ride their bike at night.

I46-3

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I47**Tom Fortune****6.28.2012**

Tom Fortune, a local resident and I am also Director of Base Operations at Heavenly Ski Resort and I have been here for two years. I moved here in 2010, but I've been in the ski business pretty much my whole life, both from a real estate development side and an operations side. Prior to moving here I was in Jackson Hole, Wyoming for two years and prior to that I was in a Lake Community and resort community up in Sand Point, Idaho for many years. And Sand Point went through a lot of things changes not nearly as comprehensive as this RPU or the Regional Plan, but it took years and years to get through the process to make some improvements in that community and unfortunately I left right when most of them were actually implemented but from what I hear it really paid off. So the struggle of the planning and all the hardship that went along with that actually really paid off. Andrew mentioned that Heavenly put in an official pretty specific support of the RPU. My brief comments are really from my position at Heavenly and from my background. The RPU, great communities need a plan that addresses economic sustainability and the environment and all those things and I really hope that we can end up getting there for that. Redevelopment is a key thing and is something that I've been through in the past and that is addressed in this plan. Part of my job at Heavenly is running the ski busses and transportation is another key aspect for I think this community. Non-motorized paths and things like that. I am a newcomer here and I hope to live here for a long time and I hope my kids can come here after college and have a sustainable quality of life. Thanks for the opportunity.

I47-1

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I48

June 28, 2012

Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449-5310

Dear Regional Plan Team:

Thank you for the opportunity to comment on the Regional Plan Update. There are promising elements in the draft plan, and problematic ones. While there is a large body of analysis in the documents, I've chosen to focus my questions and suggestions on the proposed land coverage and transfer systems that lie at the heart of the Plan. I'm hopeful that these comments will, together with others submitted by the public, help produce a Regional Plan Update that truly protects Lake Tahoe and revitalizes our communities. Lake Tahoe, after all, should be a working model of real sustainability for the country and the world.

I48-1

In that spirit, I would like to see an improved Alternative provided in the Regional Plan Update EIS that:

1. Includes clear and enforceable provisions, devoid of loopholes, that restrict coverage transfers from sensitive and outlying areas to designated community centers, and not to undeveloped parcels that lie in areas scattered around the Basin. The Plan should ensure that new transfer provisions can not be misused to transfer coverage for purposes that do not benefit the lake or our communities, such as for construction of monster homes on raw land.

I48-2

2. Analyzes an incentive structure that would yield a reduction in real, hard (as opposed to potential, soft, etc.) coverage between sending and receiving sites for each new redevelopment project – remove 20 acres of coverage in harmful places to construct 15 acres of improved development on land of equivalent or greater capability, for example. Alternative incentives for removing coverage from where it is least desired (in a meadow along Highway 50, not in a community center, for ex), in a way that produces a real coverage reduction, should be developed.

I48-3

3. Requires restoration of sending parcels before coverage can be transferred to receiving parcels.

I48-4

4. Eliminates the excess coverage mitigation program for new construction or housing rebuilds on land outside of designated community centers. Analyze plan incentives that produce homes that better fit the scale of Tahoe neighborhoods, are affordable to Tahoe residents, and are consistent with Tahoe's fragile environment.

I48-5

5. Requires that mitigation measures proposed to offset new development impacts be installed prior to creating the impacts and/or that evidence be provided of mitigation measure efficacy in similar development situations. Require real mitigation measures that provide tangible

I48-6

environmental benefits, rather than relying on mitigation fees or modeled mitigations that allow development without adequately offsetting development impacts.

I48-6
Cont'd

In addition, the final EIS should:

1. Describe how coverage outside of community centers will be restricted under various alternatives. For example, Table 3 on pg. H-4 assigns 196.3 acres of new coverage outside community centers to Alternative 5, and 81.6 to Alternative 3. What mechanisms are in place to ensure that Alternatives such as 3 don't have as large as projected footprint outside of community centers as Alternatives such as 5, given that development rights, bonus units, TAUs and CFA are carried forward in each Alternative? Does each Alternative analyze the possibility that all buildable parcels will be built with maximum coverage, using excess coverage mitigation, etc.?
2. Explain 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, Agate Bay or Marlette, NV, given the relatively high likelihood of these locales receiving coverage, according to Table 17 on p. H-13.
3. Discuss whether coverage transferred and restored is assumed to provide ecological benefits equal to or greater than impacts created by new hard coverage in the receiving area. What data is used to draw this conclusion?
4. Describe how watersheds will be protected from becoming over-covered, with coverage proposed for transfer throughout the region. 6. The Final EIS should fully analyzes the worst case scenarios and unintended consequences of allowing transfer of coverage throughout the Region. If the ability to transfer coverage throughout the Region is maintained, create strong plan provisions that prohibit transfer of coverage from more capable to less capable areas.
5. Analyze the potential for the coverage transfer incentive system to produce the unintended consequence of increasing the property value of that sending parcels, thereby making them more profitable/attractive to sell to buyers intent on maintaining the current property use (rather than transferring coverage for redevelopment in community centers).
6. Define a Tourist Accommodation Unit by square footage and other metrics. The Final EIS should provide strategies for retiring, rather than transferring, existing excess TAUs, and include clear language that TAUs proposed for transfer can not be used to build an accommodation with more square footage than the TAU being transferred. For example, if a new 1800 square foot TAU is proposed, it should require six 300 sq. ft. TAUs to be transferred to it.
7. Explain why Policy LU 2.1, describing mechanisms for limiting population growth in line with carrying capacity and threshold attainment, is proposed for elimination. The Final EIS should describe how the resident and visitor footprint will be affected by each Plan Alternative.

I48-7

I48-8

I48-9

I48-10

I48-11

I48-12

I48-13

8. Include a more detailed explanation of how development impacts will be monitored and enforced, how mitigation measures will be tested for efficacy. The Final EIS should include adaptive management provisions that tie future development permission to demonstrated performance & environmental improvement. Monitoring results should be made available to the public on a regular basis.

I48-14

Thank you for consideration of these comments.

Sincerely,

John Friedrich
South Lake Tahoe, CA

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GARY DAVIS GROUP DESIGN AND ENGINEERING

June 28, 2012

Ms. Norma Santiago, Chair
 Members, Governing Board
 Ms. Joanne Marchetta, Executive Director
 Tahoe Regional Planning Agency
 PO Box 5310
 Stateline, NV 89448

**Re: Comments - Regional Plan Update/Regional Transportation Plan
 Draft Environmental Impact Statement (DEIS)**

Dear Governing Board Members and Agency Staff:

We are pleased to comment and hopefully our comments will be taken in the context for review in the DEIS. We reviewed the EIS alternatives, Code, and related information through the lens of our Tahoe City Downtown Association Mission statement. Our primary goal is to look at the RPU as it will provide future opportunity for to achieve Environmental goals through redevelopment of our decaying commercial core. As well the social goals need to be met to provide and revitalize what was once a vibrant family oriented community where people could live and work. The economy has certainly played a factor in the exodus of year round citizens and businesses, however the regulatory climate, particularly TRPA, has stifled any the community with a far greater impact.

I49-1

We began our review with a study of the RPU Alternatives Comparison as described in Table S-1. We know the status quo (Alternative 1) is harming our economy and environment and reducing the viability of Kings Beach and the other communities around the Lake. Alternative 2 seems to rely on even more regulation. It lacks the flexibility we see as vital to engage private sector investment and achieve the balanced integration of environmental, economic and community goals. We identified some provisions of interest and value in Alternative 4 (see below), but don't concur with others. We understand Alternative 5 adds a range of impacts important for the purposes of analysis, but don't believe Alternative 5 is the right direction for Lake Tahoe. Overall, we found Alternative 3 to be most closely aligned with our goals in our Mission Statement and the stated focus and priorities of the Regional Plan Update. Ultimately there is not one alternative that will solve our issues specific to Tahoe City and the Placer County side of the lake. There will need to be a blend of the alternatives and we would hope that the DEIS will consider seriously all of the elements such that the best items can be pulled from the Alternatives to form the best scenario.

I49-2

We support the "Environmental Redevelopment" goals of the RPU.

- Alternative 3 incorporates Area Plans and special district overlays; specific to Tahoe City, the Town Center district overlay. Several of our members are participating in the current Area Plan update process sponsored by Placer County, so we are already engaged in providing input for this approach.
- Allows mixed-use development. **Very important.**
- As compared with the other alternatives, Alternative 3 incorporates a more action-oriented set of incentives for the transfer of commodities that will enhance the residential sector.

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- These incentives are not sufficient to enhance the Commercial Floor Area (CFA) and Tourist Accommodation Units (TAU) into Town Centers for Tahoe City. Tahoe City has almost no opportunity to redevelop without additional CFA as indicated in Alternative 4. More critical is the lack of ability to aggregate sufficient TAU's to provide for the extreme lack of bed base in Tahoe City. Currently the Tau's would need to be stripped from Tahoe Vista or Kings Beach in the Placer County area. This would seem to have a negative affect on those communities. Our understanding is that there are sufficient TAU's on South Shore but it is impossible to gain access to those. Either more TAU's, such as offered in Alternative 4, need to be available or the overall TAU pool needs to be available through out the water shed. No jurisdiction should have the right to restrict the free market transfer of TAU's which is a commodity only by virtue of TRPA. The environmental benefit of retiring and restoring sensitive land should be Basin wide not political jurisdiction limited.
- Best represents the opportunity to accelerate progress toward the attainment of Lake Tahoe's environmental thresholds.
- Allows 70 percent coverage on developed and undeveloped parcels (Bailey land classifications 4-7) within Town Centers.* However needs to accommodate small commercial parcels that may be 100% historically covered.
- Allows Area Plans to manage coverage comprehensively rather than at the parcel-by-parcel scale. The TCDA believes this approach is more effective at reducing coverage overall and within Bailey classifications 1-3.
- Would exempt non-motorized trails from coverage regulations, subject to design and maintenance requirements.* This makes only complete sense. Why penalize public and private efforts to provide pedestrian and bike trails that will only improve the VMT's.
- Provides greater flexibility with respect to height. This is important for architectural design as well as for other purposes. This is critical to Redevelopment. We cannot and should not redevelop horizontally and create more coverage in our Town that is constrained by clear geographical edges.
- Allows the transfer of coverage across Hydrological Area Boundaries (HRA).* Again, this moves away from the parcel-by-parcel approach to one that has greater potential for Lake-wide benefits.
- Provides the greatest flexibility for property owners who find existing coverage regulations impede their ability to make important home improvements.

I49-2
Cont'd

Transportation/Air Quality (Regional Transportation Plan)

- The vision, themes, and goals of the draft Regional Transportation Plan (Mobility 2035) are very similar to those in the current RTP (Mobility 2030). Members of the TCDA are actively engaged in working with Placer County to assist in County, NLTRA, and TMA efforts to provide comprehensive public transportation.
- Based on its approach to land use and associated package of transportation projects (Package C), Alternative 3 would meet the Greenhouse Gas (GHG) reduction targets set in California and TRPA VMT threshold targets, with mitigation as proposed in the DEIS.

Concerns

Transfer of Tourist Accommodation Units (TAUs)

We recognize that Alternative 3 does not include any new TAUs, but does allow the award of bonus units to incentivize transfers. However, North Lake Tahoe does not have the same "excess level" of TAUs as exist on the South Shore. The TCDA shares the concern of others on the North Shore about the cost of

acquiring and transferring existing TAUs to new projects proposed for Town Centers. Will those jurisdictions that have “excess” TAUs be or remain willing to allow a transfer to other jurisdictions? See Recommendations, below.

I49-2
Cont'd

Level of Service (LOS) for Roadway Operations

The implementation of any of the five alternatives, including 3, would require measures to mitigate LOS impacts on specific roadway segments in the Basin. LOS is not an appropriate metric. This defeats the purpose of removing lanes of traffic and the goal of getting people out of their cars.

I49-3

Recommendations and Requests for Additional Analysis and Information

There are two provisions in Alternative 4 that we request be analyzed as part of Alternative 3.

• Extension of Time (at a minimum) for Air Quality Fee Basis

We understand that under current requirements, if a property owner wants to redevelop, refurbish and reopen a business in a building or space that has been vacant for more than two years, and then the owner is required to pay same air quality mitigation fees as if the business was new. Alternative 4 recognizes this barrier to environmental redevelopment. It proposes to extend 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 two years to 90 days within the last five years.

Proposed mitigation measure 3.4.9 identifies and addresses the “potentially significant impact” of a reduced collection of air quality mitigation fees by proposing the following action:

I49-4

Evaluate and adjust the Air Quality Mitigation Fee program to ensure that no decrease in the level of air quality improvements would result from the change in the eligible time period for a previous use from 2 to 5 years. According to draft mitigation 3.4.9, adjustments to the mitigation fee program may include, but are not limited to the following:

- Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change;
- Implement regulatory changes that would ensure the same level of air quality improvements would occur with reduced fees;
- Develop additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.

Please include in the EIS an explanation of how air quality mitigation fees improve air quality. This seems to be a given in the current analysis, but there is inadequate documentation for us to reach the same conclusion.

The TCDA fully supports the elimination of any and all barriers to environmental redevelopment. This is stated as a primary goal of the Regional Plan Update. Environmental redevelopment must be financially viable if it is to be a realistic strategy for accelerating the attainment and maintenance of environmental thresholds.

• Coverage Mitigation

Alternative 4 includes a provision to prioritize the use of coverage reduction strategies in the following priority order:

- Implement all feasible on-site coverage reduction;

- Allow off-site reductions, and;
- Allow payment of excess coverage mitigation fees after all feasible direct coverage reduction options have been exhausted.

We believe this approach would have the most direct and effective beneficial impact on actual coverage reduction:

• Incentives to Encourage the Transfer of TAUs across Jurisdictional Boundaries

To address our concern about the relative lack of "excess TAUs" on the North Shore, we recommend the Regional Plan Update include incentives for the sending jurisdiction.

Thank you in advance for your consideration of the perspectives and recommendations of the Tahoe City Downtown Association. The TCDA will remain engaged on the Regional Plan Update and Regional Transportation Plan throughout the time that these plans are reviewed by the staff and Governing Board. We support adoption of the Regional Transportation Plan (RTP) so as to avoid any lapse in "conformity" (before November 2, 2012) and adoption of the preferred alternative of the Regional Plan Update (RPU) by no later than December of 2012. We have given you our input on the direction and substance we believe the final RPU should include.

Very truly yours,



Gary Davis P.E.

President – Gary Davis Group

I49-4
Cont'd

I49-5

I50**Susan Gearhart**

5.23.12

Susan Gearhart said I have two issues that I want to discuss. I was also there at the open house and it was wonderful to be there. I've been part of educational programs in the San Francisco Bay original sustainable community strategies done there and there is a lot of confusion about what are sustainable communities strategies is and there needs to be some sort of a meeting to educating people that really don't understand it. There is 18 MPOs and 18 areas where community strategies, sustainable strategies are being used and a lot of people don't live in those areas and it needs to be understood far better than it is presently.

I50-1

The second point that I wanted to bring up and Norma thank you for your exhaustive questions, because I always enjoy them. Living on the West Shore and Homewood as I do, we have a general plan. We have never had community plans and general plans as I understand it correctly, go through CEQA approval and the clearinghouse and are looked at by the Assistant District Attorney or branch of the Assistant District Attorney. When these area plans come out and replace community plans that we don't have, I am a little confused how that works in with the general plan and how this would go through the clearinghouse in the CEQA values there, since that wasn't mentioned. I would like some further understanding on this.

I50-2

Ellie Waller

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I51

April 25, 2012

TO: TRPA Governing Board

Good morning,

My name is Michael Gorman. PO Box 7546, Tahoe City, California, 96145

I am a 34 year resident of the North Shore and 20 year business owner.

First off, I want to state that I am not against redevelopment, but I am adamantly opposed to certain proposals in the Regional Plan Update. Among those are:

I51-1

1) Increasing heights to 197' on the South Shore Casino core and increasing allowed heights to 56' or more in Incline, Crystal Bay, Kings Beach, or Tahoe City. Do not change the way height is measured. It should continue to be from the low point of the foundation to the high point of the roof.

I51-2

2) I am against allowing residential and tourist accommodation development in Recreation zoned property.

I51-3

3) I am also against increasing new commercial coverage from 50% to 70%

I51-4

4) And I believe intensified mixed use is not appropriate for the small communities of Tahoe Vista and Carnelian Bay.

I51-5

These proposals cannot be construed as "no growth" policies, nor do they support your mission of protecting the environment of Lake Tahoe.

I51-6

Thanks for your time,
Michael Gorman



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I52**Michael Gorman**
4.25.12

Michael Gorman, North Shore resident and business owner said he is not against redevelopment but is adamantly opposed to certain proposals in the Regional Plan Update. Among those are increasing height to 197' on the South Shore Casino Core and increasing allowed heights to 56' or more in Incline, Crystal Bay, Kings Beach or Tahoe City and not change the way height is measured. It should continue to be from the low point of foundation to high point of roof. I am against allowing residential and tourist accommodation development in Recreation zone property, increasing new commercial coverage from 50 percent to 70 percent. I believe that intensified mixed use is not appropriate for small communities of Tahoe Vista and Carnelian Bay. These proposals cannot be construed as no growth policies nor do they support the mission to protect the environment of Lake Tahoe.

I52-1

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I53**James Grant**
Heavenly**6.28.2012**

James Grant, Heavenly and I have been working here for 20 years now and three weeks ago I was promoted to Director Mountain Operations. I'm in a new role now and my direction to TRPA will greatly enhance and I honestly look forward to that as I have worked for you guys for 20 years already. So working with the TRPA and community over the last 20 years I have had first-hand experience in the environmental stewardship and partnership with the primary focus being on mountain streamzone restoration, erosion control and associated construction projects. Looking back on these projects I can see year after year the effect we've had, the success and the improvement that have come together. As such I support the Regional Plan Update and particularly Alternative 3. Thank you.

I53-1

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Comments on the RPU

Page 1 of 1

I54

Comments on the RPU

Ron Grassi [ronsallygrassi@me.com]

Sent: Monday, June 25, 2012 10:03 AM

To: regionalplancomments

Cc: Mara Bresnick; Byron Sher; shute@smwlaw.com; Laurel Ames

Dear Board members:

Although I am an active member of the Tahoe Area Sierra Club, I am addressing the Board as an individual resident, having owned our home in Tahoe City for approx. 30 years. My wife and I have moved part-time to Healdsburg, Calif and are therefore a bit removed from the current RPU process; hence those more involved should and are offering detailed comments in the limited time allowed. I wish to address-briefly--just 3 issues:

I54-1

1. **Too Much Growth:** Although I attended a presentation in So. Lake Tahoe by Ms. Marchetta several months ago, I found it at first confusing, then-at least in my humble opinion--misleading when I later got into some of the documents in question. Ms. Marchetta must have said 3 or 4 times at her presentation that the RPU proposal by TRPA was a NO GROWTH proposal. I was delighted to hear that because I feel the Lake has already reached its **maximum sustainable growth** as measured by ever-decreasing water clarity, increased and at times unbearable traffic conditions at both North and South Shore, and the fact that the Lake is out of attainment with respect to the majority of the thresholds we all adhere to in measuring how we all, as stewards, are doing in protecting the Lake. I believe offering the level of "incentives" (i.e. entitlements and development rights contained in the Goals and Policies at 3.6,3.7 and elsewhere in the EIS) recommended by TRPA staff to present home and landowners in select areas to in essence move to urban areas and build larger and taller buildings will without question bring in more people and cars, along with their increased pollution which will adversely effect the Lake. The starting point for any pro-growth proposal should be to **first determine if the Lake has already reached its maximum sustainable growth**. If it has, no further growth should occur, although remodeling and rebuilding existing and usually older structures on the same footprint and at the same height makes sense.

I54-2

2. **A Better Appeal Process is Needed:** I've been told second hand that negotiations are underway to craft an appeal process whereby the environmental groups would have to appeal to the same agency if they objected to a final decision and only after being rejected a 2nd time which is extremely likely if not guaranteed, could they then appeal by filing in Court. I'm not sure if this approach is expressly set forth in the thousands of pages recently submitted by TRPA but if so, then my objections stand. What I don't know is if the appellate level (to be created by TRPA, and the Counties??) would be **100% independent** and if so how this independence would be assured. To the extent that the appellate level being crafted for TRPA and counties lacks **any degree of total independence**, I would and do strongly object.

I54-3

3. **More Time is Required to Realistically Evaluate and Comment on the thousands of pages of proposals, attachments and exhibits:** I understand that as many as 8 environmental groups requested more time to evaluate the numerous different documents filed by TRPA at about the same time rendering intelligent analysis almost impossible. I see this as a tactic by a government agency to push through its pro-growth program and then, in the face of complaints by the environmental community concerning a lack of time to realistically evaluate the proposals, suggest these groups are guilty of delaying progress at achieving a much needed RPU. It would be instructive to TRPA and the Counties to note that judges in court welcome detailed briefs as well as robust oral argument to insure that no stone is left unturned before the judge finally has to make a tough decision especially if it entails a

I54-4

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Comments on the RPU

Page 2 of 2

complex series of issues, as here. Instead, what TRPA is doing here is nothing more than stifling and limiting contrary comments and in essence saying: don't confuse us with the facts.

I54-4
Cont'd

Sincerely,

Ron Grassi
Tahoe City

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Public Comment on the RPU

Page 1 of 1

I55**Public Comment on the RPU**

Greta Hambsch [tahoegeta@gmail.com]

Sent: Thursday, June 21, 2012 9:22 PM

To: regionalplancomments

Dear TRPA Governing Board Members:

As a 32 year resident and business owner within the Tahoe Basin, I have appreciated the role of the TRPA in protecting the environment and advancing solutions and practices that have benefited the clarity of Lake Tahoe. I have also appreciated the sensitive political nature of the organization. At times I have been critical of regulations and have resented the lack of local participation in process and decisions made by a governing board with limited local representation.

The process to update the regional plan was long, but it did encourage local participation and it has produced a document that offers choices for the future. I attended several public input sessions and found them thought provoking and forward looking. Protecting the environment seemed to be a universally held given but incorporating quality of community life issues into an updated regional plan took front and center in the consensus building process. Choices one and two of the RPU seem mired to the past with limited flexibility to promote the rebuilding of our communities in an environmentally and sustainable manner. I know this because I am an owner of a tired commercial property on Highway 50. Its use is limited by regulations which in turn make reinvestment into improvements economically unfeasible.

As public funds become scarcer, private funds will become increasingly important to both maintaining and implementing future environmental improvements. Alternatives 3 and 4 seem to maintain stringent environmental protections, but at the same time they offer some flexibility that allows for private participation and reinvestment in our communities. I strongly support either alternative as ways to move forward. I support the focus on transportation improvements to ease congestion, improve air quality and lake clarity. I also am pleased that the RPU is not a 20 year fixed plan but allows for much shorter periods to evaluate and reprioritize goals.

I hope that your Governing Board will vote to adopt the Regional Plan Update and will select either Alternative 3 or 4. Thank you for the opportunity to comment on the proposals.

Greta Hambsch
tahoegeta@gmail.com
(775) 588-7143 or (775) 901-0484
P.O. Box 5787
Stateline, NV 89449

I55-1

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I56



June 25, 2012

Norma Santiago, Chair
Governing Board Members
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear Chair Santiago and Governing Board Members:

The following input is provided on behalf of Heavenly Mountain Resort for the Draft Regional Plan Update (RPU) and Draft Environmental Impact Statement (DEIS).

1. We support the adoption and implementation of Alternative 3 including the mapping corrections described in Alternative 5 and shown in **Map 1 Conceptual Regional Land Use April 25, 2012** pertaining to Heavenly's private lands in PAS 085 near the California Base Area and USFS permit lands in PAS 095. The lands in PAS 085 near the existing base area were originally mis-mapped during the preparation of the 1987 Plan Area Statement maps and are in fact a part of the 2007 TRPA-approved Ski Area Master Plan. The statement on page 3.2-70 of the DEIS incorrectly states that "...and 22 acres of residential land in PAS 085, Lakeview Heights, all owned by the USFS, to recreation." The 22 acres in question is actually owned by Heavenly Valley Limited Partnership and is not owned by the USFS.
2. We support the policy of designating receiving areas for specific recreation areas and uses. It more accurately reflects the mixed-use, multi-season recreation opportunities that will both implement the TRPA Recreation Threshold and better meet the market needs of our economic base of recreation and tourism.
3. We support the special planning designations in Alternative 3 of Town Centers, Regional Center and High-Density Tourist Districts proposed for the South Shore. They serve as the foundation upon which to improve the form and function of our core areas.

I56-1

I56-2

I56-3

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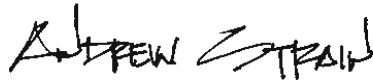
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|---|---------------|
| <p>4. We support the concept of Area Plans that are developed through the local governments. They are in the best position to understand local economic, environmental and community issues that will go into preparing a successful Area Plan. They have the opportunity to be much more responsive than the current land use scheme by putting specific land uses like resort recreation in areas where people actually want them and want to be.</p> | <p>156-4</p> |
| <p>5. We support the policy to add TDR receiving areas to those areas that contain TRPA-approved Master Plans.</p> | <p>156-5</p> |
| <p>6. In order to successfully realize the objectives of the Area Plans, it will be critical to provide both policy- and regulatory-level elements that will facilitate implementation including:</p> <ul style="list-style-type: none"> a. building and structure heights; b. subdivision; c. TDR receiving areas for residential units and TAUs; and d. mixed uses and densities. | <p>156-6</p> |
| <p>7. We support the inclusion of key unit of use conversion ratios as implementing tools. They will act as incentives to retire, relocate and redevelop our key community nodes that have been neglected or are underperforming for a number of reasons. The ability to transfer units of use including land coverage from sensitive lands regardless of location should be included as an implementation method.</p> | <p>156-7</p> |
| <p>8. It is clear that there is an oversupply of TAUs throughout the South Shore including Town Centers. A transfer ratio from these areas to receiving areas including resort recreation land uses should not be greater than one for one. There is no justification for a higher ratio and it will serve as a disincentive and result in missed opportunities for improving the community.</p> | <p>156-8</p> |
| <p>9. We support the development and implementation of a TAU retirement program to reduce the overall number of TAUs in the Region.</p> | <p>156-9</p> |
| <p>10. We support the proposed policy change to allow the transfer of land coverage across Hydrologically Related Areas (HRA's). This type of flexibility is necessary as an implementation tool and will benefit the Region as a whole. There is no meaningful justification for continuing the existing prohibitions for coverage transfers between HRA's.</p> | <p>156-10</p> |
| <p>11. We support the policy change to exempt non-motorized trails from land coverage requirements as conditioned. It is a seemingly small but important incentive to implement our shared Regional Vision to improve the quality of recreational experiences while reducing reliance on the individual automobile.</p> | <p>156-11</p> |

Thank you for the opportunity to provide input. We look forward to the successful adoption and implementation of the RPU and the many positive economic, environmental and community benefits that it will bring.

Warm regards,

A handwritten signature in black ink that reads "Andrew Strain". The signature is stylized with a large, looped 'A' and a cursive 'Strain'.

Andrew Strain
Vice President of Planning & Governmental Affairs

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I57**Andrew Strain**
Heavenly**6.28.2012**

Andrew Strain, Heavenly said sometimes these public hearings produce more information than you really want to know. Happy Birthday to Mike anyways! We submitted a specific comment letter earlier this week to you and members of the Board so I won't go into the details on that. I want to thank you for the opportunity to participate in the process. It is important that you garner as much public input from the different stakeholders and members of the community as you can and I think you are doing that. So thank you for the opportunity to provide you with our input both written and verbal. We also support the concepts in Alternative 3 including the mapping revisions that are unique to Alternative 5 that are specified in that alternative. There were mistakes made in years past and you can blame me for parts of them during my days as the agency cartographer and I'll take the blame for those. We also support strongly the concept of the local area plans and that is the right emphasis and it is important to place a greater role to our local governments. I think that is going to help with the overall acceptance of the Regional Plan. It allows you as the Regional Planning Agency to frankly get back to the Regional scale issues that were part of the original mission and I urge you to do that. I also lived through the community plan process as many of you did and this area plan process is absolutely got to work better than that because that was a great intent that got strangled in the processes. My boss likes to say that was half of a good idea and we got to absolutely work together with the local governments to make the area plan process work smoothly and efficiently or we won't achieve those goals that we've set out to. We also as you can imagine particularly support providing the policy and the Code opportunities for outdoor recreation that are contained in Alternative 3. It is critical that outdoor recreation be allowed to be successful in the bounds of the Regional Plan, it is our economic base. It is as simple as that and we need as you heard us say before a healthy economy in order to have and maintain a healthy environment. Like you we have participated in this process of updating the Regional Plan since the Pathway days and I'm pretty sure I had more hair then than I do now. So we have provided you specific feedback on many of the issues along the way and if I can leave you with just one piece of advice or recommendation, it is time to finish the job. We are close, we're really close. The last part of reaching the summit is going to be really hard; it will not be easy to get there from here. But I urge you to make it a focus for your own time and I know there are many demands on your time; and for the staff's priority and focus as we need it for all of us. Thank you very much.

I57-1

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Please TRPA, No point of Sale Requirements

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158

Please TRPA, No point of Sale Requirements

Robert Hedley [bobhedley@hotmail.com]

Sent: Tuesday, June 12, 2012 3:27 PM

To: regionalplancomments

Cc: Robert Hedley [bobhedley@hotmail.com]

Please TRPA, No point of Sale Requirements

Many thanks to JoAnne Marchetta, Wendy Jepson, Gary Weigel, Brian Judge, Julie Regan, Theresa Avance, Kathy White, Lynn Barnett and others for leading the charge to changing attitudes toward the economy's role in the improvement of Lake Tahoe. In the past the developers, the real estate agents and especially home owners have been considered the enemy by the CTRPA and the TRPA. If none of these people had come to Lake Tahoe to build homes, Lake Tahoe would still be clean and pristine.

I58-1

However it appears that a new day has come. For the past few years, the TRPA has been much more helpful to work with developing property and definitely much more pleasant.

To help protect the economy please do not consider implementing a point of sale requirement for BMP's.

Many people who are selling are selling because they don't have the money to do anything with their property and are bailing. Instead of using a real estate agent, they can go FSBO.

(For Sale By Owner) There is no enforcement which would even require the seller to let the buyer know that there are BMP's. What a shock when the buyer finds out that there are BMP's and he or she are on the hook for thousands of dollars of work to get those BMP's done. Who is the buyer going to go after to get their money back? No one.

I58-2

Real Estate agents are obligated to inform purchasers that BMPs are required. If the agent doesn't get it in writing that BMP's are required, the agent can be liable for that work necessary to get the BMP's done.

Please, Realtors and other business people are the engine that pushes the economy. Don't shut down Real Estate Sales for 6 months a year when BMP's can't be done, due to weather. With the help you are giving with coverage and with helping, not hindering, development, we all can make a better Lake Tahoe.

Bob Hedley
Licensed California Real Estate Agent
License # 00343161
530-545-0086

Thanks,

Bob Hedley
Yee Hedley Group

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Please TRPA, No point of Sale Requirements

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<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/15/2012

I59

From: [Gunnar Henrioulle](#)
To: [Jhkunstler@gmail.com](#); [jnkunstler@mac.com](#); [mobility2035comments](#); [Jerry Fuchs](#)
Cc: [Al Bulf](#); [Diana Henrioulle](#); [SWEND MILLER](#); [Alexandra Burns](#); [Lopez, Pia - Sacramento](#); [Keith Norberg](#); [Adam Jensen](#)
Subject: Tensions Boil As Israeli Oil Riches Grow
Date: Tuesday, June 26, 2012 12:30:20 PM

This is a compendium of ongoing developments affecting or eventually having an effect on world oil flows and prices.

These events are in the set of factors giving urgency to USA need for rebuild of railway infrastructure; mains capacity & reach as well as, branch rail lines for local connectivity to the national railway matrix. Placer County has two significant dormant rail corridors: Truckee/Tahoe City and, Colfax/Nevada City...

Note the proposed US 50 corridor rail improvements cited in the 1995 CalTrans Reno/Tahoe Rail Scopings (Keith Norberg @ TRPA 775-588-4547 X289 has unabridged early copy)...

When not if the Middle East blows, US locales with rail projects well defined will be far better situated than places not having done so!

GH

<http://www.prophecynewswatch.com/2012/June25/252.html>

I59-1

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I60**Brooke Hernandez**

5.24.12

Brooke Hernandez, 32 year resident of South Lake Tahoe and mine and my husband's family live here and someday we hope to be able to raise our children in this community. I would like to say that we do support our community and want to see it thrive as we own a local business here that does support and enjoying the environment. We also want to see our community grow financially and also stabilized environmentally. On a business level, I am a realtor and the Vice President of the South Tahoe Association of Realtors and as you have heard from us we do support Alternative 3 of the RPU for several different reasons. We support the region-wide planning with local government taking more control. We also support region-wide BMPs, but not as a point-of-sale. We love the decks exclusions on coverage and also support more options of coverage transfers.

I60-1

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I61**Christina Hill**

5.23.12

Christiana Hill said I attended the open house in Incline Village where a lot of people came and talked with the various staff at TRPA regarding their concerns about the Regional Plan Update and asked questions and had comments. You are the people making the decisions and how are you getting the comments and questions that are raised in these open house workshops. I was told that if I typed in the comments, that they would get to you, but I know it goes to staff and they will break them down into different categories and post them online and you will be able to look at them, but I believe there should be more open communication between the public somehow getting their thoughts and feelings about this Regional Plan Update to the Governing Board. That is a concern. Also there were questionnaires handed out at the open houses, but they were specific questions like would you be acceptable to having a tax to raise money for these improvement projects, but that doesn't have anything to do with the Regional Plan. I didn't answer those questions but I went to the computer and typed in my comments and submitted it and was told that they go to a staff person named Adam, but I would hope that you will review the comments submitted by the public at these open houses.

