Attachment B

RESPONSE TO COMMENTS TABLE

This table was prepared by staff and consultants. If a response to a question or comment addresses multiple questions/comments, the reader is referred to the first place in the table where that response is provided. If meetings with stakeholders had previously been scheduled to further discuss these items, those meetings were held and the results are reflected in the responses. The sources of the questions and comments addressed in the attachment are:

1. RPIC – Questions from RPIC members at the June 26, 2013 meeting.
2. LTSLT 6.25.13 letter-Questions from the League to Save Lake Tahoe letter dated June 25, 2013.
3. LTSLT 7.1.13 meeting – Results from the previously scheduled 7.1.13 meeting between TRPA and LTSLT staff.
4. LTSLT 7.1.13 letter – Supplemental comments from LTSLT.
5. TASC/FOWS 7.1.13 e-mail with attachments (items 6-9)
6. TASC/FOWS 6.25.13 letter
7. TASC/FOWS 6.20.13 Douglas County Commission letter
8. TASC/FOWS 6.20.13 Douglas County Commission letter attachment
9. TASC/FOWS 4.9.13 Douglas County Commission letter
10. Ellie Waller 6.27.13 and 7.18.13 document (additional comments are provided below in response to 7.18.13 letter. Several of the comments did not result in additions to original staff comments).
11. TASC/FOWS 7.17.13 letter (submitted by Laurel Ames 7/18/13)
12. TASC/FOWS 8.13.13 Advisory Planning Commission letter
13. TASC/FOWS 8.27.13 Governing Board letter

Questions and Comments, Responses to Questions and Comments, and Source of Question/Comment

QUESTION/COMMENT	RESPONSE	SOURCE

1. In Tables B-1 through B-3 in the Initial Environmental Checklist there are a significant number of uses identified as "new". How were the impacts of those uses reviewed in previous environmental analyses if they are "new"?	The uses listed as "new" in Tables B-1 through B-3 reflect those uses that are not presently included in the applicable Plan Area Statement or Community Plan, even though they were analyzed previously in the RPU EIS, or if not, then within the SSAP IEC itself. In order to avoid confusion, the tables have been amended to reflect the location of analysis of the uses. [JM]	RPIC
2. Provide a written description of how a golf course use in the Resort Recreation land use designation for the Edgewood Mountain parcel is consistent with the Regional Plan Update EIS.	The RPU EIS recognized that the land use designation change from conservation to resort recreation that occurred with the approval of the RPU could include golf course uses on the Edgewood Mountain parcel. See RPU Final EIS at page 3-48. The SSAP IEC further analyzes the golf course use on the parcel at page 36. [JM] Staff and consultants also completed a thorough review of all of the uses and environmental analyses. Based on that staff recommends removing the downhill ski resort as an allowed use in the Resort Recreation land use designation and, if the golf course use is retained, it will be limited to only high capability lands. [JH]	RPIC
3. Is there a specific policy that addresses US Highway 50?	In the Goals, Policies and Actions section (Chapter 2, pg 76) of the Douglas County Master Plan, Tahoe Action 4.2 states, "Douglas County shall participate with the TMPO, Tahoe Transportation District, Federal Highway Administration, NDOT, City of South Lake Tahoe, Caltrans and the Nevada State Parks in the planning and implementation of the South Shore Community Revitalization Project (Loop Road)." [PN]	RPIC
4. How is the cumulative impact of each Area Plan addressed?	TRPA assesses the cumulative impacts arising from the "new" policies within Area Plans in both the RPU EIS and the environmental document accompanying each Area Plan. The RPU EIS itself represents a "cumulative" examination of the impacts of area planning policies, including, e.g., those impacts from redevelopment, height limitations, and traffic (including both VMT and LOS). The main "cumulative" effects analysis therefore has already occurred in the RPU EIS. However, TRPA must ensure that for each Area Plan considered, no unique circumstances exists that might cause insignificant impacts that when aggregated with other reasonably foreseeable actions might have a significant effect. For the	RPIC

	SSAP, the IEC concludes that no such circumstances exist. [JM]	
5. The appeals provision in the MOU is linked to the Compact. Instead, should it be linked to the Code which is more specific?	The MOU will be revised to include reference to the appeal requirement of 13.9 of the Code, Appeals. [PN]	RPIC
6. How are the positive impacts from removal of development addressed?	The RPU EIS includes assumptions about transfers of development, redevelopment with improved water quality treatments, scenic improvements, and environmental restoration, etc. and the resulting positive impacts. See Final EIS page 3-31 and Draft EIS page 3.9-22 for further examples. [AL]	RPIC
7. How is the distinction made between Area Plan standards (e.g., height, scenic standards) and projects?	The RPU EIS and the SSAP IEC examine the impacts associated with the changes in policies, not individual projects (which will be analyzed if and when considered by TRPA for approval). In many instances, the RPU EIS made assumptions regarding future development in order to assess the impacts from policy changes, but that plan level, programmatic analysis cannot substitute for subsequent project level environmental documentation (although TRPA expects that some amount of tiering to the RPU EIS may occur in project level documents). [JM]	RPIC
8. Why doesn't the policy change to allow a golf course in the Resort Recreation land use designation require more analysis in the current environmental documentation?	See response to Question 2. [JM]	LTSLT 6.25.13 letter page 2
9. How can the 6.20.13 Douglas County staff action to remove of school-college use from the Resort Recreation land	Douglas County staff deleted the "schools-college" use from the Resort Recreation District and provided a revised copy of the Tahoe Area Plan Regulations to TRPA. [BM]	LTSLT 6.25.13 letter page 2

use designation be ensured?		
10. Why doesn't the MOU for the Area Plan include an agreement section detailing how Douglas County intends to make all findings required by the Compact, Regional Plan, Area Plans and Code?	MOU will be revised to add language that specifically requires Douglas County to make all findings required by the Compact, Regional Plan, Area Plans and Code. [PN]	LTSLT 6.25.13 letter page 3
11. How will TRPA ensure that Douglas County will actually provide monitoring information on building permits on a quarterly basis? If Douglas County is unsuccessful in satisfying the monitoring requirements, what enforcement action will be taken before the annual review?	MOU will be revised to add language that requires the MOU Procedural Guidelines to include a permit monitoring schedule and permit information reporting requirements. A summary report outlining permit activities shall include at a minimum, the number and type of permits issued as well as the number and location of BMPs implemented through permits and TMDL implementation activities and other threshold benefits specified in the Procedural Guidelines. Additionally, language will be added that the MOU also requires Douglas County to participate in the annual accounting and reporting of Environmental Improvement Program (EIP) Performance Measures resulting from County efforts to implement the EIP. [PN]	LTSLT 6.25.13 letter page 3
12. Why isn't information on BMP enforcement by TRPA included in the MOU?	TRPA and Douglas County BMP enforcement responsibilities will be detailed in the MOU to state that TRPA will enforce BMPs associated with permits issued by TRPA and for BMP retrofits not associated with a TMDL stormwater load reduction plan, and to state that Douglas County will enforce BMPs associated with permits issued by the County and for properties identified in their TMDL stormwater load reduction plan(s). [PN]	LTSLT 6.25.13 letter page 4