I61-1

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3601 Lake Tahoe blvd. South Lake Tahoe , CA. 96150

Page 1 of 1

I62**3601 Lake Tahoe blvd. South Lake Tahoe , CA. 96150**

Tahoe Future [tamara@tahoebeachandski.com]

Sent: Thursday, June 28, 2012 12:58 PM

To: regionalplancomments

Name Tamara Hollingsworth
 Email tamara@tahoebeachandski.com
 Subject 3601 Lake Tahoe blvd. South Lake Tahoe , CA. 96150

Message

The following comments are in reference to the Regional Plan Update and Regional Transportation Plan. My name is Tamara Hollingsworth, for the last 14 years I have had the pleasure of serving as the General Manager for the Tahoe Beach & Ski Club Owners Association and Resort Manager for Tahoe Beach & Ski Club in South Lake Tahoe, CA, a 140 unit lakefront vacation ownership property that represents 8400 individual ownership interests. This property and two others in South Lake Tahoe are managed by Vacation Resorts International (VRI), owned by Interval Leisure Group, (ILG). I am serving a second term as a board member on the Lake Tahoe South Shore Chamber of Commerce (TahoeChamber.org); I am a licensed real estate agent in California and Nevada and have been a resident of the Tahoe basin for the past 22 years. I am in support of the Regional Plan Update - Alternative 3: "Low Development, Highly Incentivized Redevelopment" option. In general, I am very pleased that the plan will be reviewed and updated every four years and that the plan will integrate TRPA and local government and agency plans to streamline the process and save valuable monetary and time resources. In particular: - I support the focus on redevelopment of the existing building environment that includes a strong emphasis on incentives to modify the location of development. - I support the addition of the new "Mixed" land use classification that folds in commercial, public service, light industry, and residential uses to the Region. - I back the planning designation areas, known as community centers: Town Centers, Regional Center, and High Density Tourist District as redevelopment target areas; and Stream Restoration Priority Areas for prioritized restoration. - I support the 70 percent coverage on developed and undeveloped parcels within the Town Centers, the Regional Center and the High Density Tourist District. - I applaud the required implementation by property owners of BMP's that are consistent with fire defensible space requirements. In addition, I support the phase out of sales and use of phosphorous fertilizer that streams into surface and ground water. - I highly recommend the provisions that allow the greatest level of flexibility for Tahoe's local governments to prepare and adopt plans specifically designed to represent the needs of their local communities that incorporate the TRPA requirements. I would like to see the following elements of Alternative 3 change: - Consider allowing a limited increase in TAU's. - Consider an increase in "Bonus Units Earned" for coverage exchange. Greater incentive for quicker results. In reference to the Regional Transportation Plan, Mobility 2035: I support the transportation investments that have been approved and those on the list that should be approved for South Shore and the entire region. Communities like ours that invite tourism and encourage locals to enjoy the beauty of Tahoe should offer reliable and convenient public transit and safe walking and biking paths. Thank you for the opportunity to comment. Contact Info: Tamara Hollingsworth – Tahoe Beach & Ski Club

I62-1

I62-2

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3601 Lake Tahoe blvd. South Lake Tahoe , CA. 96150

Page 2 of 2

Site 3601 Lake Tahoe blvd. South Lake Tahoe, CA. 96150 530-542-8103
tamara@tahoebeachandski.com
http://www.tahoefuture.org

Sent from (ip address): 66.214.111.230 (66-214-111-230.static.reno.nv.charter.com)
Date/Time: June 28, 2012 7:58 pm
Coming from (referer): http://www.tahoefuture.org/getinvolved/
Using (user agent): Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 6.1; Trident/4.0;
FunWebProducts; SLCC2; .NET CLR 2.0.50727; .NET CLR 3.5.30729;
.NET CLR 3.0.30729; Media Center PC 6.0; .NET4.0C)

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I63**Deb Howard**

5.24.12

Deb Howard said I am glad to be able to speak to you about the all-important and much awaited Tahoe Regional Plan Update and I echo the previous speakers. I am here wearing many hats, as the previous folks that have spoken. I am a 30 year plus resident, past President and member of the South Tahoe Association of Realtors, who you saw in strong force this morning. I echo their sentiments. I am also past President and a Board of Director member of the Chamber of Commerce, past Chair for the Visitors Authority and Workforce Housing Coalition and a member of the City of South Lake Tahoe's Tahoe Valley Community Plan team. I am a current Director and member of the California Association of Realtors, land use, housing and Legislative committees. Along with my husband Tony are homeowners and have raised our family here in South Lake Tahoe for well over 30 years. At which time I started my real estate career and later my brokerage. I am very happy to say, that along with the folks in this room, we have survived a very economically tough time and cycle and yet we are still here. The caring and sometimes focal and if not passionate members of our community and we are still here at this pivotal time, to be a part of this long awaited and thoroughly vetted, in my opinion, process and the adoption of the new RPU, in which many of us for many year have contributed and have been very committed. We are here because we want to see a better Tahoe for ourselves, our children, grandchildren and for guests to come. We are here to define our future for our homes, our community, our businesses and our wonderful Lake Tahoe. It is time to move forward finally. I support Alternative 3 of the RPU as it has taken into thoughtful consideration the restoration and preservation of the Lake Tahoe environment in which we live, work and play, as well as, providing an intelligent path for our built environment, redevelopment and restoration. After spending many years in the community, real estate community and serving on the community plan team, I learned how smart growth place-based planning could apply to our community. How in doing so, we could reinvent ourselves into the communities' town center, a live able, walkable, sustainable and enjoyable core center, something we really look forward to. The folks in this community are ready to get to work, but we need a vision with a workable plan supported by local government, will a manageable and affordable streamlined process, as well as smart growth incentives to assist in the redevelopment or developing of a sustainable built environment. Years of collaborative funneling of information from a very diverse caring and knowledgeable perspectives, as seen in this room throughout the day and the months and years that have preceded this, have gone into the RPU and Alternative 3 has clearly surfaced as the best alternative in my opinion. I urge you to move forward after the 60 day RPU EIS public comment review period in selecting this alternative and let's move the Lake Tahoe Basin and our beloved South Shore community forward.

I63-1

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I64**comments on the regional plan**

Claudia.Huntington@CapitalGlobal.com

Sent: Sunday, April 29, 2012 8:26 AM

To: regionalplancomments

Cc: clairehmcloud@msn.com

As a landowner in Glenbrook (half owner of two parcels on the Lake) and full owner of two parcels not on the Lake but within Glenbrook, I would like to share my thoughts.

I applaud the stated objectives of the overall plan. However, the primary issue TRPA needs to address is the ability of "special interests" to influence TRPA outcomes. The ability of some of the more influential (read "big donor money") to influence who gets permitting and who does not is well known around the lake. TRPA's reputation as a truly bi-partisan and objective institution is non-existent. A case in point is Mr. Ruvo's pier in Glenbrook, which was allowed because he influenced TRPA (happy to discuss this with any TRPA member who disagrees) and is now getting his pier extension again the same way. This kind of behavior sullies the intent and honesty of what should be a really important governmental agency's role in doing right.

Happy to discuss this with any folks there. I do hope this new vision and effort on TRPA's part can help to address its reputation with regard to honesty and fair dealing.

THank you,

Claudia Huntington
Yellowjacket Road LLC
Huntington Glenbrook Trust

I64-1

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I65**Bill Johnson****6.27.2012**

Bill Johnson said I have had a little experience developing here in Kings Beach area. We purchased back in 99 I had an option on three trailer parks for which now there is fourteen townhouses and I don't know 12 or so single family homes. From a development standpoint, one of the things we ran into in the plan was what I would call uncertainty. Every time we dealt with lenders and capital investment, they would always be very, very confused because it is complex. I would hope that somehow and I'm sure it is not easy, there be a method of trying to make it to where it was very easy to understand and take some of the uncertainty out of it. So there was some certainty involved that investors and bankers could look at it and say how long does it take, what can we do. Just things like that. I realize that this is maybe over simplifying things, but that is what we dealt with and I realize it takes time. We mapped the properties back in 99 and we ended up with permits in 03, so we realize there is a significant interest carry involved. But in this environment talking to the lenders, boy the underwriting is pretty serious, and when they start asking questions, they want answers so if you want to see this redeveloped, which we would all like to do it. I've involved from lakefront up to the industrial in this area. It is prime and it is perfect for it and we get the water quality improvements by doing it, just something maybe to try and keep in mind and maybe there is a way to get the capital investment to say hea, these guys are on the right track. Thanks a lot.

I65-1

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I66

From: [Mike Kahn](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); [ronslaven@hotmail.com](#); [Claire Fortier](#); [Nancy McDermid](#); [jreid@bhfs.com](#); [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Subject: TRPA Regional Plan Needs Review Extension
Date: Saturday, May 12, 2012 4:25:02 PM

Ladies and Gentlemen,

The recently released Regional Plan for the Lake Tahoe Basin is too complex to be reviewed by either you or the public in only 60 days. I urge you to grant an extension of at least an additional 90 days for review of this important plan.

I
I66-1

Sincerely,

Michael Kahn
Kings Beach

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Regional Plan Update

Page 1 of 1

167**Regional Plan Update**

Tahoe Future [dkanare@hotmail.com]

Sent: Friday, June 22, 2012 5:04 PM

To: regionalplancomments

Name Don Kanare
Email dkanare@hotmail.com
Subject Regional Plan Update

Message

During the week of June 18 there will be a series of community meetings where Incline Village and Crystal Bay property owners and residents will have an opportunity to contribute their ideas for the vision of our community into the next decade and beyond. The meetings will be broken into sessions where a particular subject of interest such as recreation, real estate and other topics will be discussed in depth. The concept for these meetings is similar to the Incline Vision planning sessions where the idea for the roundabout at the intersection of Highways 431 and 28 was first introduced along with a host of other concepts for the community. This is about as close as it gets to pure democracy and the town meeting concept in the United States. Everyone will have an opportunity to present ideas in an open forum for consideration and possible future implementation. This column today is meant to be thought-provoking and not advocating any one particular position or point of view. The residents of Incline Village and Crystal Bay will be best served by an open discussion and debate because many ideas (such as where to best locate the East Shore Express Shuttle Bus) begin with one concept that many find objectionable and morph into a positive and successful venture over time. If the TRPA is going to revise its regulations and permit individual communities to modify zoning, density and height restrictions then it makes sense to take a look at the IV / CB area and decide where if anyplace these changes might be beneficial. For a very long time developers have had their eye on the Southwood Boulevard corridor as a place ripe for redevelopment and renewal. The proximity of the post office and Village Shopping Center create a natural magnet for the 'year round residential population. But one of the big problems is that with a three-story height restriction and the TRPA limitations on land coverage it is difficult to tear down and redevelop the land that contains the most blighted and aging structures. Could the Southwood Boulevard corridor be revitalized in a way that creates a positive impact on the community? Will it require building 5 to 8 story condo buildings to make the developments economically viable? Can the architecture of taller structures be manifested in a way that fits into the mountain environment and is pleasing and unobtrusive? What's the best way to clean up and make use of the old abandoned gas station properties at opposite ends of the village? Will the owners of these properties take action or will it require an active effort on the part of members of the community to spur changes? There is a huge difference between Tahoe Charm and decrepit. Eliminate the properties that have Tahoe Charm and you lose one of the major attractions for visitors. If you don't clearly think through the plans and financing for redevelopment, you end up with a hole in the ground and a lot of long time family businesses getting destroyed, witness the failed convention center project at South Lake Tahoe. Build it and they will come is not always true, as two different owners of the Ritz-Carlton at Northstar have discovered. It is very difficult for any

I67-1

I67-2

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/26/2012

Regional Plan Update

Page 2 of 2

business to succeed in a vacation resort area, especially one like Tahoe that has a significant number of visitors only 12 weeks each year. Property owners will want to consider how any development may impact them, either directly or indirectly. If we create a master plan designed to draw thousands more visitors each week to Incline Village and Crystal Bay but we don't improve mass transit, how bad will the air pollution and traffic jams be on the existing roadways? The law of unintended consequences is sure to come into play because there are so many unknowns that can't be predicted. Planning for the future while improving lake clarity is a balancing act that will require creative problem solving, changes in some current practices and sensitivity to the Tahoe environment so we don't take several steps backward. We have the talent and brain power locally to create a great vision for the future of Incline Village and Crystal Bay. Let's all come together to share ideas, inspire new plans and discuss and debate what we want our community to look like in the future.

Site <http://www.tahoefuture.org>

I67-2
Cont'd

Sent from (ip address): 71.83.114.231 (71-83-114-231.static.reno.nv.charter.com)
Date/Time: June 23, 2012 12:04 am
Coming from (referer): <http://www.tahoefuture.org/getinvolved/>
Using (user agent): Mozilla/5.0 (Windows NT 6.1; WOW64; rv:13.0) Gecko/20100101 Firefox/13.0.1

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/26/2012

I68

June 26, 2012

PLANNING & CONSULTING SERVICES
TRPA- sent via email

RE: RPU Comments

To TRPA Governing Board and Staff:

Thank you for your hard work on the Regional Plan. It has been a large undertaking with many changes and evolutions. There is no question that many of the components of the RPU goals are joint goals with the community and business owners including:

1. The primary function of the Region shall be as a Mountain Recreation Area with outstanding scenic and natural values;
2. Restoring, maintaining and improving the quality of the Lake Tahoe region for the visitors and residents;

I believe our communities are in need of redevelopment in conjunction with preservation of the natural resources that make the Lake unique. Lake Tahoe is made up of individual diverse communities. It is far from homogenous. The more urban and developed South Shore vs. the quieter and more quaint North Shore. The people in each community are also diverse and have different goals and objectives for how they wish to live and what they envision for their future. It appears that a lot of the RPU was written for and better applies to the more dense and developed South Shore and to large developments, and may not be proper for the North Shore. I.e. the local jurisdiction review, additional height allowances, development in recreation areas, minimum density requirements and coverage transfer policies to name a few.

As a 30 year local planning consultant and an ex- TRPA employee I would have preferred that the individual Communities vision was vetted first or informed the RPU. Currently Placer County is undergoing a local community plan update process to determine a future vision the individual communities would like to see for the next 20 plus years. In some instances there are differences between the community vision and the vision the TRPA is proposing in the RPU. A lack of vision or a well structured cohesive plan results in code amendments and piece meal planning.

Additionally, I believe that many of the existing ordinances and regulations are repetitive and onerous to the small property owner and that mitigation is not used effectively in the community in which the impacts are created. Fees can be cost prohibitive and the planning process daunting.

If the process for redevelopment were more streamlined, less expensive and incentivized more people may be inclined to redevelop their properties despite economic downturns. It is the smaller businesses that make Tahoe unique.

Post Office Box 253 □ Carnelian Bay, CA 96140 □ Phone/Fax (530) 546-4402
kaufmanplanning@sbcglobal.net

I68-1

I68-2

Currently, the small business owner simply gives up because there is no money left at the end of the planning process to build.

I68-2
Cont'd

My more specific comments include:

1. Non- Resident Population

I did not see an analysis of potential growth based on the increased height, density, and coverage the plan proposes. In other words, the EIS should analyze the potential growth based on the changes to zoning, density, height and coverage for all affected parcels within Community Plans, Town Centers, High Density Tourist Centers etc.

I68-3

2. Delegation of Review to Local Jurisdictions

The proposed levels of review by the Counties are too large especially for the North Shore that typically does not have developments larger than 25,000 sf. (Safeway at 28,000 sf and Domus Affordable Housing project are the largest developments approved in the past 20 years). Placer County currently has two staff planners that can-not keep up with current demand. Would additional staff be hired to if the County takes on additional planning review responsibilities? Does the County have the resources to address this added responsibility?

If TRPA is responsible via the compact for protecting Lake Tahoe how does delegating planning responsibility to the County achieve this goal? Counties are driven by a need for revenue. Controversial projects become political as has been the case of several projects located in Tahoe Vista, CA. Placer County is controlled by supervisors residing outside of the basin. Currently the only appeal process is to litigate which serves no- one.

I68-4

I would advocate for a more appropriate delegation of review to the County for the North Shore in conjunction with a reasonable appeal process to the TRPA GB. Any project over 20,000 sf in size should be reviewed by the TRPA located on the north shore.

Will TRPA also be reviewing projects located within scenic corridors? This process could also be improved and expedited.

3. View Corridors

Minimum standards for view corridors to the Lake from projects along the Highway should be required for multiple family, tourist accommodation, and commercial projects that are rebuilding. Increased views should be based on linear frontage, and massing and should be independent of pre-existing conditions.

The RPU should also incentivize existing projects that increase the views via remodels with other concessions such as a reduction in mitigation fees or other concessions to be determined. (Example Mourelatos Lakeshore Resort removal of a building in the middle of the property opening up lake views). This was a benefit to the Community and not required as part of the rebuild of the lobby check in.

I68-5

4. Better Utilization of Existing Stock

- CFA
- TAU's
- Residential allocations and bonus units

There is a large surplus of allocations currently because there isn't the demand and bonus units are expensive and difficult to utilize. The number of commodities proposed in the plan for the next twenty years is reasonable.

The plan does not offer enough incentives to remodel, improve facades, and stay within existing compacted/disturbed footprints or even to those who propose coverage reductions. The Cedar Glen Lodge is an example of a motel property that has improved their façade, installed landscaping and BMP's but still had to pay extensive mitigation fees and go through a long review process. More properties would be inclined to remodel or redevelop but in some cases the cost of installing BMP's far outweighs the cost of the improvements. (Firelite Lodge). The cost of the BMP's is over \$100,000 and is equal to the amount of money this property wants to put into façade improvements. Unfortunately the owner cannot afford to do both and there is no current area wide drainage or other program in place to help. Community wide BMP's 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.

I68-6

5. Incentives to develop in Town Centers

How realistic is it to expect that many people will trade their stream side cabins located in more rural areas for increased residential entitlements to live within town centers? (The reason they are in the rural areas is because they enjoy living there). What are the expectations of the TRPA in regard to the number of parcels that would be retired from this proposal? Will a cost/benefit analysis be prepared for this program? What about market trends? (The analysis in the EIS is very vague).

I68-7

6. No minimum height or density standards within Community Plans, or Town Centers/ Transit

Pedestrian /bike paths are important infrastructure that should be encouraged in every community plan area however; development should not be required to have a minimum density standard to promote walkability. The character of the community should dictate the density and height standard not the other way around. Massing should be important criteria when determining density.

A viable transportation system could be better utilized if economic disincentives were in place to discourage private automobile use, while simultaneously incentivizing transit use. For instance, if there were more frequent shuttles, and better coordination with ski areas etc. fewer people would drive. Public transportation needs to be facilitated and supported to tourist destinations rather than building additional parking lots or structures which only increases automobile capacity and exacerbates poor ridership for mass transit options.

I68-8

Projects should be allowed shared parking incentives, and subterranean parking when there is no potential interference with the water table. There is a current requirement for parking management plans in the Community Plan which have never been regulated or enforced. What level of enforcement will be part of the new RPU?

7. Community Character

The RPU does not go far enough in defining components that make up individual community plans such as character, massing, and design. Density and height cannot be added to something without an equal discussion or specific criteria on: Definition of community character, massing, scale, open space, preservation of vegetation, decrease of traffic trips, enhanced level of service, parking management, and neighborhood compatibility issues and other thresholds.

I68-9

8. Land Coverage to 70% on built parcels

The RPU should incentivize reduction of land coverage for additional green belts, pocket parks, and landscaping not necessarily allow more coverage that could have the potential to impact remaining natural resources on a project site and community character within plan areas. I do not support increases in coverage on built environments more than what is existing as “grandfathered coverage” or to the existing 50% cap outside of town centers.

For example, properties that are not necessarily in Town Centers or other high density zones on the South Shore that would be eligible for additional coverage but are included in Community Plan Areas include large acreage parcels in Tahoe Vista, Lake Forest, Carnelian Bay etc. Currently many of these parcels may have less than Bailey coverage on them as grandfathered coverage. To allow coverage transfers from areas outside the hydrologic areas or coverage up to 70% could alter the character of the community, and result in a significant amount of loss of vegetation, impacts to infrastructure, increased traffic, noise and other threshold impacts. I would rather see TRPA allow some additional height that preserves the existing natural resources as the resources (trees and vegetation) are what make Tahoe unique from other urban towns.

Restored 1-3 coverage could come from soft coverage roads in the wilderness areas that are under- utilized. i.e. walking or hiking paths in summer and may not be contributing to a problem with water quality. Taking these lands and transferring the coverage to areas that contain trees, green belts, and other natural resources would alter these areas permanently and at what cost?

Forest health requires a diverse array of individual stands and types as opposed to one set of prescribed factors. Redevelopment must also take into consideration the percentage of overall tree removal not reflective of size as a design standard incorporated into every project which is currently not the case nor is it proposed in the RPU.

I would like to see an analysis of what the true impacts including cumulative impacts of allowing coverage increases to 70% on built parcels located within all the community plans? What would this look like in terms of resources removed, changes to character of an area, massing, and other environmental thresholds? Renderings and exhibits should be provided to show the before and after affects of this proposal.

Additionally, based on projects that I have worked on town centers already have concentrated coverage and in fact may have coverage in excess of 70% already. Would Tahoe be more unique if preservation of the resources were the emphasis and not concentrating coverage or development? Encouragement of green belt spaces is also implemented in urban cities such as San Francisco.

I68-10

Transfer within Hydrologic Areas

I support limited exceptions for transfer between hydrologic areas. These would include:

- Transfers to allow recreation projects such as pedestrian and bike facilities;
- Coverage needed for single family dwellings that exceed allowable coverage by no more than 10% and are required to mitigate their excess coverage;
- Other exceptions for public service projects .

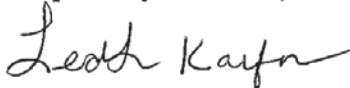
Additionally, the hydrologic area must demonstrate available "carrying capacity" for additional coverage.

There was not adequate time to read everything due to the short comment period for a document of this size and the number of changes made during the process. I appreciate the time and effort by staff to undertake this enormous task. It is clear that change is needed to help our communities and preserve the unique environment we live in and hope that additional incentives can be given to help existing property owners improve their properties through a simplified and less expensive process.

Incentives can include reductions in mitigation fees and fast track streamlining for projects that propose redevelopment within footprints, increased view corridors, reductions in coverage, increased setbacks, redeveloping existing housing stock etc.

Thank you for the opportunity to comment.

Respectfully submitted,



Leah Kaufman
Principal Planner- Kaufman Planning and Consulting

I68-11

I68-12

I69

I would like the RPU to include incentives or even mandates to install low impact development (LID) improvements with each new road, sidewalk, or bike trail project. These improvements can be found throughout the cities of Portland, OR and Austin, TX. It seems like a no-brainer to convert all planters or green strips to stormwater planters with a simple curb cut or underdrain. It is unfortunate to still see so many large scale treatment facilities being constructed.
Pervious pavement, green roofs, raingardens, bio-swales, and stormwater planters - let's get on board!

I69-1

Finally, we need to stripe all streets with Class 2 bike lane stripes.
This alone would make Tahoe a world class biking destination.

I69-2

Thanks,

Meghan Kelly
Stateline, NV

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170

5-23-2012

Tom Kenna - 775-8318560

PLEASE ACCEPT THIS NOTE AS PUBLIC COMMENT.
FOR ALTERNATIVE #1

AGAINST ANY MAJOR BICYCLE "PATH" INCREASES,
EXCEPT IN DEVELOPED AREAS ON LEVEL GROUND.
ATTEMPTING PATH INCREASES IN UNDEVELOPED AREAS
WITH "VERTICAL" TERRAIN IS ENVIRONMENTAL DISASTER!!

WE ARE FOR "MEASURED" AND ADHOC SMALL PROJECTS
WE ARE NOT FOR BIG PROJECTS THAT MAY GO BUST!!

WE ARE FOR A LAKE WATER IMPROVEMENT, ESPECIALLY
AT THE SOUTH SHORE (BOWTIE STAYS) -
DO SOMETHING ABOUT GRADE-ADJUSTED SEWER! OLD
PIPE SYSTEMS - INSURE THE CASINOS ARE
COMPLYING AS WELL.

ATTEMPTING TO "STIMULATE" ECONOMIC ACTIVITY
AT THIS TIME WHEN ALL PUBLIC ENTITIES
ARE ESSENTIALLY BANKRUPT IS FOLLY!!



I70-1

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I71

Wilma [wilmg@yahoo.com]

Sent: Friday, May 18, 2012 2:34 PM

To: regionalplancomments

Myself and I am sure plenty of other would be interested in knowing when you plan on doing something with the eyesore that is the unfinished construction at the corner across from Harveys. That property sitting there as is for years is not only an embarrassment but also makes people wonder about you agency. What good are all the rules and regulations you impose on builders of all kind when you allow that to happen. DO SOMETHING Make it into a temporary Park or something with sidewalks so people dont walk on the highway. Have locals paint murals on those hideious fences. I would think if someone gets killed there , the city and county would be responsible.

Wilma Gomes

A concerned ownrer and visitor

I71-1

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I72

Susan Lowe
Chase International
5.24.12

Susan Lowe, Senior Vice President of Chase International and the Corporate Broker said we presently have seven offices around the Lake, so we represent all the communities around the Lake. I would like again for the realtors in the room to stand up again in support and not only do these people make their living here but all live, work and plan here. They have a lot at stake with this new Regional Plan Update. As an industry, we are really the front line to the person who is just being introduced to Lake Tahoe. To the sellers and owners that are trying to get their projects done, we have a vast knowledge of how TRPA works and the governmental restrictions are, both by county, city and TRPA regulations. We market our beautiful area to the world and our very instrumental in putting Lake Tahoe on the map as one of the most beautiful destination in the world to come visit, play and recreate in. Everyone that comes here wants to keep that and preserve that environmental beauty that we all share, love and work in. No one in our industry wants to see that changed. However economically as we all know, our communities are deteriorating at an alarming rate. Owners are selling because the processes are so arduous, costly and don't make sense to most of them. Our town is deteriorating and we are told that people are leaving because of the degeneration of our communities because of the limited shopping, limited nice hotels and restaurants. Buyers are not buying because of lack of quality product, because of the issues in developing those products. There is a frustration with the process of redeveloping and the lack of our vibrant communities. As an industry the real estate community should not be the police for any of our governmental agencies and we highly object to address any BMPs or any other requirements of point of sale. It is frankly not our job. It is the public agencies' job. I personally believe that the majority of the realtors in this Basin support Alternative 3, after looking through all of the alternatives very carefully. We hope the Board takes this opportunity to turn our weathering communities around to be vibrant, environmentally and economically conscious communities or we will all suffer the consequences.

I72-1

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I73

From: [James Macdonell](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); [ronslaven@hotmail.com](#); [Claire Fortier](#); [Nancy McDermid](#); [jreid@bhfs.com](#); [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Subject: TRPA's Long Term Regional Plan
Date: Monday, May 14, 2012 1:31:42 PM

Dear Sirs/Madames,

I am writing to you regarding the Tahoe Regional Plan. It appears to be very lengthy and complex in nature to review in only 60 days. since this is so important please strongly consider granting a 90 day extension on the review period so that our community here in Tahoe has enough time to read and understand it.

Thank you
James Macdonell
530-553-4055

I73-1

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I74

I believe that BMP's are unenforceable, it is a tax on homeowners and it was never voted on by the public. Taxation without representation, it's against the constitution of the USA.

I 174-1

With that said, Alternative 3 is the best of the poor options.

--

Thane McCall
Broker, CRB, CRS
McCall Realty at Lake Tahoe
Direct 775.901.4531
CA Broker License # 00665595
NV Broker License # 04684

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I75

From: [Joanne McGrail](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); [ronslaven@hotmail.com](#); [Claire Fortier](#); [Nancy McDermid](#); [jreid@bhfs.com](#); [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Subject: TRPA Plan
Date: Monday, May 14, 2012 11:51:40 AM

The Regional Plan is far to lengthy and complex to to completely review in just 60 days. Please lengthen the review time at least an additional 90 days.

I75-1

Thank you.

Joanne McGrail
Tahoe resident for 40

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Regional Plan Update and Regional Transportation Plan

Page 1 of 1

I76**Regional Plan Update and Regional Transportation Plan**

Tahoe Future [danmchale@vansanhotels.com]

Sent: Friday, June 22, 2012 4:27 PM

To: regionalplancomments

Name	Dan McHale
Email	danmchale@vansanhotels.com
Subject	Regional Plan Update and Regional Transportation Plan
Message	Greetings, I am writing in support of alternative 3 in the RPU and C in the RTU. Hard to believe that this is all coming down to the wire. Thank you TRPA Staff and Governing Board for listening, responding and developing plans that will over time protect & improve the environment and serve to revive our struggling economy here in the basin. Regards, Dan McHale General Manager Inn by the Lake 3300 Lake Tahoe Blvd South Lake Tahoe, CA 96150 530 542-0373
Site	http://www.tahoefuture.org

I76-1

Sent from (ip address): 24.180.37.174 (24-180-37-174.static.reno.nv.charter.com)
Date/Time: June 22, 2012 11:27 pm
Coming from (referer): <http://www.tahoefuture.org/getinvolved/>
Using (user agent): Mozilla/5.0 (Windows NT 6.1) AppleWebKit/536.5 (KHTML, like Gecko) Chrome/19.0.1084.56 Safari/536.5

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/26/2012

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I77

Dan McHale
Inn by the Lake

6.28.2012

Dan McHale, General Manager of Inn by the Lake and I wanted to share a vision that we have on our property of the RPU and things moving forward. Please don't let the fact that I am sight impaired cloud your vision. Congratulations on your progress to date, the end of this particular process is in sight. While you will cross the finish line in December, the next race to make environmental strides will begin immediately thereafter. However this next phase will be more like a relay race with a private section serving as an anchor moving in concert with a common environmental goal, fueled by an improving economy private enterprise will move into the lead in funding environmental gains. Protecting the environment has always been the right thing to do. In this day and age it is also the smart thing to do to realize gains both environmentally and economically. Thank you again for your commitment to the Tahoe Basin's environment, its residents, visitors and economy. Thank you.

I77-1

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I78**Bob McKay**

5.24.12

Bob McKay, Tahoe Beach Club and resident of North Lake Tahoe for 14 years and I am here to support both the Regional Plan Update and the Transportation Plan. I think the environmental redevelopment opportunities and incentives as described in Alternative 3, of the ROI draft represent a major step toward engaging the private sector investment in the important work of environmental improvements. I think supporting more pedestrian, bicycle friendly downtown areas and town centers is the kind of experience that our owners are going to appreciate and clearly desire. The Highway 50 South Shore Community Revitalization project and the vision plan is much needed to get our economy back on track, stimulate jobs and generate new revenues for environmental community improvements. Our project, the Tahoe Beach Club, virtually there has not been any financing in the last three years. I think that the steps that you are looking at moving forward on, will signal to the business community, the finance community and to our future residents that there is a new era in Tahoe. I think it is much needed and will be much appreciated and I encourage you to move forward with it.

I78-1

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I79**Mort Meiers**

5.24.12

Mort Meiers, resident of South Lake Tahoe said I raised four children here and spent 21 years as an instructor at Lake Tahoe Community College, 12 years at Director of Small Business Development Center and 30 years working with South Lake Tahoe Chamber of Commerce. During that tenure, I had several opportunities to work as a participant in the planning activities of the Tahoe Regional Planning Agency and I was delighted to have that opportunity. Primarily through the Pathway forum and my goal in working with TRPA through the Chamber and the college and as a resident of our great city was to contribute in some small way to the development of the plan I see before me now. Now it is my hope that the Regional Planning Update EIS public comment period will be adhered to and Alternative 3 will be adopted and can be put into motion.

I79-1

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clarity

Page 1 of 1

180**clarity**

Tahoe Future [gvmendel@gmail.com]

Sent: Thursday, June 14, 2012 9:42 AM

To: regionalplancomments

Name gary mendel
Email gvmendel@gmail.com
Subject clarity

Message

How frustrating it is to see this community get lied to about fixes for the clarity of this lake . It is simple logic to see that 90% of the problem is the depth of water in the tahoe keys which is the reason for warm water growth . Only idiots ignore this looking at runoff from compacted areas or the truckee river or even the airport as the problems . Sure we can not just bring the Keys back to original wet lands , problem solved as the lake has a built in clarification system with it's natural deep walls and depth \of water that keeps the lake water turning over and over to prevent life from grabbing hold . As long as there is warm stagnant water for our enjoyment and convenience , this clarity problem is throwing money over the damn .

Site <http://www.tahoefuture.org>

180-1

Sent from (ip address): 99.127.121.126 (99-127-121-126.lightspeed.renonv.sbcglobal.net)

Date/Time: June 14, 2012 4:42 pm

Coming from (referer): <http://www.tahoefuture.org/comment/>

Using (user agent): Mozilla/5.0 (Windows NT 6.0; rv:13.0) Gecko/20100101 Firefox/13.0

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/15/2012

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I81

From: Danna Meyer [info@tahoechamber.org]
Sent: Wednesday, June 27, 2012 11:01 AM
To: trpa
Subject: RE: SPAM-HIGH: ADV: Close of Public Comment on Draft Environmental Documents

Please include this comment as coming from me as a private resident instead of representing the Chamber officially.