<table>
<tr>
<td>13. How is the Area Plan consistent with the Conceptual Regional Land Use Map as required by Code section 13.6.5.A.3?</td>
<td>The updated Master Plan, Chapter 2, Land Use Element, Tahoe Planning Area, discusses the Douglas County commitment to implementing environmental programs and projects to help the TRPA in maintaining and attaining environmental thresholds and includes the 2011 Threshold Evaluation Executive Summary Findings (Figure 2.9). Below is that summary, as well as a staff response in italics regarding the role of the Area Plan will play in effectively maintaining and attaining thresholds.

Figure 2.9
2011 Threshold Evaluation Report Findings
<table>
<tr><th>Threshold</th><th>2011 Threshold Evaluation Executive Summary Findings</th></tr>
<tr><td>Water Quality</td><td>The rate of Lake Tahoe annual clarity decline has slowed over the last decade. The winter clarity threshold indicator met the interim target of 78.7 feet (2011 measured 84.9 feet) and is trending toward attainment of 109.5 feet. Trends in stream water quality indicated that conditions have not declined over time. However, summer lake clarity and nearshore conditions are highlighted as major areas of concern.</td></tr>
</table>
</td>
<td>LTSLT 6.25.13 letter page 4</td>
</tr>
</table>

		SAP & Water Quality	*1) BMPs: Under the MOU, Douglas County will take on BMP compliance and TRPA will take on BMP enforcement. The NTCD will continue to assist residential property owners with BMP installation. T Action 2.5 and 2.6 have also been added to address BMP compliance, enforcement, and maintenance.* *2) TMDL/SLRP: Douglas County expects to have the Stormwater Load Reduction Plan (SLRP), the plan to implement the TMDL, complete by 2014. Redevelopment within the SSAP, and associated water quality projects, will help the County to meet TMDL milestones.* *3) Stateline Stormwater Facility: Improvements to the existing Stateline Stormwater Facility will be made as part of the Edgewood Lodge and Golf Course Improvement project, as well as with future redevelopment projects.* *4) Burke Creek: The County continues to participate with partnering agencies in the restoration of Burke Creek, which will run through the Kingsbury Town Center.* *5) Lower Kingsbury: The Master Plan includes a new action (T Action 2.3) encouraging the County to work with property owners to develop an area-wide water quality system for the lower Kingsbury area.* *6) TIA: The Master Plan includes a new action (T Action 3.1) requiring the County to explore the feasibility of developing a Tax Increment Financing Area (TIF) or Tax Increment Area (TIA) to help fund public improvements, such as area-wide water quality projects, and help facilitate redevelopment. This is significant because state and federal funding for EIP projects has been reduced and therefore a local funding source needs to be developed.*	
		Air Quality	The Tahoe Basin made air quality gains over the last five years. The majority of air quality indicators in the Lake Tahoe Basin were at or better than attainment with adopted standards. The Report shows that indicators for carbon monoxide and vehicle-miles-traveled moved from non-attainment into attainment. Federal and state tailpipe and industrial emission standards have likely contributed to this achievement along with local projects which delivered walkable, transit-friendly improvements such as the Heavenly Gondola in South Lake Tahoe.	
		SSAP & Air Quality	*One of the main objectives of the SSAP is to encourage the redevelopment of the existing built environment and to provide access to recreational opportunities from walking and bike paths, as well as provide greater access to transit. Thus, the idea is create a recreation destination and reduce automobile dependency, which should help to reduce VMT and improve air quality. Replacing older buildings with newer, more energy efficient buildings, should also help to improve air quality and ensure the attainment of air quality standards.*	

		Soil Conservation	An analysis of impervious cover (land coverage) showed that seven of the nine land capability classes were in attainment with threshold targets, however, sensitive wetlands and very steep lands are “over-covered” which can negatively affect water quality and other resources. Stream zone restoration efforts implemented by TRPA partner agencies are making progress in achieving restoration goals with more needing to be done.	
		SSAP & Soil Conservation	*The Tahoe Area Plan Regulations, 20.703.250 (A), requires all applications for projects, including those delegated to the County through an MOU, demonstrate compliance with Chapter 30, Land Coverage, of the TRPA Code of Ordinances through the submittal of a land capability and land coverage verification completed by TRPA, or a TRPA-Certified Contractor. Furthermore, the Master Plan includes new policies (see T Policy 2.2 and 2.3) requiring the County to consider opportunities for SEZ restoration and coverage reduction in all public and private redevelopment projects within Centers.*	
		Scenic Resources	The Tahoe Basin made gains in scenic quality over the last five years. Overall, compliance with scenic quality standards is at 93 percent with an improving trend in scenic quality for the built environment. Developed areas along roadways and Lake Tahoe’s shoreline continue to be the locations where scenic improvements are needed.	
		SSAP & Scenic Resources	*The South Shore area is currently not in scenic threshold attainment. The South Shore Design Standards and Guidelines have been developed to help bring the area into scenic threshold attainment through the redevelopment of the existing built environment and meet the Community Design Standards in Chapter 13, Area Plans, of the TRPA Code of Ordinances. Furthermore, the Tahoe Area Plan Regulations, Section 20.703.190, requires compliance with Chapter 66, Scenic Quality, of the TRPA Code of Ordinances.*	
		Vegetation	The Regional Plan and partner agencies have successfully protected sensitive plant species, keeping those standards in attainment. However, a couple of uncommon plant communities fell short of attainment because of non-native species; beaver, aquatic invasive species and noxious weeds were identified as potential threats to the integrity of uncommon plant communities. Progress is being made on fuels reduction and forest ecosystem restoration.	
		SSAP & Vegetation	*The Tahoe Area Plan Regulations, Section 20.703.270, requires the County to ensure compliance with the provisions of the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Chapter 61, Vegetation and Forest Health, includes the provisions to regulate the management of forest resources to achieve and maintain the environmental threshold standards.*	

Recreation	Both Recreation Threshold Standards have been implemented and are in attainment. TRPA partners have made substantial progress in upgrading recreational facilities through the EIP.
SSAP & Recreation	*One of the major objectives of the SSAP is to improve and provide greater access to recreational opportunities from the bed base.*
Fisheries	TRPA and partner agencies have implemented a robust aquatic invasive species control and prevention program; however, aquatic invasive species continue to be a major area of concern because their threat to fisheries and other aquatic biota.
SSAP & Fisheries	*The Tahoe Area Plan Regulations, Section 20.703.270, requires the County to ensure compliance with the provisions of the Resource Management and Protection Regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Chapter 63, Fish Resources, includes the provisions to ensure the projection of fish habitat and provide for the enhancement of degraded habitat.*
Wildlife	Indicators for special interest wildlife species show stable or improving conditions. TRPA's development regulations have protected riparian wildlife habitats and partner agencies are making progress restoring these valuable habitats.
SSAP & Fisheries	*The Tahoe Area Plan Regulations, Section 20.703.270, requires the County to ensure compliance with the provisions of the Resource Management and Protection Regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Chapter 62, Wildlife Resources, includes the provisions to protect and enhance existing wildlife habitats.*
Noise	TRPA and the peer review panel recommended that noise standards and evaluation approaches be re-evaluated. The majority of standards were determined to be out of attainment as a result of a 'no exceedance' interpretation of the standard and that TRPA has little enforcement authority to address many noise issues – in particular, single event noise.
SSAP & Noise	*The Tahoe Area Plan Regulations, Section 20.703.205, requires the County to ensure that the provisions of Chapter 68, Noise Limitations, of the TRPA Code of Ordinances are complied with.*

Source: 2011 Threshold Evaluation

Furthermore, the Tahoe Area Plan Regulations, Section 20.703.220 (C) & (D) requires the County to require environmental documentation be submitted with project applications to ensure compliance with Chapter 3, *Environmental Documentation,* of the TRPA Code of Ordinances and to make all applicable findings in the TRPA Code of Ordinances, including the Threshold-Related Findings in Chapter

	4. [BM]	

14. Why doesn't the Area Plan address Urban Forestry per Code section 13.5.3.C.2?	TRPA Code of Ordinances, Section 13.5.3.C.2 states "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." In the process of developing the South Shore Area Plan, Douglas County and TRPA staff determined that in urban forestry strategy would not be necessary for the following reasons: 1) 1. The majority of the Tahoe Planning Area (or 77%) is under the ownership of and managed by the U.S. Forest Service. 2) 2. The Tahoe-Douglas Fire Protection District already provides wildland/fuels reduction services, including defensible space services, in accordance with the Living with Fire and Defensible Space Guidebook for the Lake Tahoe Basin, to residents and business owners within the Tahoe Planning Area. 3) 3. Property owners within the Tahoe Planning Area are already required to install BMPs. 4) 4. The TRPA has already developed a TRPA Recommended Native and Adapted Plant List for lawns and landscaping. 5) 5. The new Tahoe Area Plan Regulations, Section 20.703.160, require landscape and irrigation plans with all non-residential projects to comply with Chapter 20.694, *Landscape Standards*, of Douglas County Code, except when in conflict with a TRPA provision, in which case the TRPA provision applies. Douglas County Code requires landscaping along public rights-of-way, within parking lots, and for screening purposes. 6) 6. The new South Shore Design Standards and Guidelines include Landscape Design Standards (refer to Chapter 3). 7) 7. There are only three "urban" areas (Round Hill, Stateline, and Lower Kingsbury) within the existing Tahoe Planning Area, and the majority of the areas are over covered with buildings and parking lots and do not include existing forest lands. 8) The current response in the checklist is: "An urban forestry plan is not being proposed with the South Shore Area Plan. New development will be required to install landscaping, in accordance with the Tahoe Area Plan Regulations (refer to Section 20.703.160) and South Shore Design Standards and Guidelines (refer to Section 3)." [BM]	LTSLT 6.25.13 letter page 4
15. Will the comments from the LTSLT be	Yes. This memorandum will be included in the materials provided to the APC. [JH]	LTSLT 6.25.13

addressed and reflected in the materials provided to the APC when they make their recommendation to the Governing Board?		letter page 4
16. How does the golf course zoning change comply with RPU policies and provide for threshold gain?	See response to Question 2. [JM]	LTSLT 6.25.13 letter page 5
17. On the Conformance Review Checklist please include the full text from Code section 13.6.5.C.6, and explain how the Kingsbury Town Center will conform to this Code requirement.	TRPA staff will revise the Conformance Review Checklist to more accurately reflect the Code text. [JH] The Checklist response notes will be revised as follows: Notes: The South Shore Area Plan has been developed to promote the environmental redevelopment of the High Density Tourist District and Kingsbury Town Center to provide for or not interfere with Threshold gain. Improving the Scenic Threshold rating of the High Density Tourist District and Kingsbury Town Center is one of the primary objectives of the South Shore Design Standards and Guidelines. The Edgewood Lodge and Golf Course Improvement Project includes improvements to the existing area-wide water quality system, maintained by the Stateline Stormwater Association, for the High Density Tourist District and surrounding parcels that will reduce the amount of phosphorus, nitrogen, sediment, and fine sediment entering the Lake and therefore improve water quality and help the County meet TMDL reduction targets. Future redevelopment projects in the High Density Tourist District will be required to tie into this system. A new action (see T Action 2.3) is also being added to the Master Plan identifying the need for the County to work with property owners and the NTCD to develop an area wide water quality improvement project in the lower Kingsbury area to accelerate BMP compliance. The County is currently working with partnering agencies on plans to restore Burke Creek, a portion of which runs through the Kingsbury Town Center. Environmental redevelopment within Centers may also result in significant air quality benefits due to the replacement of 40-60 year old structures that are energy inefficient, providing the opportunity for significant reductions in greenhouse gas emissions. Providing recreational opportunities within walking and biking distance should also help to reduce VMT and improve air quality. [BM]	LTSLT 6.25.13 letter page 5