TRPA

It is now time to make permanent the recommendations of the RPU. Too long postponements have affected the quality of the environment of Lake Tahoe. The Environment is not just water quality, it is the health of the business community as well. Trying to operate on outdated regulations has not improved the water quality nor proved to enhance a positive business climate. Buildings in need of updating have to have regulations that make sense economically as well as environmentally.

Please advise the Board to pass the recommendations of the RPU.

Thank you,

Danna Meyer, Douglas County Resident.

I81-1

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182

**Midkiff
& Associates, Inc.**
CONSULTANTS

June 28, 2012

Ms. Norma Santiago
Chairman
TRPA Governing Board
P.O. Box 5310
Stateline, NV 89449

RE: Comments on Regional Plan Update and Draft EIS, Transportation Plan and DEIS

Dear Chairman Santiago;

I commend you, the Governing Board, Advisory Planning Commission, TRPA staff and all of the volunteers, for their efforts to craft a fair and balanced Regional Plan that incorporates the input received from the Place Based Planning Initiative and Workshops, and reflect the need for environmentally based redevelopment of our Tahoe built environment. I also applaud the recognition of the importance of the economy and support of the Prosperity Plan which is vital to economic recovery and lowering the catastrophically high unemployment rate. I do, however, have serious concerns with portions of the Transportation Plan.

182-1

I, on behalf of Harrah's/ Harveys (AKA Caesars Entertainment), must insist that the TRPA Board and Tahoe Transportation District Board ensure that on-going efforts to analyze and design the alternative alignments and road lane numbers/widths on the West Lake Parkway and Stateline Ave. must accommodate 4 lanes to adequately serve future contemplated environmental redevelopment of the South Stateline area. TTD director Carl Hasty is fully aware of these design revisions.

182-2

Harrah's/Harveys supports adoption of Alternative 3 with the important element to allow Area Plans and with the Town Center area at South Stateline allowed to retain existing height up 197'. This which will allow environmental redevelopment of the existing tallest buildings which would otherwise not be economically viable.

182-3

After review of the Plan and related documents, input at public hearings and workshops, and informational documents provided by TRPA and TTD staff, I have concluded that an RPU with an amended Alternative 3 as presented and analyzed in the Draft EIS should be approved by the Board as fulfilling the requirements of the Tahoe Regional Planning Compact. I urge you to certify the EIS and approve the draft Regional Plan Update and implementing Ordinances.

I understand that there will likely be minor amendments through, and as a result of, the public hearings and response to this and other comments but urge that you maintain the vital balance between environmental protection and the economic well being of the Basin. We know the consequences of the present plan. The over-regulation of our built environment over the period since 1987 has resulted in a continued decline in environmental quality. The shift to environmental redevelopment is overdue and must occur now to speed the improvements in the built environment, replace the decaying infrastructure and improve our social and economic environment.

182-4

Post Office Box 12427 • Zephyr Cove, Nevada 89448 • Office (775) 588-1090 • Fax (775) 588-1001
295 Highway 50 • Lake Village Professional Building, Suite 8 • Lake Tahoe, Nevada 89449



Santiago
Re: RPU, DEIS, Transportation Plan
June 28, 2012
Page 2

I urge the amendment to Alternative 3 to add the provision from Alternative 4 to extend from two (2) years to five (5) 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. Businesses that have closed due to the recession, foreclosure or other causes should not be prevented from reopening by high mitigation fees.

I also urge the Board to include flexibility in the Regional Plan Update to allow for adjustment to the proposed incentives for environmental improvements (due to transfer of existing development). This is necessary to make the much need environmental redevelopment viable.

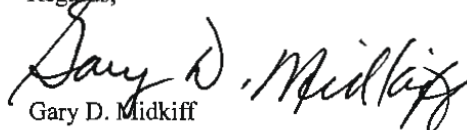
I support the Proposal to approve Area Plans, in concert with local governments, and to allow local government to review and approve activities without Regional impacts at the local level. TRPA should only be reviewing activities with possible major Regional Implications.

I support allowing additional height in appropriate areas as proposed, along with flexibility for transfer of development rights, allowing 70% land coverage within Town Centers and management of land coverage on a wider than parcel by parcel basis.

I support allowing local governments to decide if residential, tourist and commercial mixed uses should be allowed in recreation and conservation plan areas if compatible with surrounding uses. Finally, I urge the Board to close the public comment period on the RPU, Transportation Plan and DEIS on schedule on June 28, 2011.

Thank you for the opportunity to submit these comments. I look forward to watching and participating in the on-going process to completion of the adoption of the RPU and related Ordinances and subsequent Area Plans.

Regards,



Gary D. Midkiff

Cc: John Koster, Harrah's/Harveys
John Packer, Harrah's/Harveys
Joanne Marchetta, TRPA

182-4
Cont'd

I83

Gary Midkiff
Midkiff & Associates
4.26.12

Gary Midkiff said he wanted to briefly comment on the RPU and EIS. I and many others are concerned about the future of Tahoe and we want to make sure and we think you are on track to preserve Tahoe and also to make sure that we and our families and children's can live here and work and raise our families here. We support you in your effort. Also, on the EIS we ask that the Board work within the time frame that the Compact sets forth. Everybody should live within the same time frame and if I and others can do it, everybody can. I will continue to work with you and your staff in that effort and hopefully we can get it done by the end of the year.

I83-1

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184**Stacey**

5.24.12

Stacy, I respect and support your decision to keep the review period at 60 days. It is time to move forward and I absolutely support getting both the RPU and the RTP passed quickly for our community. I am incredulous to hear some environmental groups claim they need more time to review the Plan and this is disingenuous in my opinion. They have reviewed and weighed in all along since the process began so long ago. We know where they stand and there is not much to be gained for them to discover anything new if they were given more time. The Plan has been well thought out, countless hours of expert research and science has been spent formulating and vetting these Plans. It is frustrating to me that it was supposed to be approved back in 2007, meanwhile our Lake is in decay. Moreover, it is ludicrous to argue that nothing should be done as Alternative 1 purposes; no change would be irresponsible. Embracing the status quo is wrong, as is if the so called environmental interests have forgotten their original mission was to protect the Lake and improve its clarity. We know that environmental redevelopment is a means to attain our Threshold standards sooner as well as create much needed economic opportunity for our community. Both locals and tourists will greatly benefit from this intelligent land use planning. We know that the economic well-being is so tightly linked to the environmental well-being; so we all need to get behind Alternative 3 and push forward. We need to know who is actually going to take a position for our Lake. We need to transform our urbanized environment to achieve these goals. Delay and status quo are the enemy of our Lake, economy and our community.

184-1

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185**Alex Mourelatos****Mourelatos Lakeshore Resort**

5.23.12

Alex Mourelatos, owner of the Mourelatos Lakeshore Resort which is in the middle of Tahoe Vista, which consists of a 3.2 acre parcel directly on the Lake and on the other side of Highway 28, we have another 18 acres of land that not only sit within the community plan of Tahoe Vista as it exists today, but also expands out into the plan area. I've spent 8 years on the Board of Directors of the North Lake Tahoe Chamber of Commerce which includes Incline Village, as well as the North Lake Tahoe Resort Association which supplies 5 million dollars of TOT annually into infrastructure, marking and transportation in North Lake Tahoe. I have also spent that same number of years sitting on the North Tahoe Business Association, which covers business development from Crystal Bay all the way to Carnelian Bay. I spend my day working on stormwater management and property management to protect the Lake every day. We spend about 1/3 of our payroll in those types of jobs. We implement capital improvements to protect the Lake. As a business owner and you ask me why I spent my volunteer time on these Boards, as a community leader why we are seeking is clarity in process. I applaud the application of the process to date by TRPA staff and he encourages this Board to move forward in the review of the EIS and the technical documents associated. I will give you an anecdotal example of why I have faith in the process. What was just explained as part of the bonus unit incentive program, one of the projects that I have had experience of the Board personally is the affordable housing project we attempted to implement from 2002 to 2007 in Tahoe Vista. It intended to use incentives related to the bonus units to build the affordable housing units. As a businessman, it quickly came apparent to me that although an incentive existed, it did not share common adoption, there was not a common goal of all the constituents. To prove that, there was no feedback mechanism and there was no methodology to determine whether the incentive was achieving the common goal. Today, as a result of feedback, I think that what is being proposed addresses the weaknesses of the original intent and establishes a framework by which incentives can be used to achieve common goals. To conclude, we all share in the common goal of Lake Clarity, business owner, resident, property owner and by the way I am a resident in Nevada and a property owner in California. We have faith in the process that is being executed. There continues to be a healthy and productive dialogue between key constituents, namely the local jurisdictions and business associations such as the chamber, resort association and business associations. We see continued collaboration to a common goal and we share this goal with our South Shore brethren. The key here is not just in the plan. If we share a common goal together, the plan gives us the teeth to ensure that we don't overstep our boundaries. It is only in working toward common goals with the appropriate number of incentives in place that in fact collaboratively and collectively we will achieve the goals of the plan.

185-1

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186

Paul Nan
Lake Tahoe Appraisers

6.27.2012

Paul Nan, Lake Tahoe Appraisers and I have been appraising property around Lake Tahoe for 30 years. I appraised a lot of those properties down in South Lake Tahoe where the tram is and all the new commercial buildings. My reason for being here is that a couple community members thought it would be a good idea for me to speak and offer my opinions. For whatever it is worth I have appraised Sunnyside Resort, the Boat Works Mall and just about every commercial property between Sunnyside and up to the boarder Stateline on the North Shore.

Anyway, the focus of what I want to say is concerning this Kings Beach Commercial Core Area and Kings Beach has something unique that the rest of the Lake doesn't have and that is commercial zoned land right on the water and I see Dave Ferrari here and correct me if I'm wrong Dave but I think they have 250 feet of Lake frontage that is zoned commercial. I don't think personally that we should increase the amount of commercial zone land around the Lake. I think that we should maximize the use of what is already there and be concerned with the view coming from the land toward the Lake a little bit more and not quite so much what the view is from the Lake back. If you go out here and take a look at how many are out on the Lake and then how many people are on the land around the Lake, the idea should be in my opinion to maximize the view of the Lake but don't detract or disturb anyone else's view of the Lake. As an example of what I am saying, I think I am facing East and I have appraised all the buildings that were over there in the early 80s between Coon Street coming toward the parking lot that is adjacent out here to this building. We've taken a lot of commercial zone land around the Lake and eliminated commercial development over the years, that is an example right there. For the scenic corridor and I'm all for it, I love the Lake and I love the governmental efforts to preserve the Lake but I think, in order to maximize the potential of presenting zoned commercial land you need to be concerned with highest and best use. And there are four criteria for higher and best use and the first one is always is it legally permissible and then is it physically possible and then financial feasible and economically supportable. We can't take out in my opinion more of the commercial zoned land out of the plan that we already have had for the last 20 years because the community needs to be economically viable and you need to keep the values of the property owners as high as you can.

Now we've got high land values already and so how in terms of highest and best use can you develop the existing commercial property and have it be economically supportable, that is the key. In my opinion the only way you can do it is increase the height allowances on these commercial properties. So long as they don't disturb the view from the people behind of the Lake. That means that as an example let's use Ferrari's property because they have got a big hunk of land and a lot of front feet on the Lake. How high should you allow them to build in the future? In my opinion two stories isn't adequate because it won't pencil as they say, so I think that the plan at least be very thoughtful in terms of the heights and what you can allow in the commercial zones without disturbing the people behinds view just like the uphill property owners responsible for drainage that they create for the downhill property owner. My focus for being here is this Kings Beach Commercial Core area because obviously it is the area around the Lake that is the biggest candidate for future redevelopment, commercially. I can't think of anything else to say except I want to encourage whatever plan, I don't know any of these alternatives or the plans that are being talked about but I would hope that you would encourage highest and best use of the commercial property, at least for now in the commercial core area of Kings Beach. Thank you.

186-1

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187

TRPA Has Failed to Protect the Public's Interest

When TRPA Governing Board approved the Boulder Bay project and its companion height amendment, those of us who agitated for a downscaled project thought the height amendment was contingent on the project. It's not. The height amendment for the North Stateline Community Plan is now a stand-alone variance in TRPA's code that runs with the ownership of the land, rather than the permit. It is the new standard criteria assuring 75 feet in height and a change in how height is measured for ANY Buyer's or secured lender's new project.

Boulder Bay touted an area wide storm management plan, a reduction in the number of units and their use, a reduction in square foot build out, a 16% reduction in coverage, a further reduction in height for a new building on Hwy 28, silver LEED building design, green roofs, a settlement agreement with neighboring Stillwater Cove and one with the California Attorney General. Sadly for the concerned Public, the height amendment text doesn't mention any of these conditions of approval.

So really it didn't matter what the project claimed, it seems to us that it was all about new allowed height for the Boulder Bay property and the inflation in the value of the land that occurred as a result of the entitlement process. According to a recent note offering on Boulder Bay, It appears that Boulder Bay is in default on their loan, so who knows who will end up being the eventual developer. The TRPA permit for the project was apparently acknowledged just the other day and it's been a year since project approval. The Public should probably be glad we don't have a hole in the ground like the South Shore. Will the Biltmore storm water treatment BMPS due in 2000 ever get done?

This confusing procedure is typical of the dysfunction of TRPA's system - of letting projects drive its planning, rather than planning to meet thresholds as required by the Compact. Code requires that height amendments are analyzed in advance of a project, but TRPA refused in the case of Boulder Bay, claiming the Counties thought 85' was fine and a height amendment would make the project conform to TRPA goals and policies. It's the "we'll make it work" mentality. Governing Board, next time make sure project specific code amendments are subject to the conditions of the permit that persuaded you to grant an approval. Or was it always your intention that the CEP approval process be an entitlement giveaway regardless of the agreements contained in the project proposal?

Ann Nichols 4/25/12.

187-1

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I88

From: [Eva Nichols](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); [ronslaven@hotmail.com](#); [Claire Fortier](#); [Nancy McDermid](#); [jreid@bhfs.com](#); [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Subject: Please Extend Review Period
Date: Monday, May 14, 2012 12:19:00 PM

*Dear members of TRPA,
The Regional Plan is too complex to be reviewed by both you and the public in only 60 days. You must grant an extension of at least an additional 90 days.
With kind regards,
Eva Nichols*

Eva Stramer Nichols
Truckee, CA 96161
530-414-1289
www.beautyonlocation.com
<http://whereintheworldiseva.blogspot.com/>

I88-1

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189

TRPA Bows to Nevada Developers

If you thought the TRPA would never allow high rise development in the basin, think again.

The new preferred alternative in the draft Regional Plan Update that's supposed to tide us over for the next twenty years, is proposing to increase the new maximum height in the basin from 38 feet to a whopping 197 feet. That's an increase by a factor of 5. Why 197 feet? TRPA's justification is: That's the height of the casino towers that are there now. Talk about repeating the mistakes of the past. And you didn't think Nevada's threat to pull out of the TRPA came with strings attached?

189-1

Well, here are some more wild ideas for additive development: In addition to the 197 feet in maximum height at the South Shore Casino Core, a large area on the California side of the South Shore will allow 95 feet in height. All commercial and mixed use areas in Incline, Kings Beach, Tahoe City, Homewood, Zephyr Cove, and Meyers will be allowed 56 feet. As if this wasn't enough, these heights can be further increased if the development includes Tourist Accommodation Units (TAUS). TAUS include hotels, motels, fractional and timeshare ownership. Remember the 75 high buildings proposed for Boulder Bay and Homewood? Later when each area's community plan, which will be driven by the revenue hungry Counties, is developed, height, coverage and density incentives can be further increased. Don't ask me how the environmental report will be able to assess the impacts of these unknowns. It's Tahoe on steroids. Will we even recognize the Lake in 20 years? The Regional Plan Update will be just like Boulder Bay and Homewood: TOO BIG.

TAUS will be allowed to morph from 300 sf motel rooms into 1800 sf units and the allowed density of these TAUS are increasing from 15 units/acre to FORTY: skyrocketing by a factor of 2.6. How can you even fit forty 1800 sf units on an acre? Allowed coverage will increase from 50% to 70%. Soft coverage, think unpaved roads, will equal hard coverage or pavement. There are hundreds of thousands of sf of soft coverage at the Dollar Hill Reservoir and Incline Lake. Stream Environment Zone (SEZ) Coverage can be transferred anywhere in the basin without regard to hydrologic areas. There are 800 acres of SEZ in the Bijou area on the South Shore. Do we want South Shore over development on the North Shore?

189-2

The 661 leftover residential bonus units are increasing by an additional 600. None of this additive development is mediated by creating commensurate open space. And if this all sounds like a bunch of gobbledegook, it is, it's TRPA jargon. TRPA needs to find another way to convince commercial property owners to complete their storm water plans. The current plan to gift extra height, coverage and density only incentivizes owners to NOT complete their storm water plans until they get TRPA's quid pro quo. Everyone wants redevelopment, just not overdevelopment.

TRPA needs to get out of the economic sustainability business and quit justifying all this craziness because one million sf of build out, as in the case of Homewood, will create 200 extra jobs. TRPA's track record on the environment is poor and I don't know of any qualifications TRPA leadership has as economic czars. Granted a good economy will be a plus for Tahoe, but reliance on Real Estate development in the current economy and dismal lending climate is short sighted at best. Actually, Lake Tahoe doesn't owe anyone a job.

189-3

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I90**WHAT MONEY CAN'T BUY**

We need to have a fundamental debate about the role of the market and the environment at Lake Tahoe. I've been reading "What money can't buy: the moral limits of markets" by Michael Sandel in an article by Marco Visscher, of Ode Magazine. It struck me that the Tahoe Regional Planning Agency in the new Regional Plan Update is shifting more and more of its regulatory task of achieving and maintaining the environmental thresholds to the market.

TRPA has concocted an elaborate scheme of monetizing developer entitlements such as: buying or trading land coverage all around the Lake, selling tourist accommodation units (TAUS), trading current requirements for storm water treatment (BMPS) for future additive height and density, allowing single family residential and TAUS in recreation zoned lands and asking property owners to tear down their homes in return for development rights in town centers (Incline, Kings Beach, Tahoe City). TRPA claims they are incentivizing redevelopment. The justification is simply: they can't get property owners to do their BMPS and that no developer would come to Lake Tahoe unless there were financial benefits.

On the ground many of us see insiders making a bundle selling TAUS, property becoming even more expensive due to entitlements and rezoning, wealthy developers getting all the goodies by delaying required BMPS and the little guy fined and charged exorbitant mitigation fees. We've never had a debate about where markets serve the public good and where they don't belong, especially in the aftermath of the recent economic crisis. Will this reliance on the market even work given the current lack of financing and demand for Real Estate? What is the proper role of the market as it relates to the environment at Lake Tahoe? Faith in the market is one thing and says Sandel, "markets are valuable and effective tools for organizing the production of goods and services. The problem arises when markets are no longer regarded as tools", but come to define, as in our case at Lake Tahoe, our relationship to saving the environment.

Visscher concludes, "Market values crowd out important nonmarket values worth caring about, especially when market thinking reaches into spheres of life that are traditionally governed by other values. That's when hard ethical questions arise."

If we rely too heavily on financial incentives to protect the environment, we undermine or ignore educating people into respecting the environment and taking responsibility for it. "Market mechanisms have entered the field of sustainability, and what is the impact on the idea of environmental protection?"

\$1.5 billion dollars have been spent at Tahoe to date. TRPA claims we need another \$1.5 billion. TRPA, can money buy a healthy environment?

I90-1

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I91

Design Workshop, Inc.
Landscape Architecture
Land Planning
Urban Design
Strategic Services

May 29, 2012

Tahoe Regional Planning Agency Board Members
128 Market Street
Stateline, NV 89449

Dear Board Members,

I understand you have some very important decisions to make over the next couple months regarding the Regional Plan Update. This is a very pivotal time for all of us who reside and work within the Tahoe Basin.

As the Principal of Design Workshop since opening the Tahoe office in 1997, our firm has worked effectively with the codes and policies of the Tahoe Regional Planning Agency (TRPA) yet recognize the need for change is important in order to ensure the health of the environment and the community are just as critical.

Aside from my 40 hour work week (more like 50 to 55 hours) I am a Board Member for the Sierra Business Council, Chair elect for the Tahoe Chamber, and sit on the City of South Lake Tahoe Parks and Recreation Committee and the Measure R Field Committee. In addition I am supporting my son through his junior year in High School.

The purpose of this letter is not recognizing my commitment to my family, work and community yet to simply say that we are all busy for various reasons. With this in mind I am committed to review the draft Regional Plan within the sixty (60) days established in the TRPA compact. My concern is you will be requested by others to extend the review period for an additional 15 to 30 days. I urge you to strongly hold the review period to 60 days since we are all busy yet if this is critical, we should find the time to review and comment on the draft document without extending the time period.

Thank you for your consideration and I trust you will make the right decision

Sincerely,

Steve Noll
Principal, DESIGN WORKSHOP, INC. Principal

I91-1

DESIGNWORKSHOP

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128 Market Street, Suite 3E PO Box 5666, Stateline, NV 89449 • (tel) 775-588-5929 • (fax) 775-588-1559
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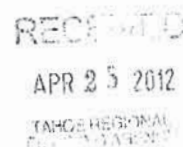
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192**Steve Noll****6.28.2012**

Steve Noll here kind of wearing four hats today although I won't ask for twelve minutes. I will stay within the three. First of all I am a board member of This Year Business Council and for some of you who may not know what This Year Business Council is; it is a 700+ member organization that is really based around pioneering and innovation around the Sierra Nevada area. It was founded 18 years ago and we continue to grow and see the challenges that we have within the Sierra and also the benefits that we bring to our members as well as the communities that we work within. We as a Board have talked and got together and there will be a letter that will be submitted if it has not already been to you regarding and outlining some of our ideas and concerns with regard to the Regional Plan Update. Second I am on the Tahoe Chamber Board and similar with that we have met as an organization in the last number of months and have got our comments that will be coming toward you in the form of a letter and suggestions and ideas with regards to the update. Third I am landscape architecture land planner and have a business here for 15 years now so have really had to whether I liked it or not, work within the policies and rules and regulations over the last number of years and see that the Regional Plan Update is really providing a lot of benefits in that regard. Finally, as a resident here in South Lake Tahoe I think that this really affects not just the agencies and community but individuals right down to each one of us that lives and reside here. In all four cases, I am here to support Alternative 3. I think it provides a lot of opportunity and really are thrilled with the collaboration and the effort that has been put together for the last number of years and coming to closure here in the near future and would like to see this thing move forward. For just a highlight for what Alternative 3 does, it provides the greatest level of flexibility for local governments to prepare and adopt plans that are tailored to the need so those respective local communities, which is really critical. It really does focus environmental redevelopment on the existing built environment and I think you have heard that enough. That is probably the place we will get the biggest bang for the buck. It encourages the community and prosperity green building design environmental innovation for which you know Tahoe should be at the forefront of that and I think this plan does that. There is a great emphasis on non-motorized automobile development which is at we just heard from air quality which is a critical thing to make sure that improves. It really starts to address the greenhouse gas issues that we need to do as a region here as the state mandate lays. One thing that I think is not talked a lot about is that it really provides the opportunity for the smaller business land owner to do something finally because of the ability to actually move forward with some predictability and some incentives to make their properties better and actually contribute to the water quality. And finally as a resident of the community here, I think that all of this will benefit us from an economic, environmental and a community sense because as people improve their properties, obviously the Lake wins, the residents win and we all have pride in where we live right now. Thank you for the time.

192-1

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I93

April 21, 2012

Norma Santiago, Chair
TRPA Governing Board
P.O. Box 5410
Stateline, NV 89449

Re: Regional Plan Update and EIS Review

Dear Ms. Santiago;

As a long time Citizen of the basin, I look forward to reviewing the proposed changes to the Regional Plan Update as well as the EIS.

I am compelled to write to you to urge you to stay the course in maintaining the period for review and comment at 60 days. I have read much about and can see where the relentless pressure you are receiving from the "Environmental Group" could be persuasive, but I see it as an unnecessary stall tactic and complete disrespect for an established process.

I certainly understand that reviewing the documents can seem cumbersome, but feel strongly that 60 days is still an appropriate and sufficient timeframe to be able to review and comment. I urge you to stay on track and help our beautiful community get a step closer to productive and healthy change.

Thank you for the opportunity to comment.

Sincerely,

Stacy Noyes

P.O. Box 5540, Lake Tahoe, NV 89449
Highway 50 at Kingsbury Grade • South Shore Lake Tahoe
Reservations 800-624-7980 • Main 775-588-7777 • Fax 775-588-4092
www.lakesideinn.com • e mail: mail@lakesideinn.com

I93-1

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I94

From: perryrobray@yahoo.com [<mailto:perryrobray@yahoo.com>]

Sent: Thursday, June 14, 2012 12:03 PM

To: jwhite@tahoempower.org

Subject: Re: Regional Plan Update/Regional Transportation Plan Public Hearings and Comment Period Reminder

What consideration has been given to electric mass transit? What consideration has been given to more fluid public bus operations during traffic slowing episodes? Example, during increased/overload/ect..rider ship events(precipitous weather, stalled traffic, ect..) running buses in higher frequency and or free of charge.

What consideration has been given to having the hiway 50 corridor from approx. the Y intersection area in the city of South Lake Tahoe to the casino core area of Stateline Nevada a stop free thorough fare? Possible example, every major subdivision having at least one freeway type on ramp and exit ramp to maintain a steady 25 mph. All bus/public transit stops within reason having the same 25 mph exit and entry on hiway 50.

Sent from my Verizon Wireless BlackBerry

I94-1

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195

From: [Heidi Joy Pesterfield](#)
To: [Pauline M. Auau](#)
Subject: Regional Plan
Date: Monday, May 14, 2012 1:36:37 PM

To Whom it may Concern:

The Regional Plan is too complex to be reviewed by both you and the public in **only 60 days.**

You must grant an extension of at least **an additional 90 days.**

Sincerely,

Heidi Pesterfield

Tahoe Vista, CA 96148

I 195-1

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196

Dave Polivy
Tahoe Mountain Sports
5.23.12

Dave Polivy, owner of Tahoe Mountain Sports and I also sit on the North Tahoe Business Association Board of Directors and I am here speaking as a business owner within the Basin. This has not been brought before the North Tahoe Business Association Board yet, so I am not speaking on behalf of that organization. I want to commend you for the processes you have undergone. It has been lengthy and inclusive. It has been a very open and transparent process and Tee May said. As a member of the public in addition to many others, I have had ample opportunity to be involved in providing input into this plan. I think they folks working on the plan have listened to a lot of that input and taken those considerations into the final makeup of what the plan is looking like at this point. I am a big believer in transect zoning and focusing development on town centers and focusing development on compact, centralized areas in order to maximize services for those areas and keep our green spaces green. And provide ample opportunity for the open spaces that so many people come here to visit. I think that a lot of the things in this plan will help to promote that and being here in Kings Beach help to promote what we are trying to accomplish in the vision we have here in Kings Beach. In general, without the help of the private sector, a lot of the environmental improvements are simply are not going to be made and it is imperative to provide certainty for the private sector, as well moving forward if we really do want to improve our infrastructure and our environment. With all of that said, what has been put before you and the public in terms of specifically Alternative 3 if the one that I support. Thank you for coming back to Kings Beach for this meeting.

I96-1

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197

Dave Polivy***North Tahoe Business Association Board of Directors***

Dave Polivy, a local business owner and have Tahoe Mountain Sports across the street said I am a Kings Beach resident and actually here today and I'm also on the North Tahoe Business Association Board of Directors and I am here to relay some comments from our Board. We did submit an official comment to you by the deadline and I was just going to follow up on some of those comments that we submitted as an organization both broadly and then somewhat specifically as well. First of all I would like to echo Jennifer Merchant's statements regarding the emphasis on environmental redevelopment and how this plan really can assist in achieving most of the environmental Thresholds while still allowing for private development and especially redevelopment primarily focused in our town centers. I feel that this is one of the very important aspects that you guys have acknowledged in this Regional Plan Update.

197-1

Some of the keys reasons why the NTBA generally favors Alternative 3 at this time is that Alternative 3 incorporates area plans and special district overlays specifically to Kings Beach, the town center district overlay. Several of our members are participating in the current area plan update process that is being sponsored by Placer County and we are both engaged in this process and encouraged by this process and really believe that this is the right direction to take. Alternative 3 is allowing for mixed use development in additional as compared with some of the other alternatives. Alternative 3 incorporates a more action oriented set of incentives for the transfer of commercial floor area and TAUs into those town centers. We are also in favor of Alternative 3 as it best represents the opportunity to accelerate progress toward the attainment of Lake Tahoe's Environmental Thresholds and allows for 70% coverage on developed and undeveloped parcels within the town centers.

I would like to quickly speak about two broad concerns that we have that have come up and then one specific concern. First of all the transfer of Tourist Accommodation Units and we recognize that Alternative 3 does not include any new TAUs but does allow for award of bonus units to incentivize transfers and our problem with this is that North Lake Tahoe simply does not have the same excess level of TAUs that exists on the South Shore and we share the concerns that have already been brought up today primarily by Placer County and by Sandy Evans-Hall of the Resort Association that the cost of acquiring and transferring some of these existing TAUs to new projects proposed for town centers could be somewhat confusing, cost prohibited and then also perhaps be realizing some of the issues that Jennifer brought up in terms of local jurisdiction competition for TAUs. With that said, we think that this can be accomplished or at least addressed by transferring a number, say 200 of proposed residential bonus units into TAUs or replicating the proposal in Alternative 4 of adding new TAUs as well. Other broadly, we feel that the commercial floor area allocations as there are being based on the 20 year period are also not adequate. This is again consistent with some of Placer County's statements and we feel they are too low. You can image just here in Kings Beach we have a 50 million dollar infrastructure project about to take place. As you drive through our community, you can see some of the current levels of infrastructure and the current levels of commercial space that exist here and we are going to need more commercial space and we will need improved commercial space and we will need mixed use commercial space in order to achieve the visions that this community has put to paper and continues to put to paper through our area plan statements. 10,000 commercial square feet per year or roughly whatever that divided up to, we just don't feel that is going to be adequate at least in terms of visions that we have for just here in Kings Beach specifically. Lastly we did submit a letter that goes into significantly more detail on a number of other issues.

197-2

One thing I did want to bring up from the business community and that is I believe in mitigation measure 3.4.9, the extension of time at a minimum for the Air Quality fee basis, we understand that under current requirements if a property owner wants to redevelop, refurbish or reopen a business in a building or space that has been vacant for more than two years, then the owner is required to pay the same Air Quality mitigation fees as if the business was new. Being a business organization understanding a lot of the impediments to both opening businesses, creating businesses being able to afford any of the new commercial space that might come online, as we move forward we feel that this could perhaps be extended that period of time or could be waved or there could be some other method for having that Air Quality fee take place specifically within measure 3.4.9. There isn't a good explanation of how the Air Quality mitigation fees are also going to actually improve air quality. So that was another concern and maybe that can be addressed through the responses of the EIS. I will just finish that the mission of the North Tahoe Business Association is to improve the economic wellbeing of the business community and enhance the quality of life through the creation and long term preservation of a vibrant economic climate. I think we are heading there and I think regulatory certainty can assist in that project and in that mission and so we are right along with you guys to get this finished up by the end of 2012 and we will continue to stay engaged throughout the process. Thank you.

197-3

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198**Carolyn Pretzer**

5.23.12

Carolyn Pretzer said do it! This is your 5 initiatives for public transportation document which is getting weathered. Your mission is to protect the Lake to ensure the environmental integrity of the Basin. The science has said that sediment runoff is affecting Lake Clarity much more than what I grew up thinking that it was the exhaust emissions out of the cars, therefore for the health of the Lake and my personal health. I gave up my car and used public transportation. I like here 10 months of the year. It is fine. TART is wonderful except it quits right when the tourists want to go out to dinner. Everything that you have said in your mobility plans, has anyone ever objected other than now for financial reasons. Please built it and at the same time encourage the construction of bus shelters versus parking lots. We talked at the summit last August over at Homewood and everyone said it is a public/private partnership. Some of the ideas about the waterborne transportation, I don't expect to have you put public money into this, but there are private investors whether they be Basin, State, National or International, that want to do this. Allow it to happen. It will help. There is a lot if sand-like substance spread all over the road during the winter. Come summer when things melt, it is there. Caltrans is trying to collect it. I see these road sweepers in Incline Village actually vacuuming up the roads. When I pointed this out to Caltrans, oh there is a pile of that sand over there on Placer County property which is going into the Lake. Advertise the multi-modal transportation accesses that exist. The North Tahoe Express and the South Tahoe Express are there, but when a tourist gets off the airplane in the Reno airport, what they see is a bank of rental car agencies. Over in the corner are very nice people and wonderful access. European skiers are there with me getting on the bus. So please continue what you are doing, but market it to work with the public/private cooperation and help the Counties improve public transit. You cannot find a seat on the bus from Kings Beach to Tahoe City at 7-8:00 a.m. in the morning or 5:00 p.m. at night.

198-1

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I99**Steve Price**

5.23.12

Steve Price, It's 1976 and I am looking at the size of the document and I certainly doubt that anyone in this room has read it in its entirety and understand it. I have had a number of executive positions during my career in the military and outside and I know that every large document always has an executive summary. I would like at some point for that at least to be provide us with a short executive summary, 7-10 pages. Otherwise, we are all looking at a document that is so convoluted in some cases it is almost like the Obama-care package where we will understand it, after we pass it. I am hoping that you members of the board will set fit to give the general public something that they can at least see an overview type that will give them the information that they need to have in order to make a reasonable support or not support decision for what you are about to do.