18. The Code section listed, 13.6.5.D.3, and the text on the Conformance Review Checklist are inconsistent.	TRPA staff will revise the Conformance Review Checklist to more accurately reflect the Code text. [JH] See response to Question 17. [BM]	LTSLT 6.25.13 letter page 5
19. How does the Area Plan and site-specific changes included in an Area Plan demonstrate they will achieve and maintain thresholds?	See response to Question 17. [BM] Also, the Douglas County Area Plan includes Goals, Policies and Actions that demonstrate they will contribute to the achievement and maintenance of the thresholds. For example the Area Plan includes the following: T Policy 2.1 - Douglas County shall continue to implement projects identified in the Environmental Improvement Program. The Area Plan includes a discussion of the EIP on page 11 and will support implementation of the EIP by requiring that BMPs be installed with all projects and ensuring projects meet scenic quality improvement requirements, air quality and all other applicable threshold standards. The proposed Design Standards and Guidelines represent a significant step forward in describing the look of the built environment and will result in improvements to water quality and scenic quality thresholds as they are implemented as part of projects. In addition, a major stream restoration project identified in the EIP is incorporated into the Area Plan. That project will result in multiple threshold benefits. New water quality EIP projects will be identified through the County TMDL stormwater load reduction plan(s) and will be incorporated into the Area Plan. The Area Plan also includes Policies 2.4 and 2.5 and Actions 2.5 and 2.6 that state: Policy 2.4 Douglas County shall support efforts by the NTCD to secure funding for BMP technical assistance and education. Policy 2.5 Douglas shall work with the NTCD to focus BMP enforcement and compliance efforts in high loading areas with connectivity to Lake Tahoe identified in the SLRP.	LTSLT 6.25.13 letter page 6

	Action 2.5 Douglas County shall participate in the TRPA BMP Compliance Subcommittee and consider moving forward with actions identified by the sub-committee to increase BMP compliance. Action 2.6 Douglas County shall work with the NTCD to develop a strategy to address BMP enforcement, compliance and maintenance. [PN]	
20. The Environmental Documentation section of the MOU should state that environmental documents prepared by Douglas County will be made available to TRPA.	The Environmental Documentation section of the MOU will be revised to state "Documents prepared by the Public Entity shall be made available for comment by TRPA upon request." [PN]	LTSLT 7.1.13 meeting
21. Terms of Agreement should indicate MOU can be terminated without cause.	The Terms of Agreement section will be revised accordingly. [PN]	LTSLT 7.1.13 meeting
22. Violations section should be clarified to recognize that TRPA may also identify violations.	The Violations section will be revised accordingly. [PN]	LTSLT 7.1.13 meeting
23. The addition of a golf course use warrants more thorough evaluation	See response to Question 2. [JM]	LTSLT 7.1.13 letter page 1
24. Terms of Agreement	See response to Question 21. [PN]	LTSLT 7.1.13 letter page 2
25. Amendments must be approved by the	This is required by Code. [JH]	LTSLT 7.1.13 letter page

governing body		2
26. Environmental Documentation	See response to Question 20. [PN]	LTSLT 7.1.13 letter page 2
27. Training of Douglas County staff	This is included as a pre-condition to transfer of responsibilities. [PN]	LTSLT 7.1.13 letter page 2
28. Fees	This is included (i.e., change from 10% of fee to 1/10 of 1% building permit valuation) to reflect the change in scope of monitoring and reporting. [JH]	LTSLT 7.1.13 letter page 2
29. Findings	See response to Question 10. [PN]	LTSLT 7.1.13 letter page 2
30. Monitoring	See response to Question 11. [PN]	LTSLT 7.1.13 letter page 2
31. BMPs	See response to Question 12. [PN]	LTSLT 7.1.13 letter page 3
32. Violations	See response to Question 22. [PN]	LTSLT 7.1.13 letter page 3
33. Appeal process	The MOU will be changed to include this information. [PN]	LTSLT 7.1.13 letter page 3
34. Conformance checklist language	TRPA staff will revise the Conformance Review Checklist to more accurately reflect the Code text. [JH]	LTSLT 7.1.13 letter page 3
35. Cumulative impacts	See response to question 76. [AE]	TASC/FOWS 7.1.13 e-mail
36. Tracking vs. monitoring	Monitoring is used here to describe the process of TRPA staff receiving information on all building permits and checking a portion of those for compliance with the relevant Code requirements. The way it is used is consistent with the Merriam-Webster definition: “to watch, keep track of, or check usually for	TASC/FOWS 7.1.13 e-mail

	a special purpose". [JH]	
37. Individual and cumulative impacts not adequately analyzed	See responses to Questions 75 and 76. [AE]	TASC/FOWS 6.25.1`3 letter page 1
38. Conformity Checklist is not meaningful (e.g., golf course use, detailed design standards)	See response to Question 2 regarding golf course. [JM] Regarding design standards, the Area Plan package includes new Design Standards and Guidelines which are much more detailed and specific. [JH]	TASC/FOWS 6.25.13 letter page 2
39. IEC for MOU is needed.	See response to question 55. [PN]	TASC/FOWS 6.25.13 letter page 2
40. The "common objectives" should clearly state that the common objective of the Parties includes achievement and maintenance of the environmental threshold carrying capacities.	The "Common Objectives" section of the MOU will be revised to state that the common objective of the Parties includes achievement and maintenance of the environmental threshold carrying capacities. [PN]	TASC/FOWS 6.20.13 letter page 3
41. The MOU fails to incorporate any responsibility for threshold monitoring and relating development approvals to the threshold standards. Even if TRPA is responsible for on-	The proposed MOU requires the local jurisdiction to impose project conditions of approval and inspect permitted projects for conformance with Regional Plan which will ensure conformity with soil conservation, scenic quality and other applicable thresholds. TRPA will continue to be responsible for on-the-ground threshold monitoring. [PN]	TASC/FOWS 6.20.13 letter page 3

the-ground threshold monitoring, as TRPA has recently stated to the GB, the RPU - and any Area Plans that "conform" to the RPU - must be directly tied to the measured conditions of the thresholds.		
42. What is meant by "performed by the Public Entity"? Clearly this applies to projects performed within the Area Plan overseen by the Public Entity, not the Public Entity itself.	The reference to "performed by the public entity" means that any work performed under the MOU must be performed by a Douglas County entity such as the Public Works or Parks and Recreation Department. [PN]	TASC/FOWS 6.20.13 letter page 3
43. Communication: What are the qualifications for the Public Entity liaison and the TRPA MOU Coordinator? How will these representatives be selected and overseen?	TRPA and Douglas County will each select their own public liaisons that will be familiar with permitting regulations and processes for resolving disputes. [PN]	TASC/FOWS 6.20.13 letter page 3
44. How will the public be included in this process? Given the annual review promised by TRPA and the public nature of	Results of annual reviews will made public as part of the annual Area Plan certification report which will include annual permit audit results. [PN]	TASC/FOWS 6.20.13 letter page 3

the MOU document, a clear public participation process must be included.		
45. “Procedures for Resolving Disputes…” Same questions as under Communication.	See response to Question 43. [PN]	TASC/FOWS 6.20.13 letter page 3
46. “Amendments:” Same questions about public process.	Any amendments will be presented to the APC for review and Governing Board for approval. [PN]	TASC/FOWS 6.20.13 letter page 3

47. Appeals: What constitutes a decision by the Public Entity under "independent local" law? Isn't the Area Plan supposed to be considered a local law, and if so, this could create confusion about decisions made by DC under the Area Plan. If a decision is made by Douglas County to address a local, state, or federal regulation, however it also affects the environment in Tahoe in some way, how can this be separated from an Area Plan? Would DC amend an Area Plan to address a new state standard for air quality, for example?	A decision under "independent local" law refers to decisions that are made by the County exclusive of the authority delegated to the County by TRPA. For example, if the County issues a permit for a residential bathroom remodel in Minden, which is outside the jurisdiction of TRPA, that activity does not require a TRPA permit and, therefore, an appeal of the County action cannot be filed to TRPA. Only final decisions on projects delegated to a Public Entity may be appealed to the TRPA. [PN] Douglas County is required to follow local, state or federal regulations both inside and outside the South Shore Area Plan boundaries. Where conflicts occur between standards, the stricter standard will apply. The need to amend an Area Plan due to changing regulations will be made on a case by case basis. [PN]	TASC/FOWS 6.20.13 letter page 4
48. Will this provide affected property owners with at least the same extent of notice is provided by	The TRPA Code does not specify when notices to affected property owners must be provided, however TRPA's practice is to provide notice 14 days prior to a hearing. Douglas County proposes 10 days which is consistent with Douglas County Code for the entire County. [PN]	TASC/FOWS 6.20.13 letter page 4

TRPA's process?		
49. Is this referring to 10 business days, or calendar days?	The reference is to calendar days. [PN]	TASC/FOWS 6.20.13 letter page 4
50. Regarding applications to amend a policy or ordinance that is part of the Area Plan, doesn't TRPA have to review and approve a modification to an Area Plan? Rather, what Area Plan amendments need to be approved by TRPA, and which do not? The public needs to be provided the opportunity to comment on these criteria prior to approval of the MOU.	Pursuant to subsection 13.6.6 of the Code of Ordinances, any amendment to an Area Plan requires review by the APC and Governing Board for conformity with the requirements of the Regional Plan and will require a public hearing. [PN]	TASC/FOWS 6.20.13 letter page 4
51. If these are just administrative changes that have no public or environmental impact, then that must be clarified. If not, then TRPA must be provided more than 10 days as the APC	The notification requirements are for Douglas County actions taken to amend the Area Plan. Pursuant to subsection 13.6.6 of the Code of Ordinances, any amendment to an Area Plan also requires review by the APC and Governing Board for conformity with the requirements of the Regional Plan and will require public notice and a public hearing. [PN]	TASC/FOWS 6.20.13 letter page 4

and GB will have to hear and the GB, approve the amendment.		
52. Who will be responsible for amendments that increase, or have the potential to increase, cumulative environmental impacts?	Pursuant to subsection 13.6.6 of the Code of Ordinances, any amendment to an Area Plan requires review by the APC and Governing Board for conformity with the requirements of the Regional Plan which will require a public hearing and environmental review. [PN]	TASC/FOWS 6.20.13 letter page 4
53. The Public Entity has one year to amend the Area Plan to demonstrate conformity with the TRPA amendment." Will TRPA enforce the RPU amendments at the local level in the meantime? Currently, amendments take effect in 60 days; this may allow a 10 month additional lag time.	Regional Plan and Code amendments will be applied and enforced from the effective date of the amendment and are not dependent on Douglas County amending the area plan. [PN]	TASC/FOWS 6.20.13 letter page 4
54. MOU Attachment B - The Activity Level column is empty; an "*" after Activity Level notes: "(P) Permit, (E) Exempt, (QE) Qualified Exempt."	The activity column is left blank since the activities authorized by the MOU can be either exempt, qualified exempt or require a permit. The attachment will be clarified to indicate that all three activity levels are authorized by the MOU. [PN]	TASC/FOWS 6.20.13 letter page 4
55. MOU Attachment	A separate Initial Environmental Checklist for the MOU was prepared and will be made available for	TASC/FOWS

C - "Activities delegated to the County that are exempt from TRPA Review and Approval" This means that the County will exempt more activity, building, and land disturbance than allowed by the RPU. Where are the potential individual, let alone cumulative, impacts of these changes analyzed? This is not analyzed in the IEC.	public review prior to the Advisory Planning Commission and Governing Board meetings. [PN]	6.20.13 letter page 5
56. Roadways, Trails, Sidewalks & Parking Facilities; Line 1: "Routine non-structural maintenance provided the activities do not modify the shape or location of the facility, create or relocate land coverage, add new structural appurtenances, or modify existing drainage." TRPA Code requires GB approval of public service	The MOU does not affect this provision and Governing Board review will still be required for those activities identified in the Code. [PN]	TASC/FOWS 6.20.13 letter page 5

projects involving the following: a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage; and b. Airport Expansion.		
57. Line 2: Structural Maintenance, repair, and replacement: "relocated and/or permanent land disturbance…120 sq. ft. and 500 sq. ft." What is permanent land disturbance, and how is it different than coverage? Appears to allow conversion of soft coverage to hard coverage (e.g. 'compacted shoulders').	The TRPA Code of Ordinances defines land disturbance as follows: Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to grading. The MOU is not intended to allow the conversion of soft coverage to hard coverage and therefore the MOU language will be clarified accordingly. [PN]	TASC/FOWS 6.20.13 letter page 5