I99-1

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I100**Christina Proctor**

5.24.12

Christina Proctor, 15 year resident of South Lake Tahoe said I am a member of the PTA, the Lake Tahoe Educational Foundation and various other service clubs. I am also the Public Information Officer at Lake Tahoe Community College. I am here to talk today about the transportation plan and also the update. I hope that this moves forward quickly. I actually had my 10 year old son yesterday ask me why we don't ride our bikes more in town. I had to explain that it is a little too dangerous for us and that I wish that we could. He also asked if this is something that I did as a child and I said yes, I grew up in Indiana and I rode my bike everywhere. Fort Wayne, Indiana which is a metro sized city has more opportunities for children to walk and ride then South Lake Tahoe, CA which is obviously much more beautiful. So it is ironic that when I compare my childhood with theirs and the fact that they live in this great outdoors, but yet I can't let them go enjoy though great outdoors in that way. They would like to ride their bike to school and that is not a possibility from where we live. I am hoping that before they graduate from South Tahoe High School, that I can send them out and we can walk around town. I can name on one hand how many times I've walked on the Highway 50 corridor in the 15 years I've lived here. In fact, one of the times I did it, it was so concerning, that a friend pulled over to check on me because I was walking along Highway 50. I had dropped my car off for service and was walking to the college and they pulled over quite concerned that I was walking along the highway. That speaks to the fact that this plan is long overdue and that it need to happen. This plan I know has had multiple input from many agencies and concerned citizens and it has not been a short process and I hope that the Board moves forward in a timely manner and I can tell my 10 year old that yes, this year we will be able to ride and walk around town.

I100-1

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Regional Transportation Plan

Page 1 of 1

I101**Regional Transportation Plan**

Tahoe Future [tahoelodge@sbcglobal.net]

Sent: Tuesday, June 26, 2012 12:40 PM

To: regionalplancomments

Name Peter Przybyslawski
 Email tahoelodge@sbcglobal.net
 Subject Regional Transportation Plan

I am North Lake Tahoe resident and business owner since 1996. I'm operating motel and a small bike rental. I'd like to comment on 2010BPP: Overall it's a great plan and I'm truly impressed with the plan. After reviewing I have the following suggestions: 1. page A14, 3.1.4 LIGHTING We should take advantage of the new technology and use only environmentally friendly Solar/LED lighting. During the day the system stores electricity in batteries to provide highest efficiency LED light at night. Installation does not require expensive underground connection. Light poles can be located in remote areas away from power lines. Additional bonus: environmental benefit and no electrical bills ever. Using this technology we should provide a minimal lighting over bike/pedestrian paths to promote safe usage at night. 2. page A32, 4.1.1 BIKE LANE I believe that the existing system of marking bike lanes is not adequate and does not make drivers sufficiently aware of the bike lane. The post signs and painted signs are too sparse, allowing unaware drivers to park in bike lanes. I'm proposing to use a distinctive color to identify bike lanes. The boundary of bike lane should be marked with safety green (bright lime green) color striping on both sides of bike lane. This would require approval of the new standard for bike lanes. I believe this solution will be less expensive, because it would eliminate need for most post signs. Just like the blue striping color is easily recognized by all drivers, the green color, if adopted exclusively for bike lanes would be very effective, easy to understand by children system. 3. page A33, 4.1.2 Bike Lane Class II I believe that the bike lane located between parking lane and travel lane is unsafe. Bike riders are exposed to fast moving vehicles on one side, danger of cars crossing the bike lane in or out of parking lane and also in danger of hitting suddenly open car door with no safe escape way. Suggested solution would be to locate bike lane next to the curb and place the parking lane between bike lane and traffic lane. This solution will not increase the construction cost, but I hope it would greatly increase cyclists safety. I hope that you can consider my suggestions in your final plan. Thanks

Message

I101-1

Site <http://www.tahoefuture.org>

Sent from (ip address): 108.69.252.6 (108-69-252-6.lightspeed.frokca.sbcglobal.net)

Date/Time: June 26, 2012 7:40 pm

Coming from (referer): <http://www.tahoefuture.org/getinvolved/>

Using (user agent): Mozilla/5.0 (Macintosh; Intel Mac OS X 10_6_8) AppleWebKit/534.57.2 (KHTML, like Gecko) Version/5.1.7 Safari/534.57.2

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

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I102**Clint Purvance****4.26.12**

Dr. Clint Purvance, Physician and Administrator at Barton Health said as member of this community I can also tell you that I have been invested in trying to make our community a better community just as you are invested in doing the same. I took a business partner on and we purchased a property at the "Y". It was a dilapidated motel some of you may have known of it and probably did not stay there; the Crystal Range Motel and as an ER Physician we looked at that motel we saw the ills of society that kept coming into the ER and local community and two ER doctors took our home equity lines and we purchased that and demolished and restored the site and we did that for the purpose of cleaning up our own community and bringing something better a better vision to the gateway to the "Y" and in fact we got a Best in the Basin for restoration which was fantastic and participating with the TRTPA in that project. Why I bring that to your attention is that since 2006 we have been also looking forward to a Regional Plan Update and we have been committed to Tahoe Valley community plan update as well. Not only for us personally but for the community and I would argue that now just like that activity of a little bit of stretching can push this to the next level. So I would encourage all of us to move this Regional Plan forward. Also I represent Barton Health which is one of the largest private but public entities here in the Basin and we serve health care needs in the North shore, East shore, the South Shore and Minden, Gardnerville and Carson City area. And our local economy plugs about 100 million back into local economy here and around the Lake and that is just through health care and so this is a vibrant part of our local economy and it is an important part of it and the reason I bring that up is I am also involved in the recruiting of physicians, not only physicians but administrators and other personal that work in the hospital. The one question they always ask is what will by spouse do here. You have a great job for me in a beautiful area with Lake Tahoe as a backdrop. What I have seen in my time line here is the community shrink and less economic and to me and my four children who want to live here that means less stewards in the future who live local to care of this Lake. The Lake clarity in my mind is really tied to economic stewardship as well. And so I think that the RPU is a very wise plan and great science behind it and we have looked at that and appreciate that there is good science behind what is being done currently and we also know that there are great economic incentives to do just what I wanted to do to help remove blight where it should not be and to transfer those units into an urban corridors where we can mitigate for water runoff much better than we can throughout the Basin and remove some of that coverage that is exiting in sensitive parcels.

I102-1

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I103**Jennifer Quashnick****4.26.12**

Jennifer Quashnick, Meyers Resident first I would like to thank you again for the enormous amount of work that has gone into this. A few items I am concerned about. First I would like to follow up on a comment made previously without a strong economy that the environment will fail and I will like to reverse that without a strong environment the economy will fail. I worry that that is getting lost in all of our discussions about the economy which is clearly not just an issue in Tahoe, but keeping that in mind I also heard earlier that there is not an economic feasibility study yet we have actual alternatives based on improving the economy.

I103-1

Where is the Regional Planning I know communities we need to keep our unique nature of our communities but it looks like we have a lot of impacts that are being put off to the project level as well as future plans and yet who is going to assess the cumulative impacts of these plans who is going to look at the impact on the Thresholds on a Regional wide basis if we are putting it off until later.

I103-2

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I104

Dear TRPA,

In accordance with the 60-day public comment period for the Draft Goals and Policies, Draft Code of Ordinances and Draft EIS that commenced on April 25, 2012 and will conclude on June 28, 2012, I have the following comments listed below. I understand that comments will be solicited during this comment period and will be incorporated into the Final EIS document along with responses to comments.

1. Regulations regarding light pollution are insufficient. One of the major attractions of the Lake Tahoe area is the dark sky that gives us the ability to see many stars in the beautiful night sky. This ability to see the stars is constantly diminishing due to increasing installation of poorly designed lighting. New lighting that is installed needs to be thoughtfully designed so as to minimize light pollution. Plus, existing lighting that contributes to light pollution needs to be eventually replaced with good lighting design. The installation of well designed lighting is a win-win effort because well designed lighting can pay for itself quickly because it uses less energy.
2. Regulations for area lighting to reduce light pollution are not sufficient. There is no numerical requirement as to what the maximum permitted cutoff angle should be. The regulations as currently written just say that lights should point down. That isn't sufficient because a light fixture can point down and still allow light to go up into the night sky. Sections regarding area lighting need to be revised to say that the maximum allowed cutoff angle from vertical is 90 degrees. It would be even better if the maximum cutoff angle were less than 90 degrees because light leaving a fixture at angles approaching 90 degrees (for example 80-90 degrees) serves no purpose at all and only contributes to glare from the fixture and wasted energy and light pollution.
3. Regulations regarding light pollution from backlit plastic signs are virtually non-existent. Poorly designed lighted signs are huge contributors to the scattering of light up into the night sky. It's very easy to design lighted signs that minimize light pollution and well designed lighted signs don't cost more to install and operate. The signs that cause the most light pollution are backlit plastic signs with white backgrounds. The color white as a background color should be banned entirely in the Tahoe Basin. The preferred background color should be black. In any case, the background color should be darker than the artwork or lettering of a sign because less light will escape into the night sky if the background is dark. One only has to compare the signs at Mont Bleu versus the signs at Harrah's to see a dramatic comparison of good and bad design. The Mont Bleu signs are huge backlit white panels with black lettering that spew a tremendous amount of light into the sky. Harrah's signs are red lettering on a black background and contribute almost nothing to light pollution. The well-designed Harrah's signs are every bit as readable as the signs at Mont Bleu but they scatter almost no light.
4. Regulations regarding "Light Trespass" are virtually non-existent. Light trespass is when a light on one property shines onto another property or the public right-of-way. The regional plan and regulations need to state that light trespass is not allowed. Any light fixture that someone installs on their property should be designed so that it only shines on their own property. A classic example is where one person installs a bright light on their house that shines into their neighbor's bedroom window. There should be regulations against doing that. Likewise a gas station or other place of business should not be allowed to install bright lights that shine out into the street causing glare that adversely affects drivers driving by. Light trespass is easily avoided by using well-designed light fixtures or by installing shielding that keeps the light from shining off the property where it's installed.
5. Regulations against light pollution need to be retroactive and they need to apply not only to new construction but also to all properties. Current regulations often require good lighting design for new construction, but there are currently no regulations that prohibit anyone from installing as much non-complying lighting as they want after their final inspections. That needs to be fixed. Regulations need to be made retroactive to all properties so that gradual improvement in the overall condition will occur over time. Retroactive regulations should be phased in gradually over time.
6. There should be regulations that say what types and wattage of bulbs are permitted. Low pressure Sodium should be the preferred type of bulb because it is the most energy efficient and pollutes the least. Mercury vapor bulbs should be banned because they are the least energy efficient and pollute the most. Exceptions could be made for ball fields etc. provided they are lighted only during events.
7. The regulations should state that if a light bulb or lens in a fixture is visible from above, then it is clearly illegal because it obviously doesn't meet the maximum cutoff criteria of 90 degrees. If a person is located at a higher elevation than a light fixture, the light source (bulb or lens) should not be visible.

Thank you,

Hank Raymond, 2443 Tolteca Way, South Lake Tahoe, CA 96150. Tel 530-577-0114

I104-1

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I105

The draft of the regional transportation plan does not make plans to install roundabouts where needed. The plan should make it a policy to use roundabouts instead of stop lights or wherever possible. Stoplights are old technology/old school. The policy should be that the preferred way to control traffic at intersections is with roundabouts and that stop lights should only be used where it is impossible to install a roundabout. The advantages of roundabouts over traffic lights is well established and does not need to be debated. It's time for Tahoe to move into the 21st century. The goal should be to eventually replace all traffic lights with roundabouts. Some obvious places where roundabouts should be installed are in South Lake Tahoe at both ends of Pioneer trail, at the "Y" in South Lake Tahoe and at the "Y" in Tahoe City. There are other places too numerous to list here where traffic lights should be replaced with roundabouts.

-Hank Raymond

I105-1

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I106

June 14, 2012

Dear TRPA,

In accordance with the 60-day public comment period for the Draft Mobility 2035 Regional Transportation Plan/Sustainable Communities Strategy and Draft EIR/EIS that commenced on April 25, 2012 and will conclude on June 28, 2012, I have the following comments listed below. I understand that comments will be solicited during this comment period and will be incorporated into the Final EIS document along with responses to comments.

1. Roundabouts should be featured much more prominently in the regional plan. Roundabouts are mentioned in the regional plan for consideration for only 3 places. The plan should state that roundabouts should be installed wherever possible instead of stop lights or stop signs. Roundabouts should be the desired standard. Stop lights or stop signs should be installed only if it's not possible to install a roundabout. Roundabouts are well proven to be more efficient at moving traffic than stop lights or stop signs and they reduce air pollution caused by cars waiting for lights to turn green or accelerating from a dead stop from stop lights or stop signs.
2. Roundabouts should be installed at the Y in south Lake Tahoe; At the intersection of Pioneer Trail and Highway 50 at both ends and at the Y in Tahoe city.

Thank you,
Hank Raymond
2443 Tolteca Way
South Lake Tahoe, CA 96150
Tel 530-577-0114

I106-1

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I107**Regional plan comments**

Hank Raymond 2 [racerox1234@sbcglobal.net]

Sent: Monday, April 30, 2012 11:08 PM

To: regionalplancomments

Here are my comments on the regional plan:

The regional plan does not do enough to address the light pollution issue. One of the major attraction of Tahoe is the beautiful night sky. But the night sky is being wiped out by light pollution from badly designed lighting and advertising fixtures. All light fixtures need to point down with a minimum 90 degree cutoff. Shields need to be installed on lights so that light from one property doesn't trespass off of the property where the light is installed onto another private or public property. High output sodium vapor bulbs and other high output bulbs need to be banned. Advertising signs need to be designed so that they emit minimum light. Red letters on black backgrounds (Like at Harrah's and Harvey's) emit very little light pollution. Black letters on white backgrounds (like at Horizon and Mt. Bleu) are horrible light polluters. It's a matter of good design. It doesn't cost any more to use good design, in fact it costs less because less energy is used. No one should be able to see the light source (bulb or lens) if they are above that light source. You should only be able to see the bulb or lens if you are below the light source.

-Hank Raymond

I107-1

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I108**Hank Raymond**

5.24.12

Hank Raymond, Meyers resident and I want to talk about light pollution which isn't adequately addresses in the plan at all. I worked with people on Pathway 2007 and back in that time, we were talking about this it was said that the new regulations or the new plan would be in agreement with the International Dark Sky Association recommendations. That has completely disappeared from this plan. What I do see is under 36.8 Exterior Lighting Standards and all it says is parking lot, walkway and building lights shall be directed downward. That is really not adequate at all because lights can be directed downward but still scattered upwards. One of the great things about Tahoe that we all love and why tourists come here is because the night sky is clear and we are away from urban areas and we can see the stars. Two things that need to be addressed when you talk about light pollution, one is overall light pollution and light scatter and the other is light trespass. Overall light pollution and light scatter refers to light that goes up in the sky that reduces the visibility of the stars and has two major causes which is outdoor area lighting and signage. The Regional Plan just says that the light must just point down as far as outdoor area lighting. That needs to be changed to say that lights need to have a 90 degree cutoff. You can point a light down but it needs to cut off at 90 degrees, so it doesn't point up also. You can see where lights that the fixtures hang down below a level. We have some really good and bad lighting in town. This is something that needs to be in there that all lighting has to have 90 degree cutoff. Backlighting plastic signs are one of the biggest polluters here. A basic example of good versus bad design is for example the sign that is outside of Montblu and the signs in front of Horizon. They are white plastic with black letters and they are just horrible light polluters and expend a tremendous amount of light. Compare that to a good design which is Harrah's and Harvey's who has black signs with red LED letters and are totally both readable. The black signs with the red letters don't have any light pollution to speak of. The other thing is light trespass. Light trespass is when your neighbor puts up a 1,000 watt mercury vapor bulb in front of his garage to light up his driveway but lights up the entire neighborhood. When anyone puts a light up, it can only shine on your property and it can't shine on your neighbor's property and it can't shine on the public right-of-way, and that requires shielding. The rules for these kinds of things don't need to be written from scratch. You need to go no further than Mammoth Lakes and look at their ordinances. They have adopted good light, dark sky regulations a long time ago and we should have lighting at least as good as what Mammoth has to preserve our night sky.

I108-1

In the transportation area I didn't see any mention of trying to introduce more roundabouts. Roundabouts are the most efficient way of moving traffic. For example, if the Y in South Lake Tahoe were a roundabout your average wait time would be about 5 seconds as opposed to about 60-90 seconds. They should be the standard. A lot of areas of the country, roundabouts are installed normally and traffic lights and stop signs are installed when roundabouts can't be installed. Places where roundabouts should be installed are Meyers at Pioneer Trail, the Y in South Lake Tahoe, and the Y in Tahoe City, Ski Run Boulevard and Pioneer Trail. This should be a standard.

I108-2

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I109**Carl Ribaudo****4.26.12**

Carl Ribaudo said he would like to thank all the effort and time you have all put in, I know it is amazing and back breaking and it is important that you have. I also support moving ahead on the Regional Plan, the status quo is killing us, we all know that we just needs to look outside. That evidence demands a verdict and we know what that verdict really is and many people have moved forward to bring about important changes that protect not just the environment but also enhance our local communities which the fabric has frayed them apart, the poverty levels are astounding and we need to do something different. The Regional Plan offers that option The Regional Plan offers us a way forward in a badly needed way. The status quo has been at a tremendous environmental cost. Not just an economic cost and a community cost there is a environmental cost to the do nothing strategy and that is where we have been locked in for many years. Alternative 3 will be the only one to accomplish this it has to move us forward the redevelopment process is absolutely the key. Every time we redevelop we bring forward the newest and best environmental technologies with which to reduce sediment run off and so forth. We should be able to do this on a regular 20 year cycle to continually bring in new better, best technologies and practices instead we have been locked in a 50 year old model that has allowed environmental issues to continue to manifest itself and fester. I would urge you to think progressively, think forward, move for change,. Change is your friend if you adopt it and use it correctly change will be the friend of this destination because everything we learn will be reincorporated to make our processes our programs and what we see on the ground better and better, simply put the evidence outside demands a verdict and we need to move forward.

I109-1

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I110**Blake River****4.26.12**

Blake Riva, Incline Village resident, Senior Partner with East West Partners and is representing the North Lake Tahoe Business Group whose principals include East West Partners, Crescent Equities and Tahoe Mountain. He said our Tahoe ventures are resort based in nature and a major segment of our business linked to the Tahoe Basin. A significant number of our visitor's guest and employees lodge or live within the Basin. While Lake Tahoe represents one of the most beautiful natural attractions in the world quality lodging is fundamental to attract visitation for the Region, it is a key component to the experience one has while visiting the area. Enhancement and improvement of lodging is vital important for both the environmental sustainability and economic viability of the Region. Alternative 3 of the Regional Plan Update will serve to achieve both of these key objectives.

I110-1

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I111

Governing Board:

As a 38 year resident and 27 year broker here in south shore I can state with no uncertainty the disaster to the real estate community and its affiliates in many different occupations associated with it if " point of sale" regulations are put into law. I strongly support alternative 3, regional bmp laws and NO point of sale! The inequality and unfairness, as well as the numerous "can of worms" point of sale regulations would encourage is probably beyond your scope of understanding. We all want a clean, clear lake tahoe , but this particular issue is not going to do anything but harm to the economy and morale of this community at a particularly difficult time in our history. Please encourage alternative 3 plans .

I111-1

Thank you

Marc S, Royer
Broker Associate
Coldwell/Banker Mckinney & Assoc.
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<u>RTP Comments</u>	
Employers should provide a share of transit costs for their employees	No Name_CC6_5.21.12
Empleadors diveran de prover transporte (una cuota) para sus trabajadores	No Name_CC7_5.21.12
Build a mini-park in Sierra Tract	No Name_CC8_5.21.12
Near the school in Kings Beach, in order for our kids to walk safely, create sidewalks and reduce speed, and place flashing lights at the beginning and end of school hours. Also more lighting near there.	No Name_CC9_5.21.12
Alrededor de la escuela de Kings Beach para que nuestros ninos caminen seguros crear aceras y reducir la velocidad poner luces de precaucion para entrada y salida de horarios escolares - y mas iluminacion alrededor de esta	No Name_CC10_5.21.12
<u>RPU Comments</u>	
I like the new bike policies.	No Name_CC_5.21.12
The theory that people will tear down there house and restore their property for the "right" to build in town centers seems far reaching especially considering the surplus of homes currently on the market.	No Name_CC2_5.21.12
To promote redevelopment, the code should be amended to not require uses that have not been in operation for 2 years pay an air quality mitigation fee.	No Name_CC3_5.21.12
Additional coverage should be allowed to accommodate ADA requirements.	No Name_CC4_5.21.12
TRPA should put more of an immediate effort into infiltrating and treating urban run-off (pipe club).	No Name_CC5_5.21.12

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I113

June 27, 2012

Norma Santiago, Chair
TRPA Governing Board Members
P.O. Box 5310
Stateline, NV 89449

Re: Comments – Regional Plan Update, Regional Transportation Plan, and Draft Environmental Impact Statements

Dear Chair Santiago and Governing Board Members:

Edgewood Companies takes this opportunity to commend the dedicated efforts of you , your staff and members of the public in this very important undertaking. Edgewood was pleased to have participated in nearly all of the public meetings, including those of the Regional Plan Update Committee, and clearly recognizes the perseverance and personal commitments exhibited by those involved to move the process along in a timely manner, without sacrificing the quality of the product(s). We are also pleased to have participated extensively in the development of the South Shore Vision Plan.

We, like others, recognize that the health and future of our community and our environment are inextricably linked and that environmental redevelopment is the key to restoring the quality of the lake and the economy. With this in mind we generally support Alternative 3 of the Regional Plan Update with Transportation Package C and its focus on obtaining environmental gain on the ground through restoration and redevelopment with incentives to accomplish these objectives.

The following commentary is therefore tendered on behalf of Edgewood Companies for the Draft Regional Plan Update (RPU), and Draft Environmental Impact Statement (DEIS).

1. Special Planning Designations. The special planning designations in Alternative 3 of Town Centers, Regional Center and High-Density Tourist District proposed for the South Shore are crucial to environmental redevelopment. They serve as the foundation upon which to improve the form and function of our core areas.
2. High Density Tourist District, Height. We also support the provision in the High-Density Tourist District which establishes a height limit equivalent to the height of the district's tallest existing building.

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I113-1

3. Recreation. Edgewood has long been an advocate of providing recreational opportunities close to the bed base so that guests do not have to get back into their cars in order to do what they came to do in the first place—recreate. We strongly support the recognition of recreation as an important land use category upon which to base many elements and policies of the RPU and the corresponding designation of significant recreation land adjacent to the high-density tourist core. We also support the specifics; that recreation adjacent to the bed base allows for the development of recreational resorts complete with lodging units to incorporate an appropriate mix of uses. Multi-season recreation opportunities available to the public will implement the TRPA Recreation Threshold and better meet the market needs of our economic base of recreation and tourism as well as reduce unnecessary vehicle trips. Accordingly, we support TRPA's land use map designating over 500 acres adjacent to the tourism core "Recreation" and further support the private land's eligibility as a receiving area for the transfer of existing development.
4. Environmental Benefits of Recreation adjacent to the Bed Base. The DEIS should analyze and disclose the beneficial environmental impacts attributable to enhancing recreation adjacent to the tourism core at South Shore, including air quality, VMT, removal of blight and increased recreation. Further, designating the private land's portion of the 500 acres adjacent to the high density tourist district as a receiving area for the transfer of existing development will accelerate environmental gain by strengthening the desirability of the tourism core as a resort destination, attracting longer stay guests, promoting geo-tourism, helping to implement goals of the Tahoe Prosperity Plan, transitioning the economy from gaming to longer stay destination travelers, travelers less likely to arrive by private automobile, decreasing dependence on the automobile.
5. TAU Acquisition Deferral. While not a part of the RPU to date, we understand that TRPA acknowledges that it will change its "policy" to no longer require demonstration of control (acquisition of) TAU's prior to submittal of a project for consideration and we request that this policy change be reflected in the RPU. The high initial cost associated with the current policy severely limits the ability to submit, or even conceive, a quality redevelopment project.
6. ADA Coverage Exemption. The provision in Alternative 4 which provides coverage exemption for ADA retrofits should be included in Alternative 3.
7. Construction Related Air and Noise Mitigation Requirements. We support air and noise mitigation associated with construction, but we are concerned that costs may escalate to the point that they jeopardize constructing the very redevelopment projects that are encouraged by Alternative 3. TRPA should work with the various contractors' associations and carefully weigh the costs versus the benefits of such mitigation requirements.

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| <p>8. <u>Area Plans</u>. We concur with the notion that Area Plans are best developed through local governments. Local governments are in the best position to understand specific economic, environmental and community issues that will go into preparing responsive Area Plans that have the opportunity to be successfully implemented. In light of TRPA's stated policy to streamline and compress the approval process, how does TRPA intend to incorporate this objective in projects which require both local and regional review?</p> | <p> </p> <p>I113-6</p> <p> </p> |
| <p>9. <u>Air Quality Mitigation Fees</u>. Edgewood expresses its concern that the current system of air quality mitigation fees requires substantial adjustment. At a minimum, the time for which an applicant could use a "prior existing use" as the basis for a new trip calculation should be extended from two years to five years, as recommended in Alternative 4. This provision should be included in Alternative 3. Preferably, the fee could be waived entirely for redevelopment projects accomplishing the objectives of Alternative 3.</p> | <p> </p> <p>I113-7</p> <p> </p> |
| <p>10. <u>Accessory Uses</u>. The concept of opening up accessory uses to the street (and signage) by grandfathering these uses as existing accessory uses supporting PTOD was discussed during the process and proposed as a "minor regulatory change" in the code. We support this change. Opening uses to and thereby animating the street is a necessary step in creating a true walkable destination resort and needs to be facilitated in Alternative 3. Requiring the purchase of CFA to accomplish these objectives is costly and prohibitive.</p> | <p> </p> <p>I113-8</p> <p> </p> |
| <p>11. <u>Unit of Use Conversion Ratios</u>. Edgewood notes that the inclusion of key unit of use transfer ratios as implementing tools acts as incentive to retire, relocate and redevelop our key community nodes and cores. The ability to transfer units of use including land coverage from sensitive lands and high capability lands regardless of location should be included as an implementation device.</p> | <p> </p> <p>I113-9</p> <p> </p> |
| <p>12. <u>TAU's</u>. We believe that there is an oversupply of unproductive or otherwise marginal TAUs throughout the basin, many in the South Shore and some in the Town Centers. A transfer ratio from these areas should not be greater than one for one to a Recreation area eligible for transfer of existing development or it will serve as a disincentive and result in missed opportunities for improving the community and the environment.</p> | <p> </p> <p>I113-10</p> <p> </p> |
| <p>13. <u>TAU's</u>. The development and implementation of a TAU retirement program to reduce the overall number of TAUs in the Region is a fundamental step toward economic and environmental health. We support the concept.</p> | <p> </p> <p>I113-11</p> <p> </p> |
| <p>14. <u>Transfer Across HRA's</u>. Edgewood supports the proposed policy change to allow the transfer of land coverage across Hydrologically Related Areas (HRA's). This type of flexibility is necessary as an implementation tool and will benefit the Region as a whole.</p> | <p> </p> <p>I113-12</p> <p> </p> |

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|---|---|---------|
| 15. <u>Transfer of Soft Coverage</u> . We encourage TRPA to expand the ability to transfer soft coverage to commercial as well as residential projects. | I | I113-13 |
| 16. <u>Non-Motorized Trails Coverage Exemption</u> . We support the policy change to exempt non-motorized trails from land coverage requirements as conditioned. We see this as an important incentive to implement our shared Regional Vision to improve recreational quality while reducing reliance on the individual automobile. | I | I113-14 |
| 17. <u>Forest Service Species List</u> . Additional species that may require further study should be listed and analyzed in the EIS. | I | I113-15 |
| 18. <u>LOS</u> . We support the proposed addition in T-10.7 to encourage multi-modal amenities / services as mitigation for traffic impacts in lieu of roadway improvements. | I | I113-16 |
| 19. <u>Scenic Mitigation</u> . We propose mitigation measure 3.9-1b utilizing the subjective term "visual prominence" be revised to use "scenic quality" as a more broadly utilized and understood term quantifying scenic impacts. We propose this mitigation measure be revised as follows and that the summary paragraph on page S-54 also be revised to be consistent with the message of Section 3.9:
"The height and visual mass of developed existing high rise structures that project above the forest canopy shall not decrease the scenic quality ratings compared to baseline conditions as viewed and evaluated from key scenic viewpoints, including but not limited to, views from public recreation areas (e.g., Van Sickle Bi-State Park), scenic roadway units and scenic shoreline units. When considering the changes to scenic quality ratings, the following factors shall be evaluated: 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." | I | I113-17 |

Once again, thank you for the opportunity to comment. We look forward to continue working with you during the balance of the process. We are convinced that the successful and timely adoption of the Regional Plan Update--Alternative 3 with suggested modification is essential to our community.

Sincerely,



Chuck Scharer
President and CEO

I114

Chuck Scharer
Edgewood Companies

4.26.12

Chuck Scharer, Edgewood Companies and he said from what we have seen so far we support the RPU Alternative 3. Over the years I have been able to watch the growth of the Tahoe tourism industry and as it was pointed out earlier that were fueled primarily Casino entertainment and now unfortunately we have all been able to watch it decline and our economy decline significantly over the last several years. It is unlikely in my opinion that the gaming is going to come back in a big way to South Lake Tahoe. As a result I think we are moving away from a gaming based economy, we need to move towards things like recreation, we need to move towards entertainment to fuel our economy in the future. The current reality in my opinion is that the lack of progress in our Region has hurt us environmentally and economically. The built environment is actually hurting Lake Clarity we know that and the built in environment is uncompetitive and inefficient today. A new vision is needed to remedy the consequences of our outdated infrastructure. We need to in reinvent Lake Tahoe. A lot of us are talking about that now. Alternative 3 I think gives us the best chance to accomplish that we know through redevelopment that we can improve the existing conditions in and around the Lake and as a result hopefully meet our environmental goals that we have for the area. As we go about this we need to focus on many things. We need to focus on the natural beauty of the Lake we need to provide better Lake access for our guest and our residence , we need to provide better access to recreation for our guest and residence and we need to reduce dependence on vehicles and improve our transportation system. Our company was pleased to have participated in the vision plan that I know you had a presentation on a few meetings back and that vision plan embraces many of those concepts and much more. And I also believe that transforming the tourism core area in South Lake Tahoe which was a focus of the vision plan probably represents our best opportunity to advance Threshold attainment and to restore some health into our economy. We welcome the potential change in direction that Alternative 3 offers. We look forward to working with the Agency, stakeholders and with all of you to move this forward and we hope to bring some life back in to our economy and at the same time reach all of our environmental goals for the area.

I114-1

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I115

From: [robert schiffner](#)
To: [Pauline M. Auau](#)
Subject: protect tahoe
Date: Thursday, May 17, 2012 8:46:32 AM

Please vote for extending the period for public review of TRPA's new plan.
I do not think the Tahoe basin can support the type of development proposed.
I think TRPA is losing its way the last few years compared to its
philosophy. Cooler heads need more time to study all aspects of the future
plan. Sincerely, Robert Schiffner, Kings Beach and San Jose

I115-1

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I116

From: [Kim Schmidt](#)
To: [Kim Schmidt](#)
Subject: Regional Plan review extension
Date: Tuesday, May 15, 2012 2:03:37 PM

Hello TRPA Governing Board Member,

I am asking that you please reconsider the 60 day limit for public review of the newly released Regional Plan for Lake Tahoe. I have lived here most of my life and have applauded the TRPA for being the protector of this precious treasure. While I understand that politics make you seem like the 'bad guys' I truly hope that you have the stomach to do your job! Please at least double the time for public review and let us have a voice. I know that at the federal level the example has been set that 24 hours or maybe 48 hours is enough time to digest complex documents... but look at how that has worked for our great nation. You can and should do better. Thanks for listening.

Kim Schmidt

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I117

Richard Shaw
Design Workshop
4.26.12

Richard Shaw, Partner in Design Workshop said he has had the opportunity to work in many comparable communities to what we have in Lake Tahoe and have been invested in this community for about 25 years working on a number of major redevelopment projects and helping communities around the Basin. most recently I have facilitated what is has been known as the South Shore Vision Plan which has been a collaborative effort that has directly been looking at the way in which the South Shore area, the core of the tourist district and the Highway 50 frontage corridors could be transformed and changed and with that I wanted to bring to your attention a number of things that the principals of that plan rely on the ability to have as a tenant in the future. One of those things is to designate certain core locations in which the concentration of uses and services can be put in place so that they can become walkable and useable and the result of that is that the activities such as recreation entertainment, dining can be put into a walkable environment. The benefit of that is huge in that the reduction in auto trips and the use of automobiles and roadways is replaced instead by trails and connectivity that allow pedestrians to use those various areas. The fundamental concept requires that height is a key part of that because that is the way in which this concentration can occur without creating more coverage and in fact ultimately produce less coverage that we experience today. Bringing recreation use together with the bed base is what is going to create the possibility of a sustainable economic and environmental future and the benefits of that are huge. We need in the future new green development to offset and replace what is degrading the environment today the preferred alternative that you are considering with the RPU is in our opinion the only sound environmental choice that you have.

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I118

Sierra Colina, LLC

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Lake Tahoe, NV 89448-0129

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June 28, 2012

Tahoe Regional Planning Agency
128 market Street
P.O. Box 5310
Stateline, NV 89449

Attention: Norma Santiago, Chair, TRPA Governing Board Chair

Regarding: RPU Comments (TRPA Code of Ordinances, Goals & Policies and Draft EIS)

Dear Chair Santiago and Governing Board Members:

We congratulate each of you, the Advisory Planning Commission, TRPA staff and all of your experts and consultants who, after an extensive collaboration and consultation with the public, have assembled for public review and comment a very comprehensive draft Regional Plan Update (RPU), including the Code of Ordinances (Code), Goals and Policies (G&P) and Draft Environmental Impact Statement (DEIS) (collectively, RPU Documentation). We appreciate all of the alternatives studied, especially Alternative 3 which focuses on incentivizing redevelopment to generate environmental, economic and social gain.

Whether or not the existing provisions of the Code or G&P were amended during the RPU process, we reviewed all of the elements of the RPU Documentation, both in the aggregate, and individually. We have identified below our comments that relate to many of these elements which we believe need to be amended, modified or clarified. We would appreciate the TRPA Governing Board and Staff considering all of our comments, rather than possibly replying, "we can deal with that later." This is an historic and comprehensive process. We hope you will agree that when there exists such a unique opportunity to review and update all elements of the RPU Documentation, including those which have been in place and problematic (whether in form, substance or as applied by TRPA) since 1987, we should do so.

RPU Draft Environmental Impact Statement (DEIS) [Overview Comment re Feasibility]

Problem: Compact Feasibility Analysis Requirement Lacking in Some DEIS Mitigation Measures, as well as provisions of the G&P and of the Code: The Compact requires that all mitigation measures in an EIS be "feasible" (as defined in the Compact), and implies that all G&P and Code provisions must be feasible in their application as well. It does not appear that the DEIS (or the G&P and Code) has followed this directive in some respects. The Compact provides in part:

"Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Compact, Article II (j) (Definitions))

"The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

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RPU Final Comments (Sierra Colina 06-28-12)

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(B) To reduce to the extent of **feasible** air pollution which is caused by motor vehicles." (Compact, Article V (2) (B))

Compact Article VII Environmental Impact Statements, subsection (d) provides:

"(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less significant level; or

(2) Specific considerations, such as economic, social or technical, make **infeasible** the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

- a. Solution: "Feasible" is a critically important concept defined both in the TRPA Compact, and the proposed new Code of Ordinances, yet it is a missing modifier or condition to many of the DEIS mitigation requirements, and does not appear to have been the subject of a feasibility analysis or directly addressed or considered in the DEIS with respect to some potentially problematic mitigation measures, as well as some mandates in the G&P and Code of Ordinances. For example, the construction related air and noise DEIS mitigation requirements (and related Code provisions) raise new concerns about the capability of technology and project proponents to affordably, feasibly and reasonably comply with some of the standards which have the potential of jeopardizing the ability to proceed with customary construction of new projects. This result would violate the Compact (see, e.g., "The regional plan shall ... [include] all of the following correlated elements:... (B) To reduce to the extent of **feasible** air pollution which is caused by motor vehicles." (Compact, Article V (2) (B)).) A balanced approach should be used in the DEIS to review all of the mitigation requirements in the DEIS and all of the provisions of the Goals & Policies and of Code of Ordinances to confirm that each is "feasible" as defined in the Compact. In the following comments, we have made reference to a number of what we have identified as problematic Goals and Policies and Code Sections with respect to their lack of inclusion of "feasibility" in their provisions.

TRPA Code of Ordinances: Rules of Procedure:

Problem: Article 11: Appeals [No stated time frame for resolution by TRPA]: Section 10.3 of the Rules of Procedure provides,

"These Rules and regulations shall be liberally construed to secure just, speedy and economical determination of all matters before the Governing Board."

Although Article 11.2 [Appeals] prescribes a 21 day time period in which an appeal must be filed after a decision by the Executive Director, and a 30 day period thereafter by which an appellant

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must submit a statement of appeal, Article 11 contains no obligation that TRPA hear and adjudicate an appeal on any time frame. On the other hand, Article 11.2 provides that "If no written statement of appeal is received by the Agency within 30 days after the filing of the notice of appeal, the appeal shall be dismissed." Currently, some appeals on file at TRPA have been pending for years, with no action having been taken on them, no schedule or docket of appeals having been published by TRPA and the anticipated time frame in which TRPA will adjudicate each appeal remaining unknown.

The current uncertain time frame of adjudicating appeals under Article 11 is contrary to the objectives of reasonable efficiency, transparency and due process of law that the RPU process is striving to achieve. Without the consent of the appellant, this situation is unfair. There are certainly situations in which an appellant and TRPA may appropriately agree to defer TRPA action on an appeal pending the occurrence of other events, such as third party driven litigation, but in such cases, the appellant should have a "seat at the table" to participate in that hearing scheduling process, and consent to any delay or deferral of the hearing of the appeal by TRPA.

Solution: Article 11 should be updated and revised during the RPU process to establish a procedure and require a schedule under which TRPA is obligated to hear appeals within a reasonable time frame, and under which an appellant and members of the public may be generally informed of pending appeals, their substance, and their schedule for resolution. The current RPU process is the proper time to remedy these deficiencies in the Rules of Procedure with respect to Appeals.

Below is a possible new Article 11.8.3 (Appeal Hearing Date) for consideration, which adopts the principles on which Article 5.12 (Project Review-Hearing Date) is based:

"11.8.3. [Appeal Hearing Date]. For appeals that are to be heard by the Governing Board, TRPA shall, in consultation with the appellant, after completion of the Statement of Appeal by the appellant pursuant to Article 11.4 and after the preparation of and delivery to the appellant of the TRPA staff position paper and written statement of appeal by TRPA pursuant to Article 11.8, establish a tentative hearing date for Board consideration of the appeal. Such hearing date shall occur within 180 days after the filing of the appeal, absent an agreement by appellant and TRPA to extend the hearing date.

TRPA Code of Ordinances: Chapter 2: Applicability of the Code of Ordinances

1. Section 2.2: Project Review: Code Sections 2.2.2A.1(b) & 1(q): Governing Board Review:

- a. **Subsection 1(b):** provides that "Projects for which an DEIS has, or will be prepared, or at the discretion of the Executive Director," require review and approval by the Governing Board.
- b. **Subsection 1(q):** proposes new language that "In jurisdictions with conforming Area Plans, projects that are not exempt from TRPA review, if those activities otherwise require Governing Board review," require review and approval by the Governing Board.
- c. **Implications: Double Review and Potential Conflicting Requirements:** The greatest disincentive to capital investment in private sector projects in the Tahoe Basin is the extensive time, and therefore, uncertainty of outcome and increased

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cost of environmental and Project review. Do Subsections 1(b) and 1(q) [and other provisions of the RPU] require that, after the Board's approval of conforming Area plans, a Project proponent must process environmental review and permit applications for a Project through both the Local Jurisdiction and TRPA? If so, this could be an unintended, significant disincentive to redevelopment. On the other hand, the Compact requires TRPA review of Projects, which the Compact defines as "an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region." How is "substantially" defined, and what does it mean? It is important that the RPU not make it more difficult to redevelop the Basin with environmentally beneficial Projects by unnecessarily requiring a duplicative review process, thereby increasing the time, cost and effort to process a Project approval, by layering the Local Jurisdiction review of the Project's compliance with the TRPA General Plan on top of TRPA's review of same.

- i. Solution: We suggest that, in order to both comply with TRPA's responsibilities under the Compact and to incent responsible redevelopment, the goals should be, first, to reasonably define the meaning of "substantially" with respect to a Project, and second, to provide that the Local Jurisdiction will take the lead on reviewing all proposed Projects, and that TRPA conduct a limited (and not de novo) review of any Local Jurisdiction Project approval and its related environmental impact documentation with respect to only those Projects which "substantially" affect the environment. In order to comply with the requirement of the Compact that substantial "Projects" be reviewed by TRPA, once a Local Jurisdiction has established a TRPA approved Area Plan, we suggest that there be one, single environmental and Project review by the Local Jurisdiction. Then, assuming a Project approval by the Local Jurisdiction, if there is no appeal of the Local Jurisdiction's Project approval, a limited TRPA review would occur of the environmental documents and Project approval issued by the Local Jurisdiction. If, on the other hand, there is an appeal of the Local Jurisdiction's Project approval, TRPA's limited review of the environmental documents and Project approval in connection with the appeal would constitute TRPA's review of the Project. Additionally, the scope of any TRPA review on an appeal of a Local Jurisdiction Project approval needs to be fully outlined and commented on.

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2. Section 2.2.4 Expiration of TRPA Approvals

- a. **Problem: Code Section 2.2.4.E [Other Projects: Fails to Include Economic or Operational Force Majeure Events], Subsection 2:** The reality of economic constraints preventing projects from being completed on their TRPA approved completion schedule is a serious problem which the Code does not address. In 2008, the economy deteriorated so quickly that banks and equity investors withdrew funding approvals from and/or ceased funding existing project commitments. The Code does not include such unforeseeable events in the list of events beyond the permittee's control as a basis for TRPA extending the

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completion schedule for a project. This is a material deficiency in the Code which should be corrected.

- b. Solution: We recommended that the articulated list of “events beyond the control of the permittee” which provide a basis on which an extension of a Project completion schedule for other than a single family home may be granted should be expanded to include the following:

“2. Events beyond the control of the permittee, which may include, but are not limited to, engineering problems, labor disputes, natural disasters, or weather problems, defaults by suppliers or contractors, general economic conditions or continued unavailability of equity capital or debt financing, provided that the permittee used its best efforts to overcome same, have prevented diligent pursuit of the project.”

3. Section 2.3: Exempt Activities:

- a. Section 2.3.2 [General Activities], subsection N: Subsection N proposes a new activity exempt from TRPA review:

“The following new activities are exempt:

N. Approval of Development Activities under Conforming Area Plan.

All development activities over which a local government has been transferred development permit review authority according to an approved Area Plan, pursuant to Ch. 13: *Area Plans*. This exemption is not subject to the limitation above in subsection 2.3.1 that the activity shall not result in the creation of additional land coverage or relocation of existing land coverage.

- b. Question: How does Subsection N intended to relate to the provisions of Code Section 2.2.2A.1 (b) & 1(q): Governing Board Review [as well as other provisions of the RPU]? Does Code Section 2.2.3.N supersede subsections 2.2.2A.1 (b) & 1(q), or does it only apply to “non-substantial activities” and not to the issuance of “substantial Project” permits? Please clarify to remove ambiguity.
- c. Also, please delete the double negative in the second sentence of Subsection N (and re-writing it) because the double negative is very confusing.

TRPA Code of Ordinances: Chapter 13 Area Plans:

4. Problem: Section 13.4.2. Initial Statements of Intent to Develop an Area Plan: This provision implies that if a Local Jurisdiction submitted an initial statement of intent to develop an Area Plan by March 31, 2013, that TRPA has until April 30, 2014 to “review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work program.”
- a. Solution: Such a delay/gap in time is likely not TRPA's intent, so, in order to encourage proactive submittals by the Local Jurisdictions, it would be helpful if Code Section 13.4.2, provided that TRPA “shall review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work

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program not later than sixty (60) days after the local jurisdiction's submittal of such action plan to TRPA. [delete: by April 30, 2014]" This would ensure a prompt TRPA review of each Local Jurisdiction's proposal.

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5. **Section 13.5.3. Development and Community Design Standards for Area Plans:**

a. **Problem: Code Section 13.5.3.D.1(a) [site design]:** provides:

"1. Site Design. All new development shall consider site design that includes, at a minimum:

a. Existing natural features retained and incorporated into the site design;"

- i. Historically, this Site Design Code provision [from old Code Chapter 30] has, at times, been interpreted inconsistently and arbitrarily by TRPA Staff, a situation which should not be allowed to recur after adoption of the RPU. For example, during the TRPA Planning Review of the Sierra Colina project, Senior TRPA Staff Member Tim Hagen (who is no longer employed by TRPA) decreed that, with respect to the Sierra Colina project proposed site plan, and based on the above Site Design Code section [1(a)] which was then located in Chapter 30 of the then applicable Code of Ordinances (and which was worded then as it is now in this proposed Code section):

"If a specific 'rock on the ground' was small enough to be picked up by a human, it was not a natural site feature, but if a human could NOT pick up a specific rock on the ground, then it was a "natural feature" which, under this Code section, could not be disturbed by the development."

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That meant, we were told, that our site plan had to "design around" the thousands of "heavy" rocks sitting on, or just below, the surface of our parcel. During a Project review meeting at TRPA discussing this issue, the discussion at one point reached a level of absurdity, with questions such as, "To determine which rocks are natural features, who will attempt to move each rock: Mr. Hagen or an Olympic weight lifter?"

- ii. Such a standard, if universally applied, would lack any basis in science, and would have the effect of precluding development on virtually every otherwise developable parcel in the Basin because rocks are everywhere, including everywhere on the parcel of TRPA's current office, before it was developed.
- iii. To address Mr. Hagen's Code "application", Sierra Colina's soil engineer was required to conduct an extensive geotechnical, subsurface density study over a period of three months at a wasted cost of over \$50,000 of our Project resources (or, \$1,000 per home). The engineer oversaw 35 test excavations on the Sierra Colina parcel to prove that Mr. Hagen's "Code interpretation" was erroneous, inappropriate, and lacking any basis in science and that the proposed Sierra Colina site plan would not

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adversely impact “true” natural site features on the parcel (e.g., attached granite rock outcroppings which extended above the surface of the ground).

- iv. Solution: The updated Code and Regional Plan should be drafted in such a way that a TRPA Staff member has a clear, objective code standard to apply, and which a project applicant can easily understand and plan for in the design of its project. This type of review/analysis should be performed again on the entire Code of Ordinances.

1. “Feasible” is a critically important concept defined both in the TRPA Compact, and the proposed new Code of Ordinances, yet it is a missing modifier or condition to the vast majority of requirements and mandates in the Code of Ordinances. This seems contrary to the terms of the Compact. The Compact defines “feasible” as follows:

“Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

2. This principle of feasibility should be directly incorporated into the Goals & Policies and to the Code’s site design provisions and community design standards for Area Plans, and as well as for Projects themselves, so that it is clear to Staff and all applicants that “feasibility” is an essential element of these Community Design Standards.
3. To include some measure of flexibility in the Code, as well as addressing other site constraints, we propose that Code Section 15.5.3.D.1., subsection (a), be rewritten as follows:

“1. Site Design All new development shall consider site design that includes, at a minimum, the following principles, as applied to the specific parcel and the feasible constraints of the applicable development criteria contained in the TRPA Code of Ordinances:

a. Existing natural site features which are integral to the parcel and outside of the building site [see Code Section 36.5.1.A] to be reasonably retained and incorporated into the site design to the extent feasible when measured in terms of their impact on the proposed project (e.g., site features to be retained could include extruding rock outcrops attached to underground granite formations, but would not include detached surface boulders, regardless of size).”

4. In addition, we suggest that Chapter 90 (Definitions) be expanded to include a definition of “natural site features” which incorporates these concepts.

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b. **Code Section 13.5.3.D.1(b) [building placement and design: “compatible with adjacent properties”]**: provides:

“b. Building placement and design that are **compatible** with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;”

- i. **Problem:** As has been evidenced in past years in residential project applications brought before the Governing Board when property owners propose to redevelop their parcels, there can be a conflict between those wishing to maintain the status quo in the interest of “conformity” and “compatibility” and those property owners wishing to assert their legitimate private property rights by redeveloping their properties consistent with current code and environmental standards. For example, when redevelopment is the goal to remove blight from over-covered, BMP-less parcels, compatibility with adjacent parcels could be contrary to this stated goal, because the adjacent parcels could be blighted as well. Without some reasonable, objective limit on the extent to which a proposed Project must be “compatible” with adjacent properties, there exists the potential for extreme subjective judgments to be applied by TRPA Staff and other persons which could deprive owners of their property rights and the Lake of the environmental benefits of reduced impacts from a redeveloped parcel.

- ii. **Solution:** For the same reasons applicable to 13.5.3.D, subsection (1)(a) [site design], as discussed in paragraph 5(a) above, and to include some measure of flexibility in the Code, as well as addressing other site constraints, we propose that subsection (b) be rewritten as follows to incorporate concepts of “reasonableness” and “feasibility”:

“b. Building placement and design that are reasonably compatible with adjacent properties that currently conform to all environmental and design standards, to the extent feasible when measured in terms of the standards’ impacts on the proposed project, and designed ~~[delete: in]~~ based on feasible consideration of solar exposure, climate, noise, safety, fire protection, and privacy.”

c. **Problem: Code Section 13.5.3.D.3(a) & (b) [Building Design]**: The same concerns about reasonableness and feasibility apply to Subsections 3(a) and (b) [Building Design], which provide:

“3. Building Design. Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

- a. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- b. The scale of structures should be compatible with existing and planned land uses in the area.”

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- i. Solution: For the same reasons applicable to 13.5.3.D, subsection (1)(a) [site design], as discussed in paragraph 5(a) above, in order to ensure the consideration of reasonableness and feasibility, and to include some measure of flexibility in the Code, as well as addressing other site constraints, we suggest that Sections 13.5.3.D.3(a) and (b) be revised as follows:

“Building Design. Standards shall be adopted to ensure attractive and reasonably compatible development with the existing environment that currently conforms to all environmental and design standards and the to-be redeveloped environment as set forth in the Regional Plan and its Ordinances. The following shall be considered:

a. To the extent feasible, buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.

b. To the extent feasible, the scale of structures should be reasonably compatible with existing and planned land uses in the area that currently conform to all environmental and design standards.”

- d. **Problem: Code Section 13.5.3.D.4(a) [Landscaping]:** The same concerns about reasonableness and feasibility apply to Subsection 4(a), which provides:

“4. Landscaping. The following should be considered with respect to this design component of a project:

a. Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.”

- i. Solution: For the same reasons applicable to 13.5.3.D, subsection (1)(a) [site design], as discussed in paragraph 5(a) above, in order to ensure the consideration of reasonableness and feasibility, and to include some measure of flexibility in the Code, and to codify other landscaping design options currently available to project applicants, we suggest that Section 4(a) be revised as follows:

“4. Landscaping. The following should be reasonably considered with respect to this design component of a project:

a. Native vegetation should be utilized whenever feasible [delete: possible], consistent with Fire Defensible Space Requirements. Use of non-native vegetation is permissible for accent, along walkways, at project entry and exit areas, and for other focused design purposes.”

- e. **Problem: Code Section 13.5.3.D.5 [Lighting]:** Most parcels in Tahoe are not properly lit to enhance public safety, way-finding and a reasonable level of aesthetics. We have all seen the “black hole” of poorly lit projects which detract

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from their potential to be viable. Lighting standards in the Code should be reasonable and should provide for some design flexibility to achieve reasonable commercial and public safety objectives. Our concerns about reasonableness and feasibility also apply to Subsection 5 [Lighting], which provides:

“5. Lighting. Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:
a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
d. Lights should not blink, flash, or change intensity except for temporary public safety signs.”

- i. Solution: For the same reasons applicable to 13.5.3.D, subsection (1)(a) [site design], as discussed in paragraph 5(a) above, in order to ensure the consideration of reasonableness and feasibility, and to include some measure of flexibility in the Code, as well as addressing other site constraints, we suggest that Section 5 be revised as follows:

“5. Lighting. Lighting increases the operational efficiency of a site and has certain benefits which help make a project aesthetic, safe and marketable. In determining the lighting for a project, the following should be considered ~~required~~:

- a. Exterior lighting should be designed ~~minimized~~ to enhance ~~protect~~ dark sky views, yet adequate to provide for public safety and directional way-finding, and should be consistent with and complement the architectural design and reasonable project aesthetic lighting objectives. Use of reasonable accent lighting is permitted.
- b. Where feasible, exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light; however, cutoff shields would likely not be appropriate for street lights or other lighting fixtures with such broader illumination objectives.
- c. Overall lighting levels should be compatible with the neighborhood light level, provided that surrounding under-lit neighborhoods will not preclude a proposed project from being reasonably lit and from achieving reasonable lighting design objectives in accordance with current lighting design standards. Emphasis should be placed on ~~a few,~~ well-placed, low-intensity lights. For a multi-unit project, the entire project site, including pedestrian paths, sidewalks, driveways and thoroughfares, will be

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considered when establishing the appropriate lighting levels for the project site.

- d. Lights should not blink, flash, or change intensity except for temporary public safety signs. Holiday lighting displays and building up-lighting is permitted during annual holiday seasons."

- f. **Problem: Code Section 13.5.3.D.6 [Signing]:** The same concerns about reasonableness and feasibility apply to Section 6(b)(ii) and (iv), which provide:

"b. In the absence of a conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

- (ii) Signs should be incorporated into building design;
(iv) Signage should be attached to buildings when possible;"

- i. **Solution:** In order to ensure the consideration of reasonableness and feasibility, as discussed in paragraph 5(a) above, and to include some measure of flexibility in the Code, as well as addressing other site constraints, we suggest that Section 6(b)(ii) and (iv) be revised as follows:

"b. In the absence of a conforming Area Plan that addresses sign standards, the following policies should apply, along with implementing ordinances, subject to reasonable sign design flexibility for the project consistent with the Code:

(ii) Signs should be incorporated into building design, but may also be included at each project entry point from a public right of way, integrated with such elements as appropriate aesthetic and way-finding lighting, native rocks, landscaping and water features;

(iv) Signage should be attached to buildings when practical [delete: possible], subject to reasonable sign design flexibility;"

6. **Request for Clarification: Section 13.7.3: Activities Requiring TRPA Approval:** Is "building floor area" in subsection D ("Any new building floor area meeting the criteria in the following table") meant to include the square footage of an attached or underground garage? We assume not. Please clarify in the Code text.

Chapter 30: Land Coverage

7. **Problem: Section 30.4.6.C.1 [Pervious coverage]:** In subsection 1(b), why is "pervious asphalt" ineligible for credit under this 25% bonus pervious coverage provision? It seems that the Code should be incenting ways for new technology to improve infiltration. This condition has been analyzed in the DEIS and found to be environmentally acceptable with the appropriate qualification. The DEIS imposed appropriate conditions which would allow for pervious coverage to benefit from this opportunity (please see language below).

- a. **Solution:** We suggest that this Code section be amended to include the DEIS language allowing pervious coverage to qualify for the 25% bonus coverage

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provision provided "a redundant infiltration BMP is in place." The DEIS mitigation measure for **3.8-4: Stormwater Runoff and Pollutants Loads** provides with respect to the pervious coverage mitigation credit:

"Restrict the coverage credit of pervious coverage to locations with low sediment loads (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) **unless a redundant infiltration BMP is in place."** (DEIS, pg. S-53; pg. 3.8-52.)

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8. **Request for Clarification: Code Section 30.4.6.C.2(b)(pervious decks):** Please clarify that the square foot quantities of pervious decks set forth in subsections (i) – (v) of subsection (2)(b) are totals applicable to each residential or tourist accommodation unit, and not cumulative numbers applicable to all of the units, cumulatively, in an entire multi-unit project. Without this clarification, multi-unit projects would not be able to benefit from this beneficial coverage exemption which will improve the quality of outdoor living at each affected unit.

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9. **Request for Clarifications and Modifications: Code Section 30.4.6.C.3 [Non-Motorized Public Trails]:**

- a. Does the Code clearly provide that the base allowable coverage under a non-motorized public trail (i.e., TRPA approved "linear public facility") which is exempt from the calculation of land coverage, otherwise remains available for use on other elements of the proposed project? If not, it should do so.
- b. Please expand the language in this Code section to incorporate the entire DEIS mitigation measure discussion provided for in **3.8-4: Stormwater Runoff and Pollutants Loads** to also include "other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan" (DEIS, pg. S-53 and pg. 3.8-53-see quotation below), as well as other connective non-motorized public trails which further the implantation of the applicable non-motorized transportation and recreational goals and policies (articulated below as additions to this mitigation measure and Code section).
- c. In addition, the exemption should apply to low capability and sensitive lands where a finding can be made by TRPA that the proposed non-motorized public trail will reduce existing impacts to an SEZ or sensitive land (such as the Sierra Colina LPF 5 which transports hikers and bikers through the Burke Creek SEZ and over Burke Creek, in a manner which reduces existing disturbance to that SEZ).
- d. Without this additional, clarifying language from the DEIS, as originally worded, would the non-motorized transit portions of the Sierra Colina LPF Network (i.e., LPFs 2, 4 and 5) have qualified for this coverage exemption under Code Section 30.4.6.C.3? Adding this requested language to be consistent with the DEIS will allow TRPA and project proponents to have flexibility in encouraging and

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proposing additional connective, public access opportunities by also benefiting from these intended coverage exemption provisions:

"Limit the maximum amount of allowable exempted coverage under this policy for high capability lands (i) to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010); (ii) to other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan [see DEIS, pg. S-53 and pg. 3.8-53], and (iii) to such other non-motorized public trails which further the implementation of TRPA Goals & Policies LU-4.9.3, 4.10.3, T-2, T-3, T-4 and T-7, and TRPA Policies T-2.1 through T-2.7, T-4.2, and T-4.6 and TRPA finds to be "linear public facilities" under the Code. The maximum amount of exempted coverage under this provision may also include non-motorized public trails situated on low capability and sensitive lands, provided that TRPA makes a finding that the proposed non-motorized public trail will reduce existing impacts to low capability or sensitive land, including an SEZ." (See, DEIS, pg. S-53 and pg. 3.8-53; and TRPA approved Sierra Colina LPF 5.)

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Chapter 36: Design Standards

10. **Problem: Section 36.5.1 (General [Site Design] Standards):** The concerns about reasonableness and feasibility discussed above at paragraph 5(a) with respect to Site Design under Code Section 13.5.3.D.1 (a) apply to the same subject matter in Section 36.5.1, and we incorporate those prior comments to our discussion of this Code Section.

- a. **Solution:** In order to add the essential concepts of reasonableness and feasibility, and to include some measure of flexibility in the Code, as well as to address other site constraints, please include the following amendments to the General Site Design Standards of Sections 36.5.1 A and B:

"A. Existing natural site features which are integral to the parcel and outside of the building site should [delete: shall] be reasonably retained and incorporated into the site design to the [delete: greatest] extent feasible. Projects shall be designed, to the extent feasible, to avoid disturbance to rock outcrops and stream environment zones and to minimize vegetation removal and maintain the natural slope of the project site and be consistent with Section 36.12.

B. Projects shall, to the extent feasible, be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when...."

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11. **Problem: Section 36.5.2 (Standards for Commercial, Tourist Accommodation, Public Service, and Multi-Residential Projects):** The same concerns about reasonableness and feasibility discussed above at paragraph 5(a) with respect to Site Design under Code Section 13.5.3.D.1 (a) also apply to Code Section 36.5.2, and we incorporate those prior comments to our discussion of this Code Section.

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- a. Solution: In order to include the essential concept of feasibility, and to include some measure of flexibility in the Code, as well as to address other site constraints, please include the concept of feasibility in the General Site Design Standards of Sections A-E, by including it in the introduction to these sections:
- “In addition to the other standards in this section, the standards for commercial, tourist accommodation, public service, and multi-residential projects shall be, to the extent feasible.”
12. **Problem: Section 36.6: Building Design Standards. Section 36.6.1. A [Screening elements]**: The same concerns about reasonableness and feasibility discussed above at paragraph 5(a) with respect to Site Design under Code Section 13.5.3.D.1 (a) also apply to Code Section 36.6.1.A, and we incorporate those prior comments to our discussion of this Code Section.
- a. Solution: In order to include the essential concept of feasibility, and to include some measure of flexibility in the Code, as well as to address other site constraints, please incorporate the concept of feasibility into Code Section 36.6.1.A-screening elements:
- “A. Screening Elements. The architectural design of a project shall include, to the extent feasible, elements that reasonably screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground.”
13. **Problem: Section 36.7.1 [Plant Species Permitted]**: The same concerns about reasonableness and feasibility discussed above at paragraph 5(a) with respect to Site Design under Code Section 13.5.3.D.1 (a) also apply to Code Section 36.7.1, and we incorporate those prior comments to our discussion of this Code Section.
- a. Solution: In order to include the essential concept of feasibility, and to include some measure of flexibility in the Code, as well as to address other site constraints, please incorporate the essential concepts of reasonableness and feasibility, into all Code sections regarding landscape design standards:
- i. Section 36.7.1[Plant Species Permitted]: It is necessary to modify this section to provide “should” rather than “shall” be used, and add, when feasible.
- “Plant species on the TRPA Recommended Native and Adapted Plant List should ~~delete: shall~~ be used for lawns and landscaping, to the extent feasible, with approved, non-native accent plants, shrubs, trees and flowers being available for use for accent, walkways, community entrances, and other similar, reasonable purposes.”
14. **Problem: Section 36.7.2 [TRPA Mandate of Minimum Plant Sizes and Spacing]**: This Code provision mandates (“shall be required”) minimum sizes for trees, shrubs and groundcover used on all projects, other than single-family home projects. In today’s

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economy, it is inappropriate that TRPA dictate minimum sizes of newly planted trees (i.e., six feet tall) and shrubs (3 gallon minimum, and 18" x 18" in size) in projects larger than one unit. Costs are very tight in all projects. The appropriate allocation of project expenditures between landscaping and other costs should be made by the project proponent, not TRPA, where, as here, there is no compelling adverse environmental impact being avoided by these TRPA requirements. TRPA has a right to approve each project landscape plan, and will do so under the Code. However, a project applicant should have the discretion to plant a greater quantity, and smaller size, of trees and shrubs with its landscape budget than it could if it were required to only plant trees at least 6 feet in height and shrubs at least 3 gallons in size. This is beyond the appropriate scope of TRPA's intended regulatory reach under the Compact. This subject matter should reside within the authority of the Local Jurisdictions and applicable State law.

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- a. Solution: These provisions prescribing minimum plant sizes should be deleted from both the Goals & Policies and the Code of Ordinances.

15. **Problem: Section 36.8.1.E [Exterior Lighting General Standards]**: The same concerns about exterior lighting standards discussed above at paragraph 5(e) with respect to Lighting Standards under Code Section 13.5.3.D.5 apply to the subject matter in Section 36.8.1[Exterior Lighting], and we incorporate those prior comments to our discussion of this Code Section.

- a. Solution: The following language in Subsection E needs to be clarified, so that subjective judgments about the proposed purpose of a lighting plan for a project are avoided, and so the project may pursue reasonable aesthetic lighting design objectives, where the lighting plan serves a TRPA approved illumination purpose, even though it also enhances the aesthetics of a project at night. Some projects are in areas of complete darkness or under-lit surrounding neighborhoods, so the lighting plan can also enhance public safety and way-finding. Section 36.8.1.E should be revised as follows:

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"E. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited. Outdoor lighting which is reasonably necessary to achieve a legitimate need of illumination under the Code of Ordinances is permissible. The provisions and intent of Code Section 13.5.3.D.5 are hereby incorporated herein by reference. Lighting which is consistent with Code Section 13.5.3.D.5, but which also has a positive aesthetic lighting effect on any building or surrounding landscape on the project site, is also permissible."

16. **Problem: Code Section 36.9: Water Conservation Standards**: This Code section provides:

"The following appliances and fixtures shall be installed in new facilities or when replaced in existing facilities: low-flow flush toilets; low-flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliance (e.g., washing machines and dishwashers)."

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We support LEED standards, and our Sierra Colina project will voluntarily contain low-flow flush toilets, low-flow showerheads, and other water conservation fixtures and appliances as outlined in Section 36.9. But to require all new projects to do this is a selective tax on new development, and one more cost mandated on new construction which impacts a project's economic feasibility.

- a. Solution: TRPA should not micromanage development and redevelopment in the Basin on the interior of structures, where Local Jurisdictions and State law will be taking the lead on the types of energy and water saving devices their Codes either encourage or require. This Code section should be deleted. If this code section remains in place, at a minimum, the words "shall be installed" should be replaced by the words "are encouraged to be installed."

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Chapter 37: Height

17. **Request to Clarify Ambiguity: Code Section 37.4.3.B [Exceptions to Height Limits-flagpoles]**: There are two ambiguities in this Code section which we believe should be clarified. Figure 37.4.2-B shows TRPA's height limit general intent with respect to flagpoles, we believe.

- a. Solution: To match that intent, the language should limit a flagpole's height to the lesser of "an additional 15% of the maximum height of the residence or 30 feet, whichever is less". Also, the provision should also expressly permit one free standing flagpole per building, which flagpole does not exceed these height limits. Here is the suggested clarifying language:

"One flagpole per building [whether freestanding or attached to the building] may be permitted as an appurtenant structure, not to exceed 15 percent above [delete: of] the otherwise permissible maximum building height, or 30 feet, whichever is less,..."

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Chapter 65: Air Quality/Transportation

18. **Code Section 65.3 [Bicycle and Pedestrian Facilities- A Proposed NEW Code Section]**

- a. **Problem: Code Section 65.3.2 A [Applicability of Obligation to Grant Easement]**: The phrase, "to the extent feasible" needs to be inserted before the first sentence of Section 65.3.2.A, so that a property owner or project applicant is not subject to an easement dedication requirement that the property or project cannot feasibly satisfy.