58. Although TRPA's Code includes certain exceptions for allowing additional land coverage and/or permanent land disturbance in areas with land capabilities of 1a,1b (SEZs), 1c, 2, and 3 (Chapter 30.5), the Code otherwise prohibits this. However, the MOU would allow exempt and QE projects to proceed if under certain sizes; however, the individual, let alone cumulative, impacts of this change are not analyzed by TRPA or DC. Line 3: Installation of vehicle barriers is now exempt? Scenic issue.	See response to Question 55. [PN] Parking and Vehicle barriers are BMPs, are listed in the "Handbook of Best Management Practices" and are considered exempt activities as long as the installation does not exceed exempt grading limitations. [PN]	TASC/FOWS 6.20.13 letter page 6
59. Line 5: Erosion Control and Water Quality Protection Facilities: Line 5: "without limit on material volume or land capability" See	The MOU exempts the maintenance of storm water treatment facilities which can require the removal of large amounts of sediment from the volume limitations in sub-section 2.3.1 of the Code. [PN]	TASC/FOWS 6.20.13 letter page 7

TRPA Code 2.3.1 – volume limited.		
60. Line 7: QE - Modifications to existing facilities to improve effectiveness, meet new regulatory standards, or correct system inefficiencies…" (no limit on sq. ft.); references scenic impact. Meet new regulatory standards could allow conversion of a basin to a cement facility based on TMDL. Who defines what 'improves effectiveness'?	Douglas County determines how to improve effectiveness based on their best professional judgment as informed by the TRPA Handbook of Best management practices and the Lake Tahoe Total Maximum Daily Load. [PN]	TASC/FOWS 6.20.13 letter page 7
61. Line 9: Similar to Line 2, but also: "provided excavation is limited to areas under existing pavement, road shoulder, or compacted soil; no new land coverage is created, and relocated land coverage or permanent land disturbance is limited to…120/1,000 sq. ft."	Compacted soil is the same as soft coverage as defined by the TRPA Code of Ordinances. [PN]	TASC/FOWS 6.20.13 letter page 7

What is compacted soil? How is this difference than soft coverage?		
62. Can DC approve demolition via a QE that the RPU would not allow?	Yes, if the MOU Partner determines that the structure does not qualify for historical protection in accordance with Chapter 67 of the TRPA Code based on a report prepared by a qualified professional acceptable to the appropriate State Historic Preservation Officer (SHPO). [PN]	TASC/FOWS 6.20.13 letter page 7
63. Line 17: "Pruning of vegetation, including hazardous tree limb removal, beyond the limits allowed in Subparagraph 2.3.2.H of the TRPA Code to maintain adequate sight distance along roadways and other travel routes." This allows more pruning/etc. than TRPA Code allows as exempt. This could be used to justify tree removal?	The MOU allows pruning of vegetation and removal of tree limps for public health and safety purposes. This provision does not allow for tree removal which will require a TRPA tree removal permit. [PN]	TASC/FOWS 6.20.13 letter page 8
64. QE – Hazardous tree removal around MOU Partner Facilities in accordance with Subparagraph 61.1.7.A of the TRPA Code, except that TRPA approval is not	A report from a qualified forester is not required to allow the removal of a hazardous tree which is defined in the TRPA Code as "A tree identified as dangerous, immediately or in the near future, to lives or property." [PN]	TASC/FOWS 6.20.13 letter page 8

required unless the tree was planted as a scenic mitigation measure pursuant to a TRPA permit (including permits issued by local government in accordance with Section 2.5).” Does this mean that a qualified forester report is also not required?		
65. Changing exempt volume from 3 cubic yards to 15 cubic yards was not analyzed in the RPU or IEC. The cumulative impacts could be significant.	See response to Question 55. [PN]	TASC/FOWS 6.20.13 letter page 9
66. Changing qualified exempt volume from 7 cubic yards to 50 cubic yards was not analyzed in the RPU or IEC. The cumulative impacts could be significant.	See response to Question 55. [PN]	TASC/FOWS 6.20.13 letter page
67. “The following standards shall apply to activities authorized under this MOU. The Parties shall consult with each other	Alternative standards that are equal or superior may be developed based on best professional judgment and may require amendment of the MOU depending on the scope and scale of the proposed alternative standards. Amendment of the MOU will require a public hearing and approval by the TRPA Governing Board. [PN]	TASC/FOWS 6.20.13 letter page 9

regarding any uncertainties about these standards. Alternative standards may be approved by the TRPA MOU Coordinator when the results are determined to be equal or superior to these standards." It is unclear if the parties' consultation will involve the public – this should be a public process, just as the MOU requires public hearing. What constitutes an "Alternative standard?" What criteria will be used to assess whether a standard is "equal or superior?" How will the public be included in this 'equal or superior' determination, as it affects the MOU, which requires public hearing?		
68. Project Area: determined via Code "Project Areas shall	This statement will be deleted from the MOU. [PN]	TASC/FOWS 6.20.13 letter page

not overlap except for activities that do not involve land coverage or land use." This is different than TRPA's Code.		10
69. Mitigation: "All new and relocated land coverage shall be mitigated through payment of the applicable water quality or excess coverage mitigation fees." What about coverage removal instead of just paying the water quality mitigation fee?	The language will be amended to include the option to remove coverage as a mitigation option consistent with the Code of Ordinances. [PN]	TASC/FOWS 6.20.13 letter page 10
70. Record Keeping and Reporting: "The MOU Partner shall keep records of Exempt and Qualified Exempt activities commenced pursuant to this MOU for a period of twelve months." Would the MOU Partner have records of exempt projects? Do TRPA requirements also	The MOU requires records be kept for exempt and qualified exempt activities for a period of 12 months. This will allow TRPA to review the records, as needed, to determine conformity of the activities with the TRPA Code of Ordinances. TRPA does not keep records of exempt activities but does keep records of qualified exempt activities indefinitely and the MOU will be amended to require Douglas County to meet the same standard. [PN]	TASC/FOWS 6.20.13 letter page 10