- i. Solution: It is necessary to modify Code Section 65.3.2.A to provide "to the extent feasible" when a property owner is required to grant an easement for the public benefit:

"A. To the extent feasible, [a]ll applicants for commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including the construction, alteration, or improvement of roadways, on lands

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designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan shall be required to grant an easement for the bicycle and pedestrian facilities in any of the following situations listed below: “

- b. **Problem: Code Section 65.3.3.C [Adjustment to Code Requirements]:** It should be confirmed that the following provision of this section applies to all linear public facilities for non-motorized bicycle and pedestrian travel approved by TRPA. The applicable portion of this Code Section provides:

“Neither the land coverage nor the site area required for the bicycle or pedestrian improvement shall reduce the total land coverage or development potential otherwise allowed for the project area.”

- i. **Solution:** This clarification is important in order to incent private parties to include such bicycle and pedestrian facilities in private party development and redevelopment projects, such as non-motorized bicycle and pedestrian trails included as part of the Sierra Colina project.

- c. **Problem: Code Section 65.3.3.D [Reasonable Relationship to Anticipated Impacts]:** This provision imposes a potentially infeasible obligation on a property owner under the guise of a “reasonable relationship to anticipated impacts.”

- i. **Solution:** Please insert the phrase, “or if their imposition would make the project or any material element thereof infeasible” at the end of the last sentence of Section 65.3.3.D, so that a property owner or project applicant is not subject to an easement dedication requirement that the property or project cannot feasibly satisfy. The proposed revised provision follows:

“D. Reasonable Relationship to Anticipated Impacts.
All easement dedications imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this section. Any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. Easements shall not be required if these determinations cannot be made, or if their imposition would make the project or any material element thereof infeasible.”

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Chapter 90: Definitions

19. Ambiguities: Chapter 90: Definitions:

- a. **Missing Definition: “Natural Site Feature” or “Natural Feature”:** This term is used in the Code and has been interpreted in different ways by TRPA Staff during project reviews, and needs to be defined in the Code to avoid inconsistent applications of this term.
- i. **Solution:** Please add this term as a new definition contained in Chapter 90, consistent with our comments in paragraphs 5(a) and 10 above

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regarding "site features" or "natural site features" with respect to Community Design and Building Standards. We incorporate those comments herein regarding the correct scope of the proposed definition.

- b. **Unclear Definition: Story**: There could be an ambiguity in the interpretation of the definition of "story" with respect to underground parking.

- i. **Solution**: This new definition should be clarified by including "parking garages under habitable living areas" in the description of areas that are not considered a story:

"Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics and parking garages under habitable living areas, are not considered a story."

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TRPA Goals & Policies: Land Use

20. **Solution: LU-4.5**: We incorporate by reference our comment in paragraph 4 above regarding Section 13.4.2. Initial Statements of Intent to Develop an Area Plan, and the need to modify the April 30, 2014 date by which the TRPA Governing Board shall evaluate the local government statements of intent to develop an area plan.

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TRPA Goals & Policies: Community Design

21. **Solution: CD-2.1.A [Site Design]**: We incorporate by reference our comment in paragraphs 5(a) and (b), 10 and 12 above regarding Code Section 13.5.3.D.1 [Site Design], and the need to modify the provisions of Site Design to incorporate the principles of reasonableness and feasibility, and to include a new definition of "natural features" or "natural site features".
22. **Solution: CD-2.1.B [Building Design]**: We incorporate by reference our comment in paragraph 5(c) above regarding Code Section 13.5.3.D.3 [Building Design], and the need to modify the provisions of Building Design to incorporate the principles of reasonableness and feasibility, and to include revisions to buffer requirements and scale of structures.
23. **Solution: CD-2.1.C [Landscaping]**: We incorporate by reference our comment in paragraph 5(d) above regarding Code Section 13.5.3.D.4 [Landscaping], and the need to modify the provisions of Landscaping to incorporate the principles of reasonableness and feasibility, and to include revisions to native vegetation requirements.
24. **Solution: CD-2.1.D [Lighting]**: We incorporate by reference our comment in paragraph 5(e) above regarding Code Section 13.5.3.D.5 [Lighting], and paragraph 16 regarding Code Section 36.8.1.E [Exterior Lighting Standards], regarding the need to modify the provisions of these Lighting Code Sections and G&P to incorporate the principles of reasonableness and feasibility, and to include revisions to the lighting standards to further reasonable aesthetic lighting objectives and to provide that surrounding under-lit neighborhoods will not preclude a proposed project from being reasonably lit in accordance with these design standards.

I118-24

Ms. Norma Santiago, Chair
June 28, 2002
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25. **Solution: CD-2.1.E [Signing]:** We incorporate by reference our comment in paragraph 5(f) above regarding Code Section 13.5.3.D.6 [Signing], and the need to modify the provisions of Signing to incorporate the principles of reasonable design flexibility.

I118-24
Cont'd

TRPA Goals & Policies: Water Quality

26. **Question: WQ-1.1, 1.5, 1.6 and 1.7 [Lake Tahoe TMDL]:** What is TRPA's proper role with respect to the implementation of the "Lake Tahoe TMDL"? WQ-1.1, 1.5, 1.6 and 1.7 provide:

"WQ-1.1 Achieve and maintain water quality thresholds through comprehensive regional planning and through coordination with other public agencies and the private sector.

WQ-1.5 Support the Lake Tahoe Total Maximum Daily Load (TMDL) programs in California and Nevada and the TMDL Pollutant/Stormwater Load Reduction Plans for each local government in the region.

WQ-1.6 Support federal, state, local and private water quality improvement programs that improve water quality in the region.

WQ-1.7 Coordinate with public and private entities to maximize the efficiency and effectiveness of water quality programs. "

Answer:

- a. The Lake Tahoe aesthetic water quality standards for Nevada and California are different (i.e., California law focuses on Lake "transparency", and Nevada law focuses on Lake "clarity").
 - i. "California has identified Lake Tahoe's lack of transparency as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. To comply with California's Lake Tahoe transparency standard, a 25-centimeter (10-inch) white Secchi disk would need to be visible 29.7 meters (97.4 feet) below the surface of Lake Tahoe on an average annual basis." (DEIS, pg. 3.8-6.)
 - ii. "Nevada has identified Lake Tahoe's lack of clarity as the primary basis for its impaired status under its Section 303(d) impaired water listings filed with EPA. Clarity is defined as a quantitative measure of the vertical extinction of light (VEC) per meter of depth. A lower VEC reading indicates more clarity to the water. To comply with Nevada's Lake Tahoe clarity standard, a VEC of 0.08 per meter is necessary." (DEIS, pg. 3.8-6.)
- b. Consequently, NDEP and the Water Board developed separate Lake Tahoe TMDL Reports to address the Lake's visual impairment. Both states' TMDLs are based on
 - i. The same underlying science and analyses; and
 - ii. Shared aspirations to achieve the "*transparency*" standard.

I118-25

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- c. The Nevada and California "TMDLs established under CWA Section 303(d) function primarily as planning devices and are not self-executing. Each TMDL represents a goal that may be implemented by adjusting pollutant discharge requirements in individual NPDES permits or establishing nonpoint source controls. 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 to address the impairment of Lake Tahoe as addressed in each state's Section 303(d) filings with EPA." (DEIS, pg. 3.8-7.)
- d. In 2011, the EPA separately approved both TMDL Reports. Both states now are implementing the Lake Tahoe TMDL, and the jurisdictions around the Lake each have one regulatory agency within their respective states to interface with on the TMDL. The California jurisdictions interface with the Water Board, and the NV jurisdictions interface with NDEP.
- e. WQ-1.5 and the Regional Plan propose not to further complicate the local jurisdictions' efforts to work with their regulators and implement the TMDL by having TRPA becoming a third regulator of the TMDL. NDEP and the Water Board rejected this concept in their TMDL Reports, where they agreed that TRPA's most effective role would be as a facilitator of the TMDL.
- f. Today's reality is that the flow of hundreds of millions of public dollars to fund further water quality improvements is over. To achieve the load reductions required under the Clarity Challenge, there needs to be extensive collaboration between the public and private sectors to leverage private investment dollars to generate environmentally beneficial redevelopment. TRPA is uniquely positioned to design and deliver targeted tools to encourage the public and private redevelopment of the non-conforming built environment to reduce loads.
- g. TRPA's role in the TMDL implementation should be as recommended in the draft RPU Goal's and Policies and patterned on its existing RPU plan to delegate permitting authority to local jurisdictions. In this case, that means allowing NDEP and the Water Board to continue their sole regulatory roles to implement the TMDL, with their local jurisdictions.
- h. By doing so, TRPA will advance threshold achievement by (1) supporting progress on TMDL implementation in both States and (2) using its resources to encourage redevelopment of the non-conforming build environment to achieve necessary load reductions.
- i. Sierra Colina's role as an active partner in and contributor to the Lake Village EIP # 679 Phase II EIP Project is an example of a successful Nevada public/private partnership. Sierra Colina was the catalyst for the project by spending \$25,000 of private capital to fund a study by Brent Wolfe at nhc to demonstrate the feasibility of a public storm water project on Lake Village Drive in Stateline. We have committed \$500,000 of our private funds and easements on our land to construct and maintain a shared public-private treatment facility on the Sierra Colina parcel to treat both public and private stormwater as part of Sierra Colina.

I118-25

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- j. However, it is Douglas County which took the lead agency role to design and implement this multi-party public/private partnership, which has now been constructed, and which Douglas County estimates will reduce sediment loads to the Lake by 70 TONS per year.
- k. 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.

I118-25
Cont'd

RPU Draft Environmental Impact Statement (DEIS) [Additional Comments]

27. **Problem: Impact 3.8-4: Stormwater Runoff and Pollutants Loads [Pervious Decks]:**
One of the proposed mitigation measures in the DEIS is pervious decks, which provides:

“Limit the pervious deck exemption 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 (LCDs 4-7). (DEIS, pg. S-52 & pg. 3.8-52).”

As written, the mitigation measure would apply only to a single family home project, since the maximum areas of pervious decks is limited to the lesser of 750 SF and 5% of the total amount of high capability land on a parcel. 750 SF of decks, in the aggregate, on a multi-unit project would be essentially meaningless. We believe that this was an oversight in drafting.

- a. **Solution:** This drafting error could be corrected by expanding the definition to apply, as drafted to a single family home, and as amended, to a multi-unit project by providing that the maximum amount of pervious decks on a multi-unit project is the greater of the two quantities proposed in the mitigation measure, rather than the lesser of the two quantities outlined (which would continue to solely apply to a single family project). Otherwise, this measure will have little impact or benefit in redevelopment and other multi-unit projects. The proposed revised mitigation measure (and all related G&P and Code provisions) should be revised to be consistent with the following:

“Limit the pervious deck exemption [for a single family home] to 5 percent of the total amount of high capability land on a parcel or 750 square feet, whichever is less, and 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 limit the pervious deck exemption per unit in a multi-unit project to 750 square feet per unit, provided that the pervious deck meets BMP requirements and is located on high capability land (LCDs 4-7).” (DEIS, pg. S-52 and pg. 3.8-52.)

I118-26

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Page 22

28. **Problem: Impact 3.12-2: Affordable and Moderate-Income Housing and Mitigation Measure 3.12-2: Prepare a Regional Housing Needs Program and Implement Recommendations.** (DEIS, pg. S-66.) Currently, the moderate income deed restriction required for moderate income housing units must last in perpetuity. See Code Section 52.3.6.B. which provides in part:

“B. Permanent Limitations on Approved Use, Rental Rates, and Income Limits.

The moderate-income housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and occupants' household income to moderate-income housing limits. ... Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction or other covenant running with the land shall not be occupied until the non-complying element of the program is rectified.”

This has been interpreted to require permanent deed restrictions for moderate housing units (see, e.g., Douglas County's TRPA approved Moderate Income Housing Plan).

- a. **Solution:** The DEIS should study the adverse impacts of such a requirement, versus a deed restriction that lasted for the lesser of the useful life of the structure, or 50 years. A deed restriction lasting in perpetuity will, over time, result in blight and the failure to redevelop structures at the end of their useful life, whether the moderate income units are rental units or have been subdivided into condominiums. This moderate income housing deed-restriction requirement has discouraged the development and/or conversion of units to moderate income housing in the Basin. Note the almost total lack of them in the Basin, other than with respect to a required housing mitigation measure where existing moderate income housing was destroyed to make way for a redevelopment project (e.g., Incline Creek Estates and Tahoe Beach Club). This additional study by the DEIS should also thoroughly analyze the applicable provisions of the existing TRPA Code of Ordinances with respect to moderate income housing and the appropriate duration of the deed restriction. A failure to address this issue will result in a continued under-development of moderate income housing in the Basin.

Finally, we have reviewed the RPU comments submitted by Chuck Sharer of the Edgewood Companies and by Lew Feldman. We agree with the comments, and would like to support and incorporate them into our comments as well.

Thank you for taking into consideration our comments. We look forward to the opportunity to work with the TRPA RPU team to revise and enhance the effectiveness of the RPU to achieve the requirements of the Compact and the revised objectives in the Goals and Policies. We remain convinced that the adoption of RPU Alternative 3, as amended, will be a great accomplishment for the benefit of our community and the Lake.

With Respect,

Steven C. Kenninger & Gail A. Jaquish, Ph.D.
Sierra Colina, LLC

I118-27

I119

From: Jennifer Montgomery [<mailto:JenMonten@placer.ca.gov>]
Sent: Monday, June 25, 2012 8:25 AM
To: Joanne Marchetta
Subject: RPU Comments

Dear Joanne et al,

I'd like to congratulate you all on having taken on such a monumental task and making good progress toward a positive outcome for the RPU. Largely the document seems very much like a huge step in the right direction. There are however a few suggestions/points/comments I'd like to make. Joanne, please distribute my comments to the entire Governing Board if you would be so kind!

I119-1

First, TAU's. I remain firmly convinced that TAU's should have a maximum "transfer" potential. I'd suggest no more than 3 times the original size of the unit. So a 300 square foot unit could become as large as 900 square feet, 400 square feet up to 1200 square feet, etc. However I also believe that the maximum size for a TAU should be no more than 1800 square feet--in other words, any "old" TAU larger than 600 square feet, could only become a "new" TAU of 1800 square feet. It is my guess that there are few, if any, TAU's from our existing old hotels etc that exceed 600 square feet.

I119-2

Second, expansion of uses in undeveloped areas. It is my position that our efforts need to remain tightly focused on the existing, degrading, developed, human built areas. I believe it is bad policy to allow any kind of expansion of use (or new development) in the currently undeveloped areas. Therefore no new allowable uses of any kind should be added to zoning designated areas such as Recreation, Conservation, Forest, Open Space, Wilderness, Timber Production Zones, etc. WE have enough on our plates dealing with the existing human built environment.

I119-3

Third, the Highway 89 Commercial Corridor South of Tahoe City. This area, including the Lumber Yard immediately adjacent to Tahoe City, and the businesses between there and River Ranch are currently designated by the TRPA in such a way that the business owners literally cannot repair or replace their structures without violating TRPA policy. I would suggest that the TRPA look at the allowable uses permitted by Placer County and make your own Code conform. Currently, the local business owners in the Northernmost area (Placer County Zoned "Recreation, Special Area 1"), under TRPA regulations are allowed only "Ice and Propane sales" as uses if I recall correctly. This makes it almost impossible for the businesses to remodel or even rent the buildings to interested parties. This needs to change in order to incentivize those business to upgrade their appearances and to connect to the sewer line that runs past them (they are on septic directly on the Truckee River--yikes).

I119-4

Fourth, the physical boundaries of TRPA's area of influence needs to be better defined. The businesses mentioned above, have NO drainage into Lake Tahoe, nor do they have "scenic" connectivity to the Lake and therefore truly should not be subject to TRPA regulation. These businesses are already subject to Lahontan and other State, Federal and County water quality rules, design codes and other building regulations--but having literally NO impact on the Lake, should be removed from the TRPA oversight area. I would suggest a broader, watershed based review of the current TRPA area to better inform the Agency which properties should, and should not be under TRPA jurisdiction. With the new GIS mapping sciences, this should be a fairly straightforward process that will better serve the Agency, the Lake and the Clarity goal we all hope to meet.

I119-5

Again, I thank you for your efforts and for taking the time to read over my comments.

Jen

Thank you,
 Jennifer Montgomery
 Chairwoman Placer County Board of Supervisors 2012
 Placer County Supervisor, District 5
 530-889-4010

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Both Plans

Page

I120**Both Plans**

Tahoe Future [kmyers@vailresorts.com]

Sent: Friday, June 22, 2012 2:00 PM

To: regionalplancomments

Name Dave Myers
Email kmyers@vailresorts.com
Subject Both Plans

Message

I am the Sr. Director of Mountain Operations for Kirkwood Mountain Resort. I have been in the regions for over 39 years now and have been an employee of KMR for this entire period with the last 24 years as a year-round employee. My primary residency has been at Kirkwood and now in southern Carson Valley near Woodfords, however my early years were as a renter in the Tahoe Basin. I always indentified as a Tahoe local while living at Kirkwood and would do most of my shopping and much of my recreating at the Lake. Both of my children were born in Barton Hospital. Clearly it is time to implement a long sighted plan to improve the quality of life, environment, and healthy recreational oportunities in the Tahoe Basin. It is obvious that there are too many cars in the Tahoe Basin without the infrastructure to accommodate the traffic. It appears that the Transportation Plan seeks to help remedy this while providing better mass transit opportunities, more options for safe motor-free conveyance with long term planning. I certainly support this type of approach. I would also support continuing evaluation of alternative transportation options as technology advancements allow. The Regional Plan also makes sense as it creates a more reasonable approach to development than previous restrictions allowed while providing for the oversight and continued BMP's to sustain the environmental health of the Basin. I paricularly like the consolidation of commercial spaces to create less need to travel to multiple locations to fulfill everyday needs.

I120-1

Site <http://www.tahoefuture.org>

Sent from (ip address): 216.24.133.55 (216.24.133.55)

Date/Time: June 22, 2012 9:00 pm

Coming from (referer): <http://www.tahoefuture.org/comment/>

Using (user agent): Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.2; WOW64; Trident/4.0; .NET CLR 2.0.50727; .NET CLR 3.0.4506.2152; .NET CLR 3.5.30729)

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/26/2012

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I121June 28th 2012

Dear Tahoe Regional Planning Agency,

It is of great concern to me that your proposed Regional Plan will not protect Lake Tahoe.

I highly object to the proposed use of high density development.

Your Regional Plan was so overwhelming that I feel the public is underserved by the 60 day review.

I am opposed to your new Regional Plan.

Thank you,

Dana Spencer
PO Box 1496
Tahoe City CA
96145

taxpayer, landowner

I121-1

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I122**Stacey**

5.24.12

Stacy, I respect and support your decision to keep the review period at 60 days. It is time to move forward and I absolutely support getting both the RPU and the RTP passed quickly for our community. I am incredulous to hear some environmental groups claim they need more time to review the Plan and this is disingenuous in my opinion. They have reviewed and weighed in all along since the process began so long ago. We know where they stand and there is not much to be gained for them to discover anything new if they were given more time. The Plan has been well thought out, countless hours of expert research and science has been spent formulating and vetting these Plans. It is frustrating to me that it was supposed to be approved back in 2007, meanwhile our Lake is in decay. Moreover, it is ludicrous to argue that nothing should be done as Alternative 1 purposes; no change would be irresponsible. Embracing the status quo is wrong, as is if the so called environmental interests have forgotten their original mission was to protect the Lake and improve its clarity. We know that environmental redevelopment is a means to attain our Threshold standards sooner as well as create much needed economic opportunity for our community. Both locals and tourists will greatly benefit from this intelligent land use planning. We know that the economic well-being is so tightly linked to the environmental well-being; so we all need to get behind Alternative 3 and push forward. We need to know who is actually going to take a position for our Lake. We need to transform our urbanized environment to achieve these goals. Delay and status quo are the enemy of our Lake, economy and our community.

I122-1

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Public Comment on Draft 2011 Threshold Evaluation Report

Page 1

I123**Public Comment on Draft 2011 Threshold Evaluation Report**

Michelle Sweeney [msophiasweeney@gmail.com]

Sent: Thursday, June 28, 2012 12:16 PM**To:** regionalplancomments**Attachments:** Michelle_Sweeney_Threshol~1.docx (97 KB)

Michelle Sweeney

1934 Toppewetah Street

South Lake Tahoe, CA 96150

Tahoe Regional Planning Agency

128 Market Street

Stateline, NV 89449

June 28, 2012

Dear Madam Chair and Members of the Governing Board;

My comment is in reference to the draft 2011 Threshold Evaluation Report which is to be applauded for its thoroughness and coherence. It facilitates contribution of strategic public input. The recommendation I bring you has to do with aquatic invasive species (AIS), is consistent with the general direction staff is taking on this issue and requests a specific action.

The recommendation is this: Thoroughly analyze, and then discuss at a policy level, the pros and cons of upgrading the aquatic invasive species performance measures of the EIP. By "upgrade" I mean make these performance measures quantitative and static.

Context

The draft 2011 Threshold Evaluation Report Water Quality chapter (chapter 4) indicates that the aquatic invasive species subject resides currently in the context of the nearshore studies ongoing in the science community and that further information will become available to you in the fall of this year. This is an indication that the process of making explicit connection between aquatic invasive species and the water quality threshold is in its early stages. This is positive.

In the meantime, the broadest vantage point that managers have on the effectiveness of the AIS program is at the level of performance measures for the Environmental Improvement Program (EIP). The recommendation I am bringing forward today has to do with making these EIP performance measures more meaningful and robust than they are in June 2012. I believe that in the long term this will make the interagency Aquatic Invasive Species Program more effective.

I123-1<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAAD6Wg1aelneRarDptbQ...> 6/29/2012

Public Comment on Draft 2011 Threshold Evaluation Report

Page 2 of 2

The recommendation is this: Before the close of 2014 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.

Thank you for receiving this recommendation in the context of the public review of the draft 2011 Threshold Evaluation Report.

Sincerely,

Michelle Sweeney

Resident, Lake Tahoe, California

I123-1
Cont'd

<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

I124

Michelle Sweeney
1934 Toppewetah Street
South Lake Tahoe, CA 96150

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

June 28, 2012

Dear Madam Chair and Members of the Governing Board,

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In the meantime, the broadest vantage point that managers have on the effectiveness of the AIS program is at the level of performance measures for the Environmental Improvement Program (EIP). The recommendation I am bringing forward today has to do with making these EIP performance measures more meaningful and robust than they are in June 2012. I believe that in the long term this will make the interagency Aquatic Invasive Species Program more effective.

The recommendation is this: Before the close of 2014 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.

Thank you for receiving this recommendation in the context of the public review of the draft 2011 Threshold Evaluation Report.

Sincerely,
Michelle Sweeney
Resident, Lake Tahoe, California

I124-1

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I125**Sean Sweeney**

5.24.12

Sean Sweeney said I am here to support the Regional Update Plan. I have been a resident here for 45 years. My family moved here in 1966 and I've seen a lot of change in this community. I now raise my two children here. One of the great things about this community that we are consistently losing is jobs, people and community members. Every year my son comes home and asked me why kids from his class are leaving this community. It is because a lot of businesses have left and there are not job opportunities. I work at Sierra-at-Tahoe and there every year we have a business plan and that plan is laid out to make sure we are successful throughout the year and we need a plan in this community to make sure we are successful in the future. For me this really hits home and I hope I can stay and I hope everyone in the audience today can stay and continue to thrive in this community. This last weekend I was down at Lakeview Commons and the sense of community that is starting to be created down there really awakened me to things we can do in this community. You saw people walking around and going down to the beach, which are the types of things that we need to have in this community moving forward. There are a lot of areas in this community that we can continue to develop. Without a plan at Sierra-at-Tahoe we would flounder and thankfully we do have a plan there and hopefully this community can get this plan passed in a timely manner so we can have something to strive for in the future.

I125-1

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I126**Michelle Sweeney****6.28.2012**

Michelle Sweeney, resident of California and the Tahoe Basin said my comment is in reference to the Draft Threshold Evaluation Report which is to be applauded for its thoroughness and coherence. It really facilitates contribution of strategic public input. The recommendation I bring you has to do with aquatic invasive species and is consistent with the general direction staff is taking on this issue and requests a specific action. The recommendation is this: thorough analyze and then discuss at a policy level the pros and cons of upgrading the aquatic invasive species performance measures up the EIP. By upgrade I mean make these quantitative and static. Some context: the Threshold Evaluation Report water quality chapter, Chapter 4 indicates that the aquatic invasive species subject resides currently in the context of the nearshore studies ongoing in the science community and that further information will become available to you in the fall of this year. This is an indication that the process of making an explicit connection between AIS and the Water Quality Threshold is in its earliest stages. This is positive. In the meantime the highest level of resolution or broadest vantage point that managers have on the effectiveness of the AIS program is at the level of performance measures for the EIP. This recommendation has to do with making these performance measures more meaningful and robust and I believe in the long term making the AIS program more effective. The recommendation is this: before the close of 2014 thoroughly analyze and discuss in an inter-agency forum and at the policy level the pros and cons of upgrading, making quantitative and static the AIS EIP performance measures. Thank you.

I126-1

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I127

From: [Sam Tagart](#)
To: [Norma Santiago](#); [Shelly Aldean](#); [Mara Bresnick](#); [Robin Reedy](#); [Pauline M. Auau](#); [John Breternitz](#); [Ross Miller](#); [Casey Beyer](#); [ronslaven@hotmail.com](#); [Claire Fortier](#); [Nancy McDermid](#); [jreid@bhfs.com](#); [Byron Sher](#); [Larry Sevison](#); [Steve Robinson](#); [Clem Shute](#)
Cc: [Roger Patching](#); [Ruth Whitehouse](#); [Gail J. Tagart](#)
Subject: TRPA Regional Plan
Date: Sunday, May 13, 2012 1:25:46 PM

Dear TRPA Board,

I am a resident of Kings Beach, CA who recently learned of a new and complex Regional Plan that now has only 60 days for public review. I respectfully request that you extend the period at least 90 more days so that I and others can better understand the full implications of the new plan.

Sam W. Tagart, Jr.

I127-1

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I128**Scott Teach****6.27.2012**

Scott Teach said I moved here for the 1979-1980s Squaw Valley ski season where I ultimately worked for 8 years. Part of my job there, I took part in the annual job fairs where I hired hundreds of people over the years. In addition to those I personally hired, I got to know probably thousands of ski area employees in not only Squaw but Alpine and North Star and so on. After a while I began to notice a pattern as many of my acquaintances would leave the area after just a year or three. They would state the ability to create a more stable living wage required them to live elsewhere as I sometimes thought about doing. Ultimately I came to the conclusion that my working two and even three jobs at one time was the cost of admission to Tahoe versus living in an urban area among throngs and congestion. We all make tradeoffs in life. Please stop and imagine if all those people that I knew personally and the many more I didn't know at all stayed at Tahoe because of abundant high paying jobs that only required application, who wouldn't want to live here. This place would be unrecognizable.

I haven't had time to even scratch the surface of the Alternative 3 draft RPU. Expecting the public to make substantive comment on these many thousands of pages within just 60 days, I feel is verging on sadistic.

Some of what I have read that makes it obvious that TRPA now wants to be social and economic engineers and leave to others most of the challenges the agency was created to tackle in the first place. The plan seems also to cater to national ski conglomerates, casino organizations and big money come lately. These vary industries are famous for the subsistence earnings I just referenced. The only winners I feel will be the likes of Domus who can build more out of scale and out of character projects like the one nearing completion just up the street.

Ultimately I too left the ski industry after trying a couple of small businesses I settled on real estate sales which I have done for about 20 years now. Part of my job is to educate people about the TRPA and its role here in the Basin. For years I would tell people the TRPA was a little like cod liver oil, a bit hard to swallow at times but ultimately good for us and protected us from over urbanization. Now with what I see as the agency's 180 degree shift in philosophy, I wonder if I should disclose to my customers that the TRPA is come a little bit more like arsenic and old lace, palatable on the surface, but potentially lethal.

And finally and please staff I continually hear them anyone who takes issues with this new vision, saying that we just want to cleanse the Basin of humans and that Tahoe missed the opportunity to be a national park years ago. I don't know anybody that wants no growth or wants Tahoe to look like Camp Curry and although the statement about the national parks is true, I find it to be a real cop out. Thank you.

I128-1

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I129

Sustainable Community Advocates

June 28, 2012

Ms. Norma Santiago, Chair
Members, Governing Board
Ms. Joanne Marchetta, Executive Director
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449

**Re: Comments: Regional Plan Update (RPU)
 Regional Transportation Plan (RTP)
 Draft Sustainable Communities Strategy
 Draft Environmental Impact Statement (DEIS)**

Dear Governing Board Members and Agency Staff:

These comments are submitted by Sustainable Community Advocates (SCA), Steve Teshara owner and Principal. SCA recognizes that the health and sustainability of Lake Tahoe's economy, environment and community are inextricably linked. With this in mind, it is essential that the TRPA Regional Plan Update and Regional Transportation Plan provide the foundation, framework and incentives to:

- Effectively address and eliminate barriers to community revitalization and environmental redevelopment.
- Incorporate a Code of Ordinances that allows Tahoe to reinvent its older, obsolete built environment in a way that is financially viable. We must effectively address the declining economic conditions that currently exist throughout the Basin. Tahoe's continued economic decline leads directly to continued environmental decline in all Threshold categories impacted by urban decay.
- Significantly improve our transportation and transit systems with an appropriate priority placed on non-auto mobility.
- Coordinate with the Lake Tahoe Basin Prosperity Plan to execute specific strategies to revitalize the region's economy.
- Effectively engage private sector investment to accelerate the attainment and maintenance of environmental gain.

SCA believes Alternative 3 best reflects the concern that the status quo is harming Lake Tahoe's environment and economy. Alternative 3 recognizes that a new approach is needed to accomplish key goals, such as those summarized above. Alternative 3 best reflects the strategies of "strongly incentivized" environmental redevelopment to accelerate water quality and other threshold attainment objectives. SCA also believes that Alternative 3, as written, could be improved. This comment letter provides recommendations for how to improve Alternative 3.

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Alternative 3 Proposals - Positive Change over Existing Regional Plan Provisions

- Alternative 3 incorporates a number of new proposals, including local "Area Plans" and new special district overlays: Town Center, Regional Center, and High Density Tourist District. It changes the existing land use designations of Commercial and Public Service to "Mixed Use". As proposed, it is important to allow and encourage residential units to be incorporated into Mixed Use.
- Alternative 3 seeks to incentivize the transfer of Commercial Floor Area (CFA) and Tourist Accommodation Units (TAU) into Town Centers, the Regional Center and the High Density Tourist District ("special district overlays"). SCA enthusiastically supports the direction of creating compact community core areas that are more walkable, bike and transit friendly. This is a more sustainable direction for Tahoe's economy, environment and quality of life.
- The Area Plan provisions of Alternative 3 provide the greatest level of flexibility (of the alternatives identified) for Tahoe's local governments to prepare and adopt plans tailored to the needs of local communities that incorporate TRPA requirements and local planning objectives.
- Alternative 3 would allow 70 percent coverage on developed and undeveloped parcels (Bailey land classifications 4-7) within these special district overlays. This is consistent with the RPU's stated Land Use goals and policies.
- Alternative 3 allows coverage transfers across the boundaries of "Hydrologically Related Areas" (HRA). The importance of this change is underscored in the new report - *Tahoe Basin Impervious Surface Coverage Study* (June 2012). More on this study later in this letter.
- Under Alternative 3 locally preferred Area Plans are allowed to permit building heights of up to 4 stories (56 feet) in Town Centers, 6 stories (95 feet) in the Regional Center (South Lake Tahoe), and 197 feet in the High Density Tourist District (Stateline). Height is important for architectural design as well as to facilitate a significant reduction in strip commercial with compact development that is walkable, bike-able and transit-friendly.
- Alternative 3 would allow Area Plans to manage coverage comprehensively rather than at the parcel sale if this approach if the individual Area Plan demonstrates that this is a more effective approach to reducing coverage overall and within Bailey land classifications 1-3. A provision is included that provides a Land Capability Verification waiver for identified high capability lands.
- Alternative 3 would exempt non-motorized public trails from coverage regulations, subject to design and maintenance requirements. The high cost of purchasing the coverage required under current regulations is inhibiting or preventing the construction of vital segments of Tahoe's trail network.
- Alternative 3 would change 250 acres of privately-owned land adjacent to the proposed High Density Tourist District from conservation to recreation. Alternative 3 proposes to amend the Code of Ordinances to allow the development and subdivision of tourist, commercial and residential uses in the Recreation District by means of an Area Plan of Master Plan. SCA

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believes the proposed mitigation for this change is appropriate and adequate. The High Density Tourist District is the heart of Lake Tahoe's largest tourism bed base. The change is consistent with efforts over the past ten plus years to make recreation more immediately accessible to this bed base. The Heavenly Gondola and Van Sickle Bi-State Park are two excellent examples of such changes that have/are helping reduce the need for visitors to travel out and back from the core to access recreation via the private automobile.

- Alternative 3 includes all remaining allocations from the 1987 Plan and 200,000 square feet of new CFA and 2,600 new residential allocations (same as Alternative 2), and adds 600 new residential bonus units. These are provided to support the deed-restricted affordable housing units and may be granted for multi-residential projects on parcels located within Area Plans or other local plan areas designated for multi-residential land uses.

As recognized in the RPU DEIS, the Lake Tahoe Region has a high percentage of second home ownership and seasonable housing (44 percent), high median home prices as compared to the out-of-Basin portions of the Region's counties, and a high proportion of the workforce residing outside of the Region. This combination of factors indicates a demand for affordable and moderate income housing in the Tahoe Region, but few regulations or incentives require or stimulate its development. The bottom line - the Region is substantially lacking in adequate workforce housing with the appropriate quality and amenities to meet today's needs.