retain copies for 12 months? What are TRPA's requirements for record-keeping of E/QE projects?		
71. Noise and Hours of Operation: "Construction, maintenance, and demolition activities creating noise in excess of the TRPA single event noise or [CNEL] standards in Section 68.9 of the TRPA Code shall be considered exempt provided that such work is conducted between the hours of 8:00 a.m. and 6:30 p.m…" TRPA's Code limits this exemption to "TRPA-approved" construction or maintenance projects. As the MOU would allow significantly more projects to occur without approval by DC or TRPA, how will the MOU address the noise created by these	The standards in Section 68.9 apply to activities authorized by this MOU (and other MOUs) as they are considered approved TRPA construction or maintenance activities. [PN]	TASC/FOWS 6.20.13 letter page 10

additional projects? Typically, the regulatory agency would consider the location, timing, etc., and include mitigation measures and/or address the noise in some way.		
72. The change in the Douglas County map from "mixed-use" to "commercial" is confusing and is expected to have impacts.	This is a change in name only. SSAP would use "commercial" designation in lieu of TRPA's "mixed-use" land use classification to be consistent with terminology used elsewhere in the county. Allowable land uses would be the same. No impacts from this change in terminology would occur. [AE]	TASC/FOWS 6.20.13 letter page 10
73. IEC should use a 2008 baseline…	The appropriate baseline for environmental analysis is the environmental condition on the ground at the time of either preparation of the IEC. [JM]	TASC/FOWS 6.20.13 letter page 11
74. RPU EIS is technically inadequate…	TRPA disagrees with this comment. The RPU EIS thoroughly examined the environmental consequences from the RPU proposals. [JM]	TASC/FOWS 6.20.13 letter page 11
75. The IEC does not analyze localized impacts of the DC SSAP.	The comment is not correct. The IEC assesses the replacement of the existing plans (including applicable community plans and PASs), maps, and ordinances with the SSAP and the potential environmental effects of implementing the SSAP over its approximately 20-year plan horizon. Because Douglas County is not proposing any refinements, new or revised policies, or programs (e.g., area-wide coverage or BMP programs) that deviate from or that provide additional specificity from that proposed in the Regional Plan, it is consistent with the RPU and its environmental analysis. Like the RPU EIS, but focused specifically on land uses in the plan area, the SSAP does not propose, nor would it approve, any specific projects. These would be subject to site- and project-specific analyses in accordance with existing Code and other regulations. [AE]	TASC/FOWS 6.20.13 letter page 12
76. The IEC does not	The cumulative impacts analysis of the RPU EIS (TRPA 2012a, pages 4-2 through 4-10) includes	TASC/FOWS

analyze the cumulative impacts of the SSAP.	environmental enhancement projects, land management plans, TTD/TMPO projects and programs, and other development projects. The SSAP IEC is tiered from this EIS, including its comprehensive cumulative analysis. The scope and characteristics of cumulative actions have not substantially changed; no additional cumulative projects or programs are known at this time. [AE]	6.20.13 letter page 12
77. The IEC does not analyze whether the RPU EIS assumptions are applicable to the SSAP.	As described in Master Response 8 of the RPU EIS, although the ultimate development pattern, location, and rate of transfers of development rights and incentives is difficult to predict, the analysis used reasonable assumptions based on a range of market conditions, the location of existing development and unused development rights, and past utilization of similar programs. No substantial changes in the physical, social, or economic conditions of the Region have occurred that would invalidate those assumptions, and no projects are proposed in the SSAP area such that additional specificity could be considered. RPU assumptions are valid and applicable. [AE]	TASC/FOWS 6.20.13 letter page 15
78. (Other IEC issues.) The commenter expresses disagreement with the discussion and rationale for "no" responses in the IEC.	• Compaction or covering of soil: The SSAP would not alter or revise the regulations pertaining to land capacity and IPES. As discussed on page 7 of the IEC, permit applicant would be required to demonstrate that proposed compaction and coverage would be within the limits allowed in Chapters 30 and 53 of the TRPA Code. • Topography or ground surface relief features: As an Area Plan, the SSAP would be permitted to propose specific development projects, but the SSAP does not; the proposal is limited to use as a planning tool. The SSAP does not include specific development projects and does not propose altered or revised regulations pertaining to grading that would be inconsistent with the requirements of the TRPA or Douglas County Code. • Undisturbed soil or geologic substructures: Again, the SSAP does not include specific development projects and does not propose altered or revised regulations pertaining to grading or excavation. • Geologic hazards (e.g., earthquakes, landslides, avalanche): The SSAP does not include specific development projects and does not propose altered or revised regulations pertaining to development that could cause, or be vulnerable to geologic hazards. • Substantial air pollutant emissions: The SSAP would not alter or revise the regulations pertaining to air quality. Because the SSAP is consistent with the RPU, it would contribute to a substantial long-term reduction in emissions of ozone precursors and CO, and PM emissions attributable to buildout of the Regional Plan are mitigable and below levels considered significant by TRPA (82 lb/day) for a single project. • Use of diesel fuel: The SSAP would not alter or revise the regulations pertaining to air quality, including diesel emissions during construction. Any proposed project would be required to assess and mitigate, if necessary, impacts resulting from diesel emissions.	TASC/FOWS 6.20.13 letter pages 17-25

	• Removal of riparian vegetation: The SSAP would not alter or revise the regulations pertaining to riparian vegetation or critical habitat. Federal, state, and TRPA protections are in place and environmental review procedures and permitting requirements are unchanged. • Introduction of new vegetation, excessive fertilizer, barrier to replenishment of existing species: Existing protections pertaining to fertilizer use and management remain in effect, and no projects are proposed that would increase fertilizer use. • Expand or intensify a non-conforming use: While the proposed SSAP could include uses that are not currently listed as permissible in portions of PAS 070A and 080, and the Kingsbury and Stateline Community Plans, the proposed land use changes are consistent with the corresponding land use classifications in the adopted Regional Plan and the broader categories of uses (e.g., commercial, tourist, residential) envisioned in the Regional Plan and Regional Plan Update EIS. Any specific uses proposed would be evaluated pursuant to existing Code and regulations. • Human population: The SSAP would bring the community plans and PASs into alignment with the location, distribution and growth rate of the human population planned for the region. Growth within the SSAP would be constrained to that which is allowed by the commodity system set forth in Chapter 50 of the TRPA Code. • Housing: As described in the IEC, potential development and redevelopment associated with the SSAP is anticipated to create an increase in temporary and permanent jobs, which would result in a commensurate increase in the demand for housing. The TRPA Code provides incentives for the development of affordable and moderate-income housing; the Douglas County Master Plan includes goals and actions related to increasing housing opportunities in the county, including affordable housing units at Lake Tahoe; and the SSAP updates the Land Use Element to include a new action (T Action 1.4) that calls for the development of a regional housing needs assessment and implementing policies and programs. • Traffic generation and impacts on transportation: The SSAP would not alter or revise regulations pertaining to trip generation and is consistent with the Regional Plan in terms of traffic generation. While development and redevelopment within the SSAP as a whole is likely to generate 100 or more new daily vehicle trip ends (criterion used to determine the need for project specific traffic analyses), any project that would generate that volume would prepare the analyses and mitigate for any impacts in accordance with the TRPA Code. • Scenic and visibility: As described in the IEC, the SSAP would implement the provisions of the Regional Plan (such as increased density and height in community centers) intended to incentivize redevelopment, while protecting scenic resources through South Shore Design	