There are numerous studies and reports that document this need. SCA understands that proposed mitigation measures (3.12-2) require actions to *"Prepare a Regional Housing Needs Program and Implementation Recommendations."* To this end, *"TRPA shall coordinate with local governments and other organizations to develop and implement a Regional Housing Needs Program."* The stated goal of this program is to *"evaluate progress towards the adopted housing goals and recommend policy and ordinance changes necessary to achieve housing goals."* **This initiative needs to be more than "lip service" to Lake Tahoe's urgent need for more deed-restricted affordable and moderate income housing.** Properly designed and located, such housing will have vital environmental as well as economic and community benefits.

Residential - Homeowner Benefits

There are a number of specific benefits to residential property owners in Alternative 3, such as:

- Provides the greatest flexibility for property owners who find existing coverage regulations impede their ability to make important home improvements.
- Would ensure that Best Management Practices (BMP) requirements are consistent with fire defensible space requirements.

Transportation/Air Quality - Regional Transportation Plan (*Mobility 2035*)

SCA understands that many elements of this Plan (RTP) are similar to those in the existing RTP (*Mobility 2030*) adopted in August 2008. However, there are several important additions that are consistent with newer legislation, policies and planning requirements. These include:

- California Senate Bill (SB) 375 and Sustainable Communities Strategy (SCS)
- Greenhouse Gas (GHG) Emission Reduction Targets
- Federal Livability Principles
- Lake Tahoe Total Maximum Daily Load standards (TMDL)

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SCA recognizes that the SCS is a particularly important addition. We share growing concerns about the vulnerability of Lake Tahoe and its watershed to the impacts of climate change.

Note: According to EIS authors at Ascent Environmental, only RPU Alternatives 2 and 3 have the ability to meet GHG reduction targets. Alternatives 1, 4 and 5 do not (without the preparation of an Alternative Planning Strategy (APS) and additional mitigation). More specifically:

"Alternatives 1, 4 and 5 would meet TMPO's ARB-issued SB 375 GHG reduction target for 2020, but not for 2035. Alternatives 2 and 3 would meet the requirements of an SCS and comply with SB 375 requirements. Alternatives 1, 4 and 5 would not comply with SB 375 requirements and would not be consistent with legislation adopted for the purposes of reducing GHG emissions. Therefore, Alternatives 1, 4 and 5 would result in a substantial cumulative contribution to climate impacts. This impact would be significant for Alternatives 1, 4 and 5, and less significant for Alternatives 2 and 3."

"Among the Regional Plan Update alternatives, Alternative 3 provides the most GHG-efficient combination of land use and transportation strategies, so its adoption would provide the maximum feasible extent of GHG emission reduction for the Region's transportation sector." (RPU DEIS, page 3.5-25 - Significance After Mitigation).

Based on its approach to land use and its associated package of transportation projects (Package C), Alternative 3 would meet the GHG reduction targets set in California and TRPA VMT threshold targets, with mitigation as proposed in the DEIS. Alternative 2 would also meet these targets, but SCA does not support Alternative 2 for a variety of reasons. All three other alternatives would require the development of an "Alternative Planning Strategy" to meet GHG and VMT targets. We see this as further rationale to support Alternative 3 (with improvements) over the other four analyzed in the DEIS.

Strengthening the SCS

RTP Chapter 3 states: *"California's Senate Bill 375 (SB 375) requires metropolitan planning organizations to focus regional land use and transportation policies to reduce greenhouse gas (GHG) emissions from cars and light trucks in order to meet targets established by the California Air Resources Board's Regional Targets Advisory Committee. SB 375 calls for each metropolitan planning organization to develop a Sustainable Communities Strategy (SCS) identifying the transportation, land use, and housing strategies that will reduce regional GHG emissions."*

Sustainable Community Advocates believes the draft SCS can be strengthened by adding two sustainability investment strategies. We ask that they be incorporated into the SCS and to other sections of the RPU and RTP as appropriate. We believe both additions are consistent with the stated purpose and requirements of the SCS, including, but not limited to: Land Use and Transportation Connection (Section 3.1), Proposed Transportation System to Meet Forecast Demand (Section 3.2), and Meeting GHG, Air Quality and Water Quality Goals (Section 3.4).

Development Rights Acquisition and Land Restoration Program

It has been identified that the Lake Tahoe Basin has an excess supply of Tourist Accommodation Units (TAU). A considerable number of these are part of the inventory of older motels around the Basin. There is a particular concentration of these units in the City of South

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Lake Tahoe. Estimates are that the average occupancy of such units (the ones still used as motels) is below 30 percent. In short, these old motels are not contributing to the local economy. In their present condition and location, they negatively impact the environment. Similarly, some Commercial Floor Area (CFA) is also "locked up" in older buildings located on sensitive lands. In its current configuration and state of repair, this CFA has little if any remaining economic value. These TAU and CFA represent development rights and coverage that should be acquired and retired or, in some cases, rights that could be transferred, consistent with the proposed RPU goals, policies and provisions intended to establish more compact "town centers," reduce GHG emissions and VMT and facilitate other environmental improvements, including water quality. This program would help accelerate the restoration of sensitive land. **Note:** The concept of this program was raised several times during public testimony on the RPU.

Sustainable Transportation Infrastructure and Operations Program

Both the RPU and RTP call for a significant increase in the level of service and areas regularly served by Tahoe's public transit systems. Tahoe transportation officials have worked diligently with the private sector to increase funding for these systems. Both Tahoe Area Regional Transit (TART) and BlueGo operate with a mix of public and private funding.

In California, funding for public transit comes from a set-aside allocation of sales tax established in the Transportation Development Act (TDA). The distribution formula is based on permanent population. As confirmed by the 2010 Census, Tahoe's permanent population has fallen over the past decade, from a peak of about 63,000 in 2000 to approximately 55,000 in 2010. Accordingly, the State of California's share of public transit funding allocated to Tahoe will drop by more than \$200,000 annually as of July 1, 2012. Tahoe transportation officials expect this dramatic decline in funding will impact and reduce the level of existing public transit service by Fiscal Year 2013-2014. Tahoe's public transit systems are also in need of major infrastructure upgrades, such as fueling stations for alternative fuels and additional multi-modal transit centers. State and federal grants for these needed infrastructure improvements are in decline.

To the best of our knowledge, Lake Tahoe is the only region in California that is mandated to "reduce dependency on the automobile." *Article 1 (3) of California Government Code § 66801 and Public Law 96-551*. A decline in public funding for transit is inconsistent with this mandate, particularly when one considers that approximately 85 percent of the Lake Tahoe Basin is publicly-owned.

Tahoe transportation planners have developed a blended population formula (Exhibit A, attached to this letter). This formula should be adopted and engaged to determine an appropriate level of investment in a **Sustainable Transportation Infrastructure Operations Program for Lake Tahoe**. This formula should also be engaged as the method for determining Tahoe's share of funding from the California State Transportation Improvement Program (STIP).

SCA is currently working with Tahoe officials to position both of these sustainability strategies for funding from: 1) an adjustment of existing formula programs and/or 2) revenues from AB-32 "cap and trade" revenues. Through the Lake Tahoe Partnership, we are exploring additional funding resources to leverage with those from California.

Specific Requests of the RPU and DEIS related to the two Sustainability Investment Strategies outlined above include:

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- An analysis of the environmental and economic benefits resulting from the retirement of excess TAUs, and CFA on sensitive lands, including the retirement of land coverage and the restoration of retired sites. To support the **Development Rights Acquisition and Land Restoration Program**, Alternative 3 should incorporate a policy directive to work with state and federal agencies and local governments to create a funding source (similar to the successful residential lot retirement programs of the 1980s and 1990s) to permanently retire obsolete TAUs and CFA and restore or repurpose acquired sites.
- An analysis of the environmental benefits from the development and implementation of the proposed **Sustainable Transportation Infrastructure and Operations Program**, as outlined above (and using the blended population formula). SCA expects these benefits to include accelerated improvements in transit level of service, air and water quality, and accelerated reductions in GHG emissions.

Note: The current proposal to restrict the transfer of TAUs from outside "Town Centers" to areas eligible for mixed uses conflicts with the need to reduce outdated strip development, even within urban areas. Thanks to earlier transfer programs made possible by redevelopment, areas between Wildwood Avenue and Ski Run Boulevard in South Lake Tahoe became open space. These areas are located within the proposed Stateline-Ski Run "Regional Center". Further unit retirement along this travel route corridor would improve the area's scenic quality and provide incentives for private sector retirement and transfer of outdated TAUs. The DEIS mitigation proposed for mixed use development that requires TAU transfers from outside urban areas artificially inflates the value of the commodity. SCA is concerned this will perpetuate the status quo and defeat some of the environmental gain that would otherwise be possible both inside and outside of Town Centers.

In Section S.2.3 (Alternative 3), page S-9, paragraph 4, the DEIS discloses: "*Regulations that effectively prohibit the conversion of apartments and motels into condominiums would be removed.*" However, we have not been able to locate the provision that implements this policy. We believe this policy is an important component to incentivize the retirement of distressed motels. We propose that TRPA allow the conversion of a TAU to a residential unit of use (ERU), provided the ERU is reused for condominium product with Town Centers, the Regional Center, High Density Tourist District, or recreation areas eligible for the transfer provided also that the unit size correspond to the square footages proposed in the draft TAU definition in Alternative 3.

Note: Lake Tahoe's North Shore does not have the same "excess inventory" of TAUs that exist on the South Shore. SCA shares the concern of those on the North Shore about the cost of acquiring and transferring existing TAUs to new projects proposed in North Shore Town Centers. The RPU should include (and DEIS analyze) incentives for the sending jurisdiction.

Note: As a matter of private property rights, SCA believes if the owner of a distressed motel or TAU property wants to sell his or her units for transfer to another jurisdiction, the local government should not be allowed "veto power" over the transaction. For the proposed Transfer of Development Rights (TDR) programs to work as intended, it is essential that the RPU include provisions to ensure that Town Centers around the Lake have an equitable opportunity to secure the "transfer in" of TAUs and CFA from the available pool of development rights.

Tahoe Basin Impervious Surface Coverage Study - Findings and Recommendations

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SCA has participated as a “key stakeholder” in the development of this study. The draft “Final Report” is currently in review. **TRPA and the RPU DEIS authors should review and incorporate its findings and recommendations to the maximum extent possible.**

Table ES-3 is a Summary of Findings with related Needs for Change (page 7). The documented Needs for Change in current policies include these statements:

- Policies do not reflect recent science, and coverage is only indirectly linked to widely-held environmental issues.
- Policies do not sufficiently incentivize the restoration of sensitive lands. Land owners of over-covered parcels and coverage on sensitive lands are often reluctant to sell at market prices.
- HRA restrictions for Excess Coverage Mitigation fees (ECM), the foot-by-foot mitigation requirement and ECM fee levels limit the ability to use ECM funds.
- Policies do not incentivize compact and infill development or innovative designs.
- Policies create costs that can make beneficial redevelopment projects infeasible.
- HRA restrictions inhibit beneficial projects from finding needed coverage.
- Policies are overcomplicated, navigating processes requires consultants for residential projects and significant resources for commercial and public benefit projects.
- Processes are subjective and tools are not standardized, resulting in uncertainty and lengthy processes that can inhibit beneficial projects.
- Policies still using 1974 soil survey (land capability maps) as opposed to updated 2007 soil survey).
- HRA policies create market inefficiencies and inhibit beneficial projects.

The study's recommendations are summarized by the following themes (page 8):

- Use a unit of measurement for coverage transfers and mitigation that reflects the impact of coverage rather than just the area of coverage.
- Create incentives to restore coverage in priority areas and develop high impact coverage to achieve water quality, riparian function, and livable community objectives.
- Support effective private and public sector investments.
- Simplify operational processes and increase policy flexibility, transparency and accountability to reduce project costs that inhibit beneficial restoration and redevelopment projects, and to enable the policies to be administered at a reasonable cost.

Further Recommendations and Requests for Additional Analysis and Information

There are three provisions in Alternative 4 that SCA requests be analyzed as part of Alternative 3. These are:

Extension of Time (at a minimum) for Air Quality Fee Basis

We understand that under current requirements, if a property owner wants to redevelop, refurbish and reopen a business in a building or space that has been vacant for more than two years, then the owner is required to pay the same air quality mitigation fees as if the business was new. Alternative 4 recognizes this barrier to environmental redevelopment. It proposes to extend 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 two years to 90 days within the last five years.

Proposed mitigation measure 3.4.9 identifies and addresses the “potentially significant impact” of a reduced collection of air quality mitigation fees by proposing the following action:

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Evaluate and adjust the Air Quality Mitigation Fee program to ensure that no decrease in the level of air quality improvements would result from the change in the eligible time period for a previous use from 2 to 5 years. According to draft mitigation 3.4.9, adjustments to the mitigation fee program may include, but are not limited to the following:

- Increase Air Quality Mitigation Fees on new developments to offset the reduction in fees from the proposed change;
- Implement regulatory changes that would ensure the same level of air quality improvements would occur with reduced fees;
- Develop additional Air Quality Mitigation Fee for additional uses that would offset the reduction in mitigation fees from the proposed change.

Please include in the EIS an explanation of how air quality mitigation fees improve air quality. This seems to be a given in the current analysis but there is inadequate documentation for SCA to reach the same conclusion.

Coverage Exemption for ADA-Compliant Access

Alternative 4 includes an exemption for ADA-compliant access to existing structures (Americans with Disabilities Act). SCA understands that this exemption would be based on a requirement that the property owner meet BMP requirements, adhere to appropriate design guidelines and maintain coverage within the limits of the Bailey System.

We express some concern that the property owner's cost for compliance with the proposed mitigation for this coverage exemption may have a negative impact on his/her ability to take advantage of the exemption and provide the required ADA access. We have seen businesses go out of business because they cannot provide ADA access at a reasonable cost. We respectfully request that Agency staff and EIS authors identify and propose mitigations that are less costly.

Coverage Mitigation

Alternative 4 includes a provision to prioritize the use of coverage reduction strategies in the following order:

- Implement all feasible on-site coverage reduction;
- Allow off-site reductions, and;
- Allow payment of excess coverage mitigation fees after all feasible direct coverage reduction options have been exhausted.

Note: This provision should also allow the project applicant to select one or more of the priorities.

Inadequate Analysis of Transportation Project Proposed as part of Strategy Package B

The DEIS fails to provide adequate detail or analysis of the proposed Package B project identified as "Intercept Parking Lots with Shuttles to Town Centers." This project is taken from the "Tier 2 Project List" of "Unconstrained" revenue sources, that is "projects or programs that do not have identified funding sources." The estimated cost of this "project" is \$27 million (Figure 6-5 of the Draft RTP, Tier 2 Project List (Unconstrained)).

SCA previously inquired about this project with EIS authors at Ascent Environmental. A short explanation was offered: "*Intercept lots would be placed a roadway entry points to the Tahoe Region and transit shuttles would operate to town centers. Specific locations are not identified*

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at this point. The EIR/EIS mentions a road user fee, and the RTP includes other potential funding sources." (e-mail from Ms. Francisca Mar Ruger, Ascent Environmental dated May 8, 2012).

SCA questions both the legality and viability of this proposed project. Article IX, section (f)(8) of the Tahoe Regional Planning Compact, Public Law 96-551, and related provisions in California and Nevada state law, prohibit 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 DEIS 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 and federal law.

As stated above, this project is proposed as part of Transportation Strategy Package B. This package corresponds with RPU Alternative 2. The DEIS should also disclose whether Alternative 2 would be able to meet Tahoe's assigned GHG reduction targets for both 2020 and 2035 without this project.

Additional Concerns

During RPU Public Comment at the June 27 meeting of the Governing Board, Placer County representatives presented a strong case that mitigation proposed to address a decline roadway Level of Service (LOS) is not appropriate. As currently written in the DEIS, a key mitigation strategy is to link the release of development allocations to an identified reduction in roadway LOS. This proposed mitigation appears to contradict other stated goals in the RPU and RTP that support multi-modal "Complete Streets" projects, such as the Kings Beach Commercial Core Improvement Project that has already been approved by the TRPA Governing Board.

Please provide a detailed explanation and make appropriate adjustments in the proposed mitigation to address this apparent conflict.

Viability of the Proposed Transfer Programs

The draft RPU Land Use section states: "Redeveloping existing Town Centers is a High Priority." (Policy LU-1.2, page II-1). Alternative 3 of the draft RPU/RTP depends on the viability of the proposed Transfer of Development Rights (TDR) for TAU, CFA, coverage and other development rights and allocations to support this stated high priority. There remains legitimate concern throughout the Tahoe region about the viability of the proposed transfer programs. Will they provide meaningful, real-world incentives that investors and project proponents can, literally, "take to the bank?"

To support TDR viability and accelerate environmental goals, SCA urges that a corresponding high priority be placed on the development, funding and implementation of the **Development Rights Acquisition and Land Restoration Program**, proposed herein. SCA sees this as a vital sustainability strategy for Lake Tahoe designed to reduce the carbon footprint of our built environment and the other negative impacts of outdated "legacy development."

SCA strongly supports TRPA's stated goal to continuously update the Regional Plan in four-year cycles. A top priority in the first review cycle should include a thorough analysis of whether the TDR programs have proven effective (or not) in achieving their stated purpose.

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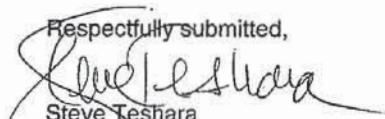
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The Need for Real Reform in Process

SCA fully supports the elimination of any and all barriers to environmental redevelopment. This is stated as the primary goal of the Regional Plan Update. Environmental redevelopment must be financially viable if it is to be a realistic strategy for accelerating the attainment and maintenance of environmental thresholds. To support this primary goal, it is essential the TRPA, local governments and other project review and permitting agencies work collaboratively to eliminate the process duplications and cumulative costs in time and resources. Such duplications only serve to defeat our collective efforts to achieve the balanced integration of environmental, economic and community goals and the sustainability we must secure as stewards of the Lake Tahoe region for this and future generations.

Respectfully submitted,



Steve Teshara
Principal

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EXHIBIT A

<u>Estimated Existing Daily Population for the Lake Tahoe Region</u>		
	<u>Average (1)</u>	<u>Peak (2)</u>
<u>Year Round Residents (3)</u>		
California	41,176	41,176
Nevada	13,686	13,686
Total Residents	54,862	54,862
<u>Overnight Visitors (4)</u>		
California	34,512	41,865
Nevada	14,581	18,134
Total Overnight Visitors	49,093	59,999
<u>Day Visitors (5)</u>		
California	69,825	82,190
Nevada	35,912	41,094
Total Day Visitors	105,737	123,284
<u>Grand Total</u>	209,692	238,145
	CA Only	165,231
Notes:		
(1) Represents the Average Population		
(2) Represents the Peak Summer Day in August		
(3) Source: 2010 Census		
(4) Overnight Visitors calculated based on Transient Occupancy Tax (TOT)		
Sources: Nevada Gaming Abstract, CSLT Annual Financial Reports, NLTRA		
(5) Day Use Visitation calculated from TMPO License Plate Survey (2010 and 2011)		

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Sent: 5/16/2012 5:22:03 P.M. Pacific Daylight Time
Subj: Extension of Public Comment for the Regional Plan DEIS

Dear TRPA Governing Board Members,

As you know, TRPA has recently released the Regional Plan Draft Environmental Impact Statement (DEIS) and accompanying Code of Ordinances, Goals and Policies, Transportation Plan EIS and Environmental Thresholds. However, while TRPA's plan is thousands of pages long, they have allowed stakeholders with only a 60-day public comment period to review and comment on these documents. This is certainly NOT ENOUGH TIME and is an injustice to the community. The RPU will lay the foundation for the future of Lake Tahoe for the next 20 years. Therefore, the Plan's potential impact on the entire Tahoe Basin is of the utmost importance.

The Regional Plan is too complex to be reviewed by the Governing Board and the public in only 60 days. Please grant an extension of at least an additional 60 days. The community deserves to have more time to review such a complex and wide-reaching document.

Thank you for your consideration of this request.

Judith Tornese, Homeowner

Tahoma, Ca.

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PO Box 3371, Incline Village NV 89450

Page

I131**PO Box 3371, Incline Village NV 89450**

Tahoe Future [greg@traxler.com]

Sent: Tuesday, June 26, 2012 3:14 PM

To: regionalplancomments

Name Greg Traxler
Email greg@traxler.com
Subject PO Box 3371, Incline Village NV 89450

Message

Dear TRPA; Thank you for your time in reviewing my comments. I believe this to be a critical issue in determining the appropriate path for the future of Stateline and South Lake Tahoe, as well as setting precedence for re-development around the entire Tahoe basin and a strong supporter of getting both the RPU and RTP passed and quickly into action. My name is Greg Traxler and I am currently a Partner with Resort Equities with offices in Truckee, San Francisco, Newport Beach, Denver, CO and Portland, OR. We specialize in helping to plan, create, market and sell sustainable resort developments in some of the most highly sought-after destinations in N. America. I have been a Tahoe resident for twenty years, both North and South shore, and always an advocate of protecting this very special place. Having traveled to every major resort area in the country, I've frequently been frustrated with the slow or stalled efforts to adopt a regional plan, which not only protects the interests of the Lake, but improves upon current practices for both existing and new projects while allowing intelligent and sensible re-development projects to move forward. Previous to my current position, I worked with East West Partners in developing 4 sustainable resort communities in the North Tahoe area, and prior to this, with Marriott International directing the early planning, build-out, sales and marketing of both Marriott Grand Residence Club and Marriott Timber Lodge projects from 1998 to 2002. I have a good perspective of our community and visitors to Tahoe, and more importantly recognize the importance of bringing the community together towards initiatives, which will help us move forward versus our current state, which becomes more harmful to our future each and every season. Upon review of the summary section (S.1) of the RPU Draft EIS, I believe Alternative 3 "Low Development, Highly Incentivized Redevelopment" is our best solution and it best integrates environmental restoration with community revitalization. It also most closely reflects preliminary recommendations of the TRPA Board's Regional Plan Update Committee. What I like specifically about Alternative 3 is that it focuses on environmental redevelopment of the existing built environment, including a strong emphasis on incentives to modify the location of development as a means to achieve accelerated attainment of threshold standards. The community center overlay districts contain most of the Region's non-residential development and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. The overlay districts are targeted for redevelopment in a manner that would improve environmental conditions, create a more sustainable and less automobile-dependent development pattern, and provide economic opportunities in the Region. Alt 3 integrates fresh ideas from many sources, including the Pathway Forum, Place-Based planning, and the more detailed work and public input over the past 18 months. Our economic livelihood is

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<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

PO Box 3371, Incline Village NV 89450

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linked to our environmental well-being. We do not have to chose between protecting Lake Tahoe or development at any cost to boost the economy but rather we should be embracing strategies to ensure a sustainable environment AND economic future. More regulation is not the answer. I support an alternative that gives property and business owners - and local residents - a meaningful opportunity to be stewards and invest in environmental restoration and community revitalization. Our quality of life as locals and the experience of our Tahoe visitors will be significantly improved by smart land-use planning that works to improve the environment by making by making our area more walkable, bike-friendly and incentivizes "environmental redevelopment." The status quo is harming Lake Tahoe, our economy and our communities. In addition, the opinion of our valued visitors is suffering in the interim. It's time to move ahead with this intelligent, and well-founded approach already proved successful in many other resort areas whose officials and community have chosen to be good stewards of both the environment and economy. It's already been too long, and much damage has been done to our reputation and future for success. Let's move forward now while there are great companies willing to invest in the endeavor. Thank you, Greg Traxler Partner / Vice President Resort Equities Inc. / Ragatz Resort Real Estate 530.448.6825

Site <http://www.tahoefuture.org>

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Sent from (ip address): 71.92.88.187 (71-92-88-187.dhcp.reno.nv.charter.com)
Date/Time: June 26, 2012 10:14 pm
Coming from (referer): <http://www.tahoefuture.org/getinvolved/>
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<https://exch10.trpa.org/owa/?ae=Item&t=IPM.Note&id=RgAAAD6Wg1aelneRarDptbQ...> 6/29/2012

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April 25, 2012

Norma Santiago, Chair
TRPA Governing Board
P.O. Box 5410
Stateline, NV 89449

Re: Regional Plan Update and EIS Review

Dear Supervisor Santiago,

I am writing this letter to show my support for the long term sustainability of South Lake Tahoe and the surrounding areas. I have been a Registered Nurse at Barton Health for 14 years and I support the Regional Plan update that is being considered by the TRPA on Thursday.

I moved to Tahoe in 1998 with every intention of enjoying a few ski seasons and then moving on to a "more desirable ski town" such as Aspen or Park City. Since then, I have enjoyed more than just a few ski seasons, grown professionally and personally, bought and sold 3 homes, started a family with two young children, and married only once. I have even left for a year to travel around the world and found my way back to one of the most beautiful places in the world, Lake Tahoe.

I believe that our current environment is damaging to the growth of our economy and raises concerns about the long term sustainability of our community. I support the Regional Plan Alternative that would best integrate environmental restoration with community revitalization.

I support the Regional Plan Alternative that includes incentives to property owners to transfer development rights from sensitive or outlying areas to existing, designated "town centers" with the goal of restoring the lands from which development is transferred.

I support a project review and permitting process that it is more easily understood with predictable outcomes.

I support an area-wide plan rather than the "parcel by parcel" to protect watershed quality.

I support the TRPA's goal to protect regionally, rather than locally. I believe that local governments should be more involved in the planning of our community.

I support modifying land coverage regulations to treat pervious improvements like decks and patios different that impervious surfaces like buildings and parking lots.

I believe that more regulation is not the answer to revitalizing our community. Many communities around the world have prospered by listening to their local residents and businesses owners. We are the people who have a vested interest in the success of our community; a place where we can successfully live, work, raise a family and ski.

Sincerely,



Ann Truscott RN
Telemedicine Coordinator and Wellness Services, Barton Health
Skier, Mountain Biker, Hiker, Trail Runner, Swimmer, and Mother of Two Family of Four

I132-1

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I133**NEVADA PACIFIC CONSULTING, LLC**

June 28, 2012

Ms. Norma Santiago
Chairman
TRPA Governing Board
P.O. Box
Stateline, NV 89449

RE: Comments on Regional Plan Update and Draft EIS

Dear Chairman Santiago;

We commend you, the Governing Board, Advisory Planning Commission, TRPA staff and all of the volunteers, for their efforts to craft a fair and balanced Regional Plan that incorporates the input received from the Place Based Planning Initiative and Workshops, and recognize the need for environmentally based redevelopment of our Tahoe built environment. We also applaud the recognition of the importance of the economy and support of the Prosperity Plan which is vital to economic recovery and lowering the catastrophically high unemployment rate.

After consideration of the Plan and related documents, input at public hearings and workshops, and informational documents provided by your staff, we have concluded that an amended Alternative 3 as presented and analyzed in the Draft EIS should be approved by the Board as fulfilling the requirements of the Tahoe Regional Planning Compact. We urge you to certify the EIS and approve the draft Regional Plan Update and implementing Ordinances.

We understand that there will likely be minor amendments through, and as a result of, the public hearings and response to this and other comments but urge that you maintain the precarious balance between environmental protection and the economic well being of the Basin. We have endured the result of the present plan long enough. The over-regulation of our built environment over the period since 1987 has been a continued decline in environmental quality. The shift to environmental redevelopment is overdue and must occur now to speed the improvements in the built environment, replacement of the decaying infrastructure, improvements to our social and economic environment.

We urge the amendment to Alternative 3 to add the provision from Alternative 4 to extend from two (2) years to five (5) 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. Businesses that have closed due to the recession, foreclosure or other causes should not be precluded from reopening by high mitigation fees.

*Nevada Pacific Consulting, LLC
956 Lakeshore Boulevard, Incline Village NV 89450
Phone 775.831.2070*

I133-1

Ms. Norma Santiago
TRPA
Re: Comments on RPU and DEIS
June 28, 2012
Page 2

We also urge the Board to include flexibility in the Regional Plan Update to allow for adjustment to the proposed incentives for environmental improvements. This is necessary to make transfer of existing development rights economically viable.

We support the Proposal to approve Area Plans in concert with local governments and to allow local government to review and approve activities without Regional impacts at the local level. TRPA should only be reviewing activities with possible Regional Implications.

We support allowing additional height in appropriate areas as proposed, along with flexibility for transfer of development rights, allowing 70% land coverage within Town Centers and management of land coverage on a wider than parcel by parcel basis.

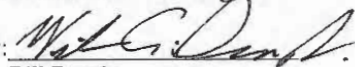
We support allowing local governments to decide if residential, tourist and commercial uses should be allowed in recreation and conservation plan areas if compatible with surrounding uses.

Finally, we urge to the Board to close the public comment period of the RPU and DEIS as scheduled on June 28, 2012.

Thank you for the opportunity to submit these comments. We look forward to watching and participating in the on-going process to the adoption of the RPU and related Ordinances and subsequent Area Plans.

Regards,

Nevada Pacific Consulting, LLC

By: 
Bill Durgin

By: 
Elizabeth Tuoto

I133-1
Cont'd

I134

May 18, 2012

Norma Santiago, Chair
TRPA Governing Board
P.O. Box 5410
Stateline, NV 89449

Re: Regional Plan Update and EIS Review

Dear Norma and the Governing Board,

Thank you for the opportunity to comment on the Regional Plan Update. As a community member who has lived and worked locally for 13 years, and who plans on raising my children here in South Lake Tahoe, I believe certain characteristics of a plan will allow for a better and healthier community.

I want to voice my support for Alternative 3 which has been described as "low development, highly incentivized redevelopment" as it seems to integrate fresh ideas from many sources, including the Pathway Forum, Place-Based planning, and the more detailed work and public input over the past 18 months. Plus Alternative 3 was discussed, considered and advanced by the TRPA Regional Plan Update Committee. Described in a power point as, "resulting in greatest levels of redevelopment, and potential scenic, water quality, and other improvements" I think it is an alternative that best fits our community's future.

This proposed approach combines environmental restorations with community revitalization to create a region where people can successfully live, work, recreate, and thrive.

Thank you for considering my thoughts in supporting Alternative 3.

Sincerely,

Leanne Wagoner
Barton Health Employee,
Mother of Three Young Children

I134-1

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I135

Ronda WALKER 775-831-8560

5/23/12

Please accept this note as a public comment for Alternative 1

1- I am totally against a bicycle "path" around LAKE TAHOE.

- A circular path cannot be used 12 months a year
- 1.4 million a mile is excessive for a project that is used part time.

I135-1

2- we are not an urban area. UPS charges extra for delivery in OUR RURAL area *DO NOT make us a high rise, densely populated urban area*

I135-2

- We have made this our home because of the quiet and slow lifestyle of the mountainous area.

3- Eventually the taxpayers will be "stuck" with unfinished projects that are planned. The economy cannot be trusted to recover in the near future to help pay for these grand ideas.

I135-3

Less is best.

Ronda Walker

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I136

Ellie Waller, Friends of Tahoe Vista , RPU documentation comment May 23, 2012 GB page 1 of 3

Land Use Map iterations were presented at the RPU committee meetings. The first map was October 25, 2011. It did not contain any explanation information, just a picture. The November 2, 2011 map listed changes to recognize USFS ownership, a minor boundary correction for Heavenly Valley Ski area changing residential to recreation. December 13 changed with the addition of a North Star parcel highlighted as recreation. December 22, 2011 added parcels adjoining the High Density Tourist district and called out Van Sickle State Park and approx. 256 acres of private land. February 16, 2012 added that Van Sickle State park is 479 acres and was redesignated recreation. The North Star and Heavenly parcels still do not have acreage numbers identified.

(Other notable changes: 1). Homewood was designated Mixed-use Oct 25-Dec 13, 2011 maps. It was changed to tourist Dec 22, 2011- project/permit approval? 2). Incline Village was changed Nov 30, 2011 from mostly tourist to some recreation. 3). A portion of Conservation was changed to mixed-use next to the Keyes for the City of South Lake Tahoe on the Dec 22 map and 4). Mixed-use was added to Tahoe Vista Jan 24, 2012) I understand this is a living map but no in-depth public discussions were conducted. I requested on more than one occasion to have discussion on the maps to provide more comprehensive information about the changes.

The April 25 GB presentation included the following statement (in May 23/24 packet Page 26) "Parcel rezoning should be done community by community as part of a community Planning process." Any increases in capacity, the heights and density that can only be done through area planning process. Why have you singled re-classifications of Van Sickle State Park, Douglas County dumpsite, a minor boundary change for Heavenly Valley ?

Impact 3.2-2 states (EIS Land Use 3.2) 3.2-68 Regional Plan Update Draft EIS Land Use Classification Change. Implementation of Alternatives 2, 3, 4, or 5 in the Regional Plan Update would result in modifications of the land use map. Alternatives 2 through 5 would Implement map revisions resulting from minor land use changes that have occurred since the Adoption of the 1987 Regional Plan. These revisions are such that they would change lands that are currently higher intensity land use classifications to lower intensity land uses.

Re-zoning Conservation to Recreation is the opposite it's up-zoning to a higher intensity land use.

Alternatives 2, 3, 4, and 5 would re-designate Van Sickle Bi-State Park from conservation to recreation. This change would be consistent with the existing and planned recreation land uses, and consistent with the existing PAS.

Alternative 3 would change 250 acres of private land adjacent to the proposed High Density Tourist District from conservation to recreation.

Alternative 4 would re-designate the Douglas County Dumpsite from conservation land to a special district, which would be a new land use designation under the transect zoning system.

Alternative 5 would revise the boundary of PAS 087, Heavenly Valley California, and 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.

Will all the proposed alternative changes above be incorporated in Alt 3 (the preferred alternative) to make the Conceptual Land Use map consistent with its content?

I136-1**I136-2**

Ellie Waller, Friends of Tahoe Vista , RPU documentation comment May 23, 2012 GB page 2 of 3

These amendments do not analyze anything- they just change land use classifications to allow future projects the benefits of the re-zoning without the PAS amendment process.

I136-2
Cont'd

EIS Mitigation Measure 3.2-2 (EIS Land use 3.2) : 3.2-70 Regional Plan Update Draft EIS
Revise Requirements for Development in the Recreation District. For Alternative 3, TRPA will allow additional development involving commercial uses, residential uses, tourist accommodation uses and/or subdivisions in a Recreation Area within an Area Plan or Master Plan only if the development results in a development pattern that is compatible with recreation district uses, does not induce substantial growth in the area (either directly or indirectly), (and does not conflict with any environmental policies or regulations, as analyzed and demonstrated by the subsequent environmental analysis for the Area or Master Plan.) This EIS does not evaluate or mitigate impacts – as stated the Area or Master Plans will be required to provide the environmental analysis.

By adding new land uses to the Recreation designation there are unintended consequences of inducing growth by changing the development potential of the land. Once the Regional Plan is approved- it's a done deal with no comprehensive analysis required.

Stating consistency with existing and planned recreation uses, plan area statement strategies and permissible uses isn't analyzing impacts. I could not find quantifiable criteria or analysis for the aforementioned reclassifications. If these proposed re-designations become part of the Region Plan amendment package it will pre-bias the Conformance Review process for the Area and Master Plan updates

I136-3

Recreation is currently defined in Chapters 11 and 90 in code (Plan Area Statements and Plan Area Maps Chapter 11 and in Definitions Chapter 90) Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 11-3 and Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 90-33

Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation

Additional land uses added to the Recreation designation have not been spelled out in Code to include development involving commercial uses, residential uses, tourist accommodation uses and/or subdivisions as stated above. Shouldn't the recreation definition be fully defined with the additional uses?

These reclassifications should not be adopted as part of the Regional Plan amendment package and should be required to follow Chapter 10.4 Procedure for Map Amendment and Chapter 11.8 Plan Area Statement or Plan Area Map Amendments. Both policies state that this is pursuant to the Rules of Procedure through amendments or resolutions.

These amendments safeguard land use changes to ensure proper environmental impact analysis is completed. If the Board wishes I can read those amendment requirements.

Ellie Waller, Friends of Tahoe Vista , RPU documentation comment May 23, 2012 GB page 3 of 3

AMENDMENT REQUIREMENTS

CHAPTER 10:

10.1. PURPOSE

This chapter establishes a coordinated mapping system for the official TRPA maps. This chapter identifies the official maps and sets forth provisions for the adoption and amendment of maps.

10.4. MAP AMENDMENT Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 10-3

10.4.1. Procedure for Map Amendment

Amendments to Regional Plan Overlay Maps shall be processed as plan amendments pursuant to TRPA's Rules of Procedure. Amendments to the official maps identified in subsection 10.3.3 shall be processed as ordinance amendments. Base maps identified in subsection 10.3.1 shall be amended by resolution.

10.4.2. Notice of Map Amendments

Amendments to the official TRPA maps that substantially impact properties shall require notice given to affected property owners as provided in TRPA's Rules of Procedure.

CHAPTER 11: MAPS

11.1. PURPOSE

As set forth in the Goals and Policies, plan area statements provide detailed plans for specific areas. A plan area statement, which consists of a written text and applicable plan area map, provides specific land use policies and regulations for a given geographic area. A plan area is the area depicted on the plan area map to which the text relates.

11.8.1. Plan Amendments Regional Plan Update Committee Public Review Draft – April 25, 2012 | Page 11-9

Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the plan area maps and statements pursuant to this subsection 11.8.1, and subsections 11.8.2 and 11.8.3, to reflect current data.

11.8.2. Amendment by Ordinance

Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

11.8.3. Amendment by Resolution

Modification of Description, Planning Considerations, and Improvement Programs shall be by

11.8.4. Findings for Plan Area Amendments

Rules of Procedure **TRPA Code of Ordinances – Rules of Procedure**

Adopted November 15, 2011 – Effective March 1, 2012 | Page 2-2

B. Four Votes from Each State

1. Certify an EIS or make required findings for plan/ordinances adoption;
2. Require an EIS;
3. Adopt or amend thresholds, plans, ordinances, maps, or programs;

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I137

Steve Teshara
Advisory Planning Commission
5.11.2012

Mr. Teshara: Thank you Mr. Chair. So I think I'm proud to be the first on my block who's actually read these documents. I've read the Regional Transportation Plan and the Sustainable Communities Strategy and all the sections to the EIS document that relate to them and I'm very proud of that. But one other thing and I won't go into the whole thing, I will be writing a letter, but one thing jumped out at me and I actually have spoken to staff and some of the consultants working on the environmental analysis and that is in package B, the intercept parking lot concepts. So there are intercept parking lots in package B and package B supports alternative 2, of the Regional Plan Update alternatives. And that is basically intercept lots and then shuttles to town centers. So this is from the unconstrained list of projects and most of the major projects that are in these packages have been vetted or well along in the planning process or even the environmental review process. This one is just one of those things that has been out there that somebody's cockamamie idea that just never seems to go away and here it pops up in package B. So I inquired and I got great response and answers quickly. There isn't a lot of detail about it, that is openly admitted. Intercept lots would be placed in roadway entry points to the Tahoe region. Transit shuttles would operate into town. I saw in the financial side that it was priced out at 27 million dollars. I enquired about that and was told we not sure of the figures, but that's a pretty big number and it's not a concept I personally think is legal because the compact actually prohibits fees charged to enter or leave the basin. So I just want to point that out its one of those things that make reading these documents fun and exciting because you can find these little gotchas and you can ask questions and find out. So one of the roles I have being a member of this Board and wearing other hats is to help folks try to understand what's in these documents who don't have the chance to read all of them and so I'm doing memos on a regular basis to help folks and let them know where they can see...indistinct...so that was just one of the options so I think it's important to look at the packages and look at the Regional Plan Update alternatives that they support. I'm looking forward to writing a letter. One other quick thing is that Alternative 2 also has more bike trails in it but other elements of Alternative 2 are actually not as open minded about the need to change coverage rules for bike trails so Alternative 2 is not in favor of coverage rules that actually facilitate the construction of bike trails and allow them to be more cost effective. So it's all well and good for Alternative 2 to say they want more bike trails, but elsewhere in Alternative 2 basically makes bike trails more difficult and more expensive to build. Thank you.

I137-1

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I138**Ellie Waller****Friends of Tahoe Vista**

5.23.12

Ellie Waller said I have a question about the appeal process that is being discussed that is not part of the current Regional Plan and if that process is vetted and comes forward after the June 28th deadline, is that considered something technical that needs to be evaluated. I think it is an important process that needs to be part of this, not that the local jurisdictions won't be able to handle the process. Then there is area plans within area plans and you can have a conformance area plan just for coverage or a conformance area plan just for BMPs. So there is area plans within area plans that the community plan teams are now addressing. There has been TRPA staff at the first kick off of the community plan process for Placer County and I asked for a copy of the conformance checklist and they said it is not user friendly yet, but it will be provided to the plan teams eventually, but we as the plan team members really need to understand this. In the Goals and Policies, there is an issue that we discussed as part of an RPU Committee meeting, but didn't vet the height after it was changed. The Goals & Policies I need to better understand and we don't need to provide comment until the end of the process, just the EIS until June 28th? I did ask during the RPU Committee meetings how 600 additional residential units were established and why that number if we have 874 remaining.

I138-1

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I139

My Turn: 'Do not be fooled' is right

JUNE, 4 2012
BY TRINKIE WATSON
SPECIAL TO THE SUN

LAKE TAHOE — Thanks to Mark Miller for his straight-forward and realistic position on the discussion about what's good for Lake Tahoe. As a long-term Realtor, broker and resident, I personally do not want to see any degradation of our beautiful Lake Tahoe or any part of our glorious United States, including Truckee. No community can endure without progress.

If you know history at all, when the economics of an area fail, so does the area. In past California history, look at our amazing, instant gold mine cities/communities that no longer exist ... because the economics failed. In today's world, look at Detroit and other industry-focused cities that have seriously deteriorated because manufacturing went to another country. Have you seen that email that shows what Hiroshima looks like today after we destroyed it compared to what Detroit looks like today because we discarded it?

No one wants the destruction of Lake Tahoe and our beautiful Sierra. However, people are the most important part of the equation ... and they won't stay here if we allow our communities to deteriorate. We need to come together with a realistic vision and plan so we can all continue to live here and visit here with pleasure.

There are a lot of us that have been here for quite a long time. I'm a newcomer for many, but I moved here from San Francisco in 1966 to live in Squaw Valley ... from there to Truckee, to Incline Village and back to Truckee where I've been for 23 years. I also have participated in the 'swells' event — the League to Save Lake Tahoe's wonderful Oscar de la Renta (formerly Bill Blass) lunch-fashion show. I am no longer participating because I do not support the league's continuing use of raised funds to sue every project that's been vetted for at least three years and approved by all the agencies.

Unfortunately, the negative voice seems to garner most media and agency attention, and that's because those of us that support a balanced environmental and economic solution don't jump in when we see that the public feedback is supporting the hearings and decisions of the respective agencies that have approved it. It's after-the-fact that the naysayers jump in and sue. And, it ends up costing us all a lot of money.

As a Realtor, there's no question that the escalating values caused many to flee ... but they sold at the high and moved to other areas that didn't cost so much. Today, prices have come down at least 30 percent, enabling more to move in and enjoy our communities, whether permanent or vacation owners. We are a resort area and we depend on our visitors and vacation-home buyers to support all of us in business.

The "Friends of whatever" want no growth and want everything to stay as it is, and that's not practical or realistic. I love where I live and know that to continue to enjoy the true benefits of our glorious communities, we need to envision the future and support all the great volunteers (our elected representatives included) and agency employees that work very hard to consider all the variables that are included in every project that comes to the table.

Katrine "Trinkie" Breuner Watson is a long-time broker with Chase International, in both California and Nevada.

<http://www.sierrasun.com/apps/pbcs.dll/article?AID=/20120604/NEWS/120609980/1022&template=printart>

I139-1

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I140

Peter Eichar
California Tahoe Conservancy
5.11.2012

Chair Strain: Thank you Steve. Peter, did you have a comment?

Peter Eichar, Tahoe Conservancy: Just a question for Nick. SB 375 requires us to come up with a strategy. I'm wondering does that legislation also contain language about consequences for not implementing that strategy.

Mr. Haven: Well actually, the consequences for not meeting the GhG target are you have to develop an alternative planning strategy. So it actually takes you outside of a financially constrained project to more of a wish list that would help meet that target, but SB 375 doesn't have any punitive consequences. There are also CEQA streamlining opportunities that our region may or may not be able benefit from because of the size of the project. But it's not the punitive way, it's more to incentivize.

Mr. Eichar: Thanks Nick. So it sounds like Alternative 1 is the non-implementing one of the RTP?

Mr. Teshara: The no action alternative.

Mr. Eichar: The no action and basically not implementing the RTP, I guess?

Mr. Haven: It's implementing a scaled down RTP.

Mr. Eichar: So are the impacts of not implementing the RTP then qualified or quantified as the case may be?

Mr. Haven: They are. They're shown quite clearly in both the environmental document and our forecasting section.

Mr. Eichar: So those are some of the more impacts of the triangle bike trail. So to piggyback on Mr. Teshara's comments coverage rules are one part of it and crossing SEZ's is almost more important than coverage rules. They're almost one and the same but there is a distinction.

Mr. Teshara: Thank you Peter.

Chair Strain: Anyone else? All right, seeing none, we'll bring back. Nick, do you have what you need on that item?

Mr. Haven: Yes.

Chair Strain: Ok thank you.

I140-1

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I141

Public Comment for Review Period:

Lisa O'Daly, California Tahoe Conservancy said she is presenting Ms. Gorman's comments. Ms. Gorman supports the 60 day comment period.	I141-1
Lisa O'Daly, California Tahoe Conservancy said she is presenting Ms. Chaplin's comments. Ms. Chaplin supports the 60 day comment period.	I141-2
Heidi Hildrum, South Lake Tahoe resident said she encourage the Board to adopt a 60 day comment period.	I141-3
Christian Strobel, South Lake Tahoe Motel Owner said he supports a 60 day comment period.	I141-4
Laurie Brazil, Local resident said she supports a 60 day comment period.	I141-5
Carl Ribauda said he supports a 60 day comment period.	I141-6
Pat Davison, Contractor's Association of Truckee Tahoe said she supports a 60 day comment period.	I141-7
Darcie Collins, League to Save Lake Tahoe said she supports a 90 day comment period.	I141-8
Pete Sontag, Heavenly Mountain Resort said they support and Alternative 3 and a 60 day comment period.	I141-9
Mason Overstreet, Friends of the West Shore supports a 90 day comment period.	I141-10
Laurel Ames, Tahoe Area Sierra Club supports a 90 day comment period.	I141-11
Carl Hasty, Tahoe Transportation District said they supports a 60 day comment period.	I141-12
Mr. Buelna said Placer County supports a 90 day comment period.	I141-13
Mr. Greene said he supports a 60 day comment period.	I141-14

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Chapter 5

Form Letters

Form Letter 1 (FL1) – Friends of the West Shore Survey

Following this page, a form letter survey signed and submitted by 42 individuals is presented. Because of the duplicative nature of the submitted letters, only one copy has been included here. The following list of individuals signed and submitted a copy of this form letter survey, initiated by Friends of the West Shore.

- | | |
|--|---|
| 1. Cheryl Anson (June 23, 2012) | 22. Robert La Mar (June 13, 2012) |
| 2. Jim Backhus (June 13, 2012) | 23. Alexander Leff (June 12, 2012) |
| 3. Robert Basso (June 17, 2012) | 24. James C. Meakin (June 13, 2012) |
| 4. Garland Bell (June 14, 2012) | 25. Leah Meakin (June 14, 2012) |
| 5. Peggy Bourland (June 14, 2012) | 26. Robert Mullarky (June 14, 2012) |
| 6. Barbara Brochard (June 13, 2012) | 27. Verna D. Bromagem Parrish (June 15, 2012) |
| 7. Janice Brown (June 17, 2012) | 28. Ray and Lois Perryman (June 10, 2012) |
| 8. Wendy Burnham (June 15, 2012) | 29. Pamela Qualls (June 18, 2012) |
| 9. Bruce Carswell (June 21, 2012) | 30. Thomas Rago (June 16, 2012) |
| 10. Christine Carta (June 14, 2012) | 31. Lee Schweichler (June 14, 2012) |
| 11. CC (June 24, 2012) | 32. Florence and Bert Silver (June 22, 2012) |
| 12. David Coglizer (June 15, 2012) | 33. Matthew Silver (June 27, 2012) |
| 13. Lisa Cosby (June 16, 2012) | 34. Julie Stackenburg (June 13, 2012) |
| 14. Catherine Crumpton (June 13, 2012) | 35. Lauren Strachan (June 16, 2012) |
| 15. Jesse Festa (June 17, 2012) | 36. William Threlfall (June 18, 2012) |
| 16. Thomas Fraser (June 13, 2012) | 37. Ned Tompkins (June 13, 2012) |
| 17. James Gearhart (June 8, 2012) | 38. Judith Tornese (June 26, 2012) |
| 18. David Giannini (June 15, 2012) | 39. Steven Toschi (June 13, 2012) |
| 19. Brenda Giese (June 13, 2012) | 40. Roger Walker (June 14, 2012) |
| 20. Joel Gimbert (June 14, 2012) | 41. Jane Warmack (June 14, 2012) |
| 21. Kathy Grady (June 13, 2012) | 42. Jerry Winters (June 26, 2012) |

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Friends of the West Shore Regional Plan Update (RPU) Survey

Page 1 of 1

FL1**Friends of the West Shore Regional Plan Update (RPU) Survey**

Garland Bell [gobell@lawgbell.com]

Sent: Thursday, June 14, 2012 8:58 AM

To: alex@friendswestshore.org; susan@friendswestshore.org; jmtornese@aol.com; regionalplancomments

To: survey

From:

Garland Bell

gobell@lawgbell.com

Tahoe Address

4033 Courchevel

City

Tahoe City

Zip

96145

TRPA should not use the Regional Plan to rezone conservation and recreation lands to allow expanded development.

Agree

FL1-1

TRPA should not use the Regional Plan to increase allowable land coverage of up to 70% within our communities.

Agree

FL1-2

Under the Regional Plan, TRPA should maintain existing density and height restrictions and strictly limit development if it is projected to increase traffic congestion.

Agree

FL1-3

Under the Regional Plan, TRPA should implement filtration measures to prevent "fine sediment" pollution from discharging into Lake Tahoe.

Agree

FL1-4

Under the Regional Plan, TRPA should encourage redevelopment of blighted areas and limit new development to be compatible with the character of our West Shore communities.

Agree

FL1-5

Sent from (ip address): 76.14.105.114 (76-14-105-114.rk.wavecable.com)

Date/Time: June 14, 2012 3:58 pm

Coming from (referer):

<http://friendswestshore.org/regional-plan-update-rpu-survey/>

Using (user agent): Mozilla/5.0 (compatible; MSIE 9.0; Windows NT 6.1; WOW64; Trident/5.0)

<https://exch10.trpa.org/owa/?ac=Item&t=IPM.Note&id=RgAAAAD6WglaelneRarDptbQ...> 6/15/2012

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Form Letter 2 (FL2) – Realtor letter

Following this page, a form letter signed and submitted by 57 individuals is presented. Because of the duplicative nature of the submitted letters, only one copy has been included here. The following list of individuals signed and submitted a copy of this form letter, initiated by Lake Tahoe Community Realtors.

- | | |
|---|---|
| 1. Michael Alexander (May 22, 2012) | 30. Jenny Johnson (May 1, 2012) |
| 2. Beverly Alexander (May 22, 2012) | 31. Michelle Keck (May 1, 2012) |
| 3. Amanda Marie Adam (May 16, 2012) | 32. Brad Kosco (May 22, 2012) |
| 4. Janet Amaral (May 1, 2012) | 33. Terry Laymance (April 27, 2012) |
| 5. Ryan Anderson (May 17, 2012) | 34. Sue Lowe (May 4, 2012) |
| 6. Nancy Beaulieu (May 3, 2012) | 35. Pam Lusby (May 16, 2012) |
| 7. Jerra Lynne Beckhart (May 21, 2012) | 36. Cynthia MacLean (May 24, 2012) |
| 8. Michelle Blue Benedict (May 6, 2012) | 37. Mackenzie Martin (May 21, 2012) |
| 9. Dana Benedict (May 7, 2012) | 38. Josh Martin (May 22, 2012) |
| 10. Pamela Bettencourt (May 1, 2012) | 39. Thane McCall (May 1, 2012) |
| 11. Cheyenne Boua (May 22, 2012) | 40. Monique McIntyre (April 30, 2012) |
| 12. Anja C. Buchholz (April 30, 2012) | 41. Beate R. Meiring (May 1, 2012) |
| 13. Iris Capa (May 10, 2012) | 42. Jana Nelson (April 30, 2012) |
| 14. Doug Carroll (May 2, 2012) | 43. John Peel (May 1, 2012) |
| 15. Jesse Chamberlain (May 23, 2012) | 44. B. Sebastian Pinto (May 1, 2012) |
| 16. Lori Jacobs Chapman (May 1, 2012) | 45. Gary Ruppel (May 22, 2012) |
| 17. Gregory Cremeans (May 4, 2012) | 46. Larry Sabo (May 3, 2012) |
| 18. Fernanda de Paola Dozier (May 15, 2012) | 47. Sheila Schwandel (May 22, 2012) |
| 19. Sheila Edner (April 30, 2012) | 48. Vivian Seifert (May 22, 2012) |
| 20. Jennifer Fortune (April 27, 2012) | 49. Jessica Seifert (May 22, 2012) |
| 21. Pamela Francis (May 21, 2012) | 50. Deborah Sherry (May 1, 2012) |
| 22. Walter Gadomski (May 21, 2012) | 51. Robert Skinner (May 18, 2012) |
| 23. Pamela K. Gadomski (May 22, 2012) | 52. Jaime Souers (May 1, 2012) |
| 24. Susanna Gascoine (May 18, 2012) | 53. Daniel H. Spano (May 3, 2012) |
| 25. Ryon Gray (April 29, 2012) | 54. South Tahoe Association of Realtors,
Jill Teakell (May 16, 2012) |
| 26. Gigi Haskins (May 1, 2012) | 55. Mike Stilwell (May 1, 2012) |
| 27. Fawne Hayes (April 30, 2012) | 56. Linda Szendrey (May 1, 2012) |
| 28. Brooke Hernandez (May 15, 2012) | 57. Tina L. Thomas (May 22, 2012) |
| 29. Sally Huttenmayer (May 16, 2012) | |

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FL2

Date: 5/16/2012

Tahoe Regional Planning Agency
Attn: Members of the Governing Board
PO Box 5310
Stateline, NV 89449

Dear Honorable Governing Board Member:

I am a REALTOR® in the Lake Tahoe community. I have serious concerns about the TRPA's draft Environmental Impact Statement released April 24, 2012 regarding a potential point-of-sale mandate for Best Management Practices (BMPs).

There are two alternative plans in the draft Environmental Impact Statement that call for Best Management Practices to be installed and inspected at the point-of-sale. A point-of-sale mandate for Best Management Practices would be disastrous for the real estate community, and for homebuyers and sellers at large, for the following reasons:

1. **Not Environmentally Friendly** - Ironically, relying on a point-of-sale to implement policies is not friendly to the environment. That is because the point-of-sale is an inefficient trigger mechanism for implementing any type of policy. While some homes do change ownership after only a few years, many homes remain with the same owner for years and even decades. Lake clarity does not improve if only a few homes are being scrutinized. TRPA staff have recognized that the most environmentally friendly plan for Best Management Practices is area-wide planning, not individual parcel planning with a point-of-sale trigger.
2. **Shuts Down the Real Estate Market for at least 6 Months each Year** - Best Management Practices Certification requires inspection, prescription, implementation and final sign off by different parties. All of these steps can only be completed when snow is not on the ground. Furthermore, implementation of anything that disturbs more than 3 cubic yards of dirt can only be completed in the Tahoe Basin between May 1st and October 15th. No one could buy or sell their homes in the winter or with snow. The real estate market is already fragile. Mandating a point-of-sale trigger would wreak havoc on an already strained market.
3. **Unfair** - To place the burden of the whole community on homebuyers and sellers is inequitable. Why should only a segment of the population be required to shoulder the burden for something that impacts the entire community?
4. **Adds Complications to Sales Transactions** - Escrow is a time sensitive process. Another step only delays the process and adds more stress to the homebuyer and seller. More stress is not what homebuyers and sellers ever need, but particularly not in this economy.
5. **Makes REALTORS® the Enforcement Police** - Various retrofitting mandates require the agent or broker's signature for the completion certificate to be validated. This forces the real estate professional to act as an expert in a field in which they are not trained.
6. **Causes the Real Estate Professional to Do the TRPA's Job** - An obligation by a government body should be enforced by that body, not an individual in the private sector.
7. **Creates Unnecessary Legal Liabilities on the Real Estate Professional** - Usually, despite all factors, the real estate professional is the one that is forced to get directly involved in a lawsuit. The liability is unfair to real estate agents and brokers.

FL2-1

8. Any Point-of-Sale Mandate would require all Properties to be evaluated - Most of the homes in the Tahoe Basin have not had evaluations yet, and there is a long waiting list to be evaluated. Additionally they will not do evaluations in the winter. Evaluating all properties is a costly and time-consuming process.

9. Putting Money in Escrow is Infeasible – As stated above, properties cannot be evaluated in the winter for BMP compliance. How does one determine a dollar amount to implement BMPs if one does not know what the costs will be? Furthermore, escrow companies don't want the responsibility of holding money for BMPs and lenders don't like to authorize it. The actual effect of a point-of-sale will be to block home sales.

In addition to these listed concerns, I am concerned that the TRPA would choose any alternative plan not endorsed by TRPA staff. TRPA staff's preferred alternative, alternative 3, does not call for any point-of-sale mandates. Instead, alternative 3 advocates for area-wide Best Management Practices as the most environmentally friendly option. TRPA staff is in the best position to recommend the direction of the Best Management Practices program. I urge you to follow the TRPA staff's direction and vote for alternative 3 in the Environmental Impact Statement.

We as a community have a unique opportunity with the new TRPA Regional Plan. We have the ability to look forward towards more effective environmental planning in the Tahoe Basin. Voting for an alternative that includes a Best Management Practices point-of-sale mandate looks backward instead of forward. Please vote for the preferred alternative 3 plan this fall.

Sincerely,

Signature: X Amanda Marie Adams

Printed Name:	Amanda Marie Adams
Physical Residence Street Address:	1100 Modoc Way
City, State Zip:	South Lake Tahoe, CA 96150
Email address (if emailed):	amanda@tahoeadams.com

Electronic comments may be emailed to: mobility2035comments@trpa.org

FL2-1
Cont'd

Chapter 6

Open House Comments

OH1

RESTORING *lake tahoe* & SUPPORTING COMMUNITIES



Regional Transportation Plan



PLEASE GIVE US YOUR COMMENTS!

1. Do the proposed projects in the draft Regional Transportation Plan reflect your priorities for transportation in the Region? What would you change?

PRIMARYLY YES, I WOULD LIKE TO SEE
RESEARCH &
A HUGE PRIORITY PLACED ON DEVELOPING
A MATERIAL FOR OUR ROADS (IE: MADE FROM
RECYCLE TIRES) THAT "REDUCES" MAINTENANCE
WHICH REDUCES DUST FROM GRINDING AND
EMISSIONS FROM CARS WAITING FOR RESEALING,
GRINDING & REPAVING ETC.

2. What do you think about the proposal to exempt non-motorized public trails from coverage requirements?

LOVE IT!!!!!!

ELISE FETT



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May 2012

OH2

Untitled
The theory that people will tear down there house and restore their property for the "right" to build in town centers seems far reaching especially considering the surplus of homes currently on the market.

To promote redevelopment, the code should be amended to not require uses that have not been in operation for 2 years pay an air quality mitigation fee.

Additional coverage should be allowed to accommodate ADA requirements.

TRPA should put more of an immediate effort into infiltrating and treating urban run-off (pipe club).

OH3

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?



2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

I would prefer that you apply for grants, have new development pay for these



3. What are your thoughts on the proposed amendments that affect homeowners?



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May 2012

OH4

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Regional Plan Update Overview

PLEASE GIVE US YOUR COMMENTS!

Do you have other comments on the draft Regional Plan, draft Regional Transportation Plan, or Environmental Impact Statements?



I have 2 concerns which staff member have suggested I put here:

① Crystal Bay should not be a town center. It's very different from the other town centers, with a very limited area & no markets, drug stores, etc.

② The roundabouts - which I know have been approved - I feel are inevitably going to back traffic up, especially in the summer as people wanting to cross Hwy 28 to the beach, are going to cross individually rather than as a group of ^{pedestrians} people who have had to wait until the light changes and a group has gathered - particularly as the pedestrian has the right of way & cars are not allowed to proceed until the crosswalk(s) are clear.



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May 2012

**OH4
cont'd**

is clear. How about a couple of pedestrian bridges over 28? In my mind, that's the only way the roundabouts will allow traffic to flow smoothly (as is their purpose) and still allow pedestrians to cross the street.

Gail High
mtnjoy@jps.net

OH5

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Transportation Plan



PLEASE GIVE US YOUR COMMENTS!

1. Do the proposed projects in the draft Regional Transportation Plan reflect your priorities for transportation in the Region? What would you change?

#1 Plan to circumnavigate the lake (Right now one cannot go around the lake completely w/o driving. It should be timely (scheduled))



2. What do you think about the proposal to exempt non-motorized public trails from coverage requirements?

If posted (e.g.) specifically identified



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May 2012

OH6

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Transfers & Environmental Redevelopment

PLEASE GIVE US YOUR COMMENTS!

1. What do you think about the concept of offering an incentive for transferring/relocating development out of sensitive land and outlying areas?

*This is not descriptive enough
Need to give the full
ratio of transfer to and from*



2. What are your thoughts on having this type of development in targeted areas in order to achieve regional environmental gains?

*The entire lake needs to
benefit not just target area*



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May 2012

OH7

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Transfers & Environmental Redevelopment

PLEASE GIVE US YOUR COMMENTS!

1. What do you think about the concept of offering an incentive for transferring/relocating development out of sensitive land and outlying areas?

*Approve - as long as transfers
don't expand mixed-use
(commercial) areas*



2. What are your thoughts on having this type of development in targeted areas in order to achieve regional environmental gains?



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OH8

RESTORING *lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?

*would like to see strict
parameters P.E. height restrictions
& mixed use (commercial)
- residential boundaries*

2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

*I have approved BMP
on my property - would
oppose more fees*

3. What are your thoughts on the proposed amendments that affect homeowners?

*strict limits allowing
expansion of mixed-use
in small communities
Carnelian Bay - Tahoe Vista
etc*



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OH9

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?



2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?



3. What are your thoughts on the proposed amendments that affect homeowners?



*25% COVERAGE EXEMPTION FOR
PERMEABLE PAVEMENT. IT SHOULD
BE 75% - 100% THE COST TO INSTALL
PERMEABLE PAVEMENT SYS. IS AT LEAST 3
TIMES THE COST OF ASPHALT*



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OH10

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?



2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

Area wide BMPs could be ~~be~~ paid for through a variety of revenue opportunities. Not just after. ~~is~~ If this is data TRPA is after - there are other ways to capture public appetite for such buy-in area wide

3. What are your thoughts on the proposed amendments that affect homeowners?



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OH11

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Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?



2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?



3. What are your thoughts on the proposed amendments that affect homeowners?

*Area wide erosion control offers
opportunities for accelerated implementation +
o+m that parcel by parcel fails*



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OH12

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Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?

*The Goals & Policies & EL2 & Code
Were not clear - I better under
The Concept of area plans
and potential of areas plans w/in area*

2. How willing would you be to pay an annual fee for contributing to a neighborhood *plans* scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

*NO! - I've completed my
BMP's - I'm fortunate to
be the recipient of an "area" wide
erosion control project*

3. What are your thoughts on the proposed amendments that affect homeowners?

*The Concept & Implementation
needs to be user friendly*



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OH13

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Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?

Concern that when TRPA "gets out of our backyard" local governing bodies will ignore or only pay lip service to their responsibility for the lake basin

2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

Depends on ① scope ② cost control method ③ oversight ④ defined purpose ⑤ review period

3. What are your thoughts on the proposed amendments that affect homeowners?

Haven't seen this yet. Where is it mentioned (dozeigler@obeglobal.net)



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OH14

RESTORING *Lake Tahoe* & SUPPORTING COMMUNITIES



Regional Plan Update – Transfers & Environmental Redevelopment

PLEASE GIVE US YOUR COMMENTS!

1. What do you think about the concept of offering an incentive for transferring/relocating development out of sensitive land and outlying areas?

*Most likely can be
a huge asset*

2. What are your thoughts on having this type of development in targeted areas in order to achieve regional environmental gains?

Great if done effectively



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OH15

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Regional Plan Update – Transfers & Environmental Redevelopment

PLEASE GIVE US YOUR COMMENTS!

1. What do you think about the concept of offering an incentive for transferring/relocating development out of sensitive land and outlying areas?

*GREAT IDEA MAKE! "COMMON" SENSE!
Do it!*



2. What are your thoughts on having this type of development in targeted areas in order to achieve regional environmental gains?

*This would support improved
Public Transit. Good!*



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OH16

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Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?

*Great - giving local jurisdictions the ability to
enforce their own plans w/ TRPA conformance is
the right direction*



2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

*Willing - but this question is misleading, there are other
ways (taxes, grants, etc) to achieve area wide.
That being said, area wide is a GREAT idea!*



3. What are your thoughts on the proposed amendments that affect homeowners?

*Being able to transfer coverage between hydrologic
areas is wonderful! The decks being exempted
is wonderful!*



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OH17

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Regional Plan Update – Regional Focus & Residential Properties

PLEASE GIVE US YOUR COMMENTS!

1. What are your thoughts on the new Area Planning framework?

*Transferring building rights to
less sensitive areas might
be the only way to restore the
keys subdivision to an acceptable filter*

2. How willing would you be to pay an annual fee for contributing to a neighborhood scale area-wide water quality treatment project in lieu of maintaining certain parcel specific BMPs yourself?

*Having private property owners
pay for BMPs or easements
is questionable*

3. What are your thoughts on the proposed amendments that affect homeowners?

*Installing BMPs on title change
might be productive/desirable*



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OH18

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Regional Plan Update Overview

PLEASE GIVE US YOUR COMMENTS!

Do you have other comments on the draft Regional Plan, draft Regional Transportation Plan, or Environmental Impact Statements?



*Tamrack Lodge @ Heavenly
& the media/automotive
wing at South Lake Tahoe
High School seem to use
great passive solar heating.
Hopefully there is more
emphasis at an acceptable
level in the future on
such appealing non polluting
systems that look to be
very efficient.*



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