	Standards and Guidelines and Chapters 4, 36, 37, and 66 of the TRPA Code(see page 48 -53 of the IEC). Because the SSAP does not propose revisions to the Regional Plan, nor include proposals for development projects, no additional analysis is required. [AE]	
79. (Other IEC issues.) The commenter expresses that the SSAP will contribute to cumulative impacts and that these must be evaluated.	See response to Question 76. [AE]	TASC/FOWS 6.20.13 letter page 26
80. (Other IEC issues.) The commenter expresses that the SSAP will create additional recreation demand and capacity that needs to be analyzed.	As described in the IEC, development associated with the SSAP could generate additional recreation demand by increasing the concentration of residents and visitors in the area, but existing recreation opportunities are numerous and can meet that potential increase in demand within and in the immediate vicinity of the SSAP, and more than half of the SSAP includes land designated for recreation purposes. It is anticipated that development within the SSAP could expand public recreation opportunities within the SSAP limits. Therefore, any new demand that is created by development within the SSAP would be easily met. The *physical* effects of any proposed recreation facilities would be evaluated in accordance with TRPA Code and other regulations. [AE]	TASC/FOWS 6.20.13 letter page 26
81. As noted throughout this letter, there are several proposals in the SSAP that do not 'conform' to TRPA's RPU, yet the Conformity Checklist states that they do. For example, TRPA's RPU would prohibit the development of a new golf course, as a new source of fertilizer use, on the T-RR parcel because	The TRPA land capability maps indicate the presence of both high and low capability land within the T-RR Edgewood parcel. The exact location of high capability and low capability land would be verified as a part of a project application. The TRPA Code prohibits the development of a golf course on low capability land. [PN]	TASC/FOWS 6.20.13 letter page 27

according to DC's own maps, this parcel is comprised of sensitive and SEZ lands. Exemptions for fertilizer use only apply to existing approved uses.		
82. Additional environmental review is needed because proposed land use development and public works projects were not analyzed.	See response to Question 75. [JM] No specific projects have been identified or entitled by this Area Plan. [JH]	TASC/FOWS 4.9.13 Douglas County Commission letter page 1
83. The public process is confusing because there are numerous Area Plans, some in multiple phases.	At both the local and regional levels there have been numerous meetings and multiple opportunities to provide input on the SSAP. To date the same has been the case for other Area Plans being prepared by local governments in the Tahoe Region. [JH]	TASC/FOWS 4.9.13 Douglas County Commission letter page 1
84. Cumulative impacts, particularly vehicle miles travelled, have not been analyzed.	See responses to Questions 76-78. [AE]	TASC/FOWS 4.9.13 Douglas County Commission letter page 2
85. A Statement of Intent must be submitted to the TRPA Board (Code Section 13.4.2).	Staff has clarified on the record that this is required no sooner than one year after the Regional Plan was updated as it is for the Board to understand which local governments plan to prepare Area Plans, what geographic areas will be included, and to decide if TRPA staff should prepare an Area Plan where the local government has decided not to do so. That one year period has not ended. Nevertheless, Douglas County submitted that notice and the Governing Board has been made aware of it. [JH]	TASC/FOWS 4.9.13 Douglas County Commission

		letter page 2
86. Conformity Checklist does not include adequate information so an environmental analysis should be included	An environmental analysis (IEC) for the SSAP has been prepared and has been revised based on input from a number of sources. [JH]	TASC/FOWS 4.9.13 Douglas County Commission letter page 2
87. New land use designations should be overlain with Plan Area Statement designations to aid in the Conformance Review process.	This was done during the staff level conformance review process and the map is part of the public record as it was included in the slide presentation made to the Douglas County Commission. [JH]	Ellie Waller 6.27.13 document page 1
88. Chapter 21 permissible uses should be identified.	Permissible uses are identified in the Development Code-Tahoe Area Plan Regulations, IEC Appendix B, and Chapter 21 of the TRPA Code of Ordinances. [JH]	Ellie Waller 6.27.13 document page 1
89. Local jurisdictions must not be allowed to tier off the RPU which did not analyze some of the proposed additional development stated in the Douglas County Area Plan.	The SSAP is consistent with the Regional Plan and no development is currently proposed. The IEC analysis focuses on the changes resulting from the alignment of the SSAP (replacing Community Plans and PASs) with the Regional Plan, adopted December 2012. [AE]	Ellie Waller 6.27.13 document page 1
90. The permit recently approved by the Hearings Officer on June 13, 2013 was not analyzed in the	This use was allowed by the Regional Plan prior to the update. This permit was processed as required by the TRPA Code of Ordinances and did not require an environmental analysis. [PN]	Ellie Waller 6.27.13 document page 2

RPU EIS.		
91. BMP compliance, maintenance, and enforcement must be strengthened before any Area Plan is approved.	Douglas County will take responsibility for BMP compliance and maintenance for projects processed through the County as well as those for which it receives credit in any approved Stormwater Load Reduction Plan. [JH]	Ellie Waller 6.27.13 document page 3
92. Design Standards in the Douglas County documentation provide no analysis for visual prominence.	Because the SSAP is in conformance with the Regional Plan and proposes no modifications or revisions, any projects proposed in the SSAP would be subject to the mitigation measures adopted as part of the RPU EIS, including no increase in visual prominence, described in TRPA Code Section 37.7.17.B: "When considering visual prominence, the following factors will be considered: Building mass, contrast, location, articulation, color, materials and architectural style; and the quality of landscape features and views that are blocked or revealed." [AE]	Ellie Waller 6.27.13 document page 3
93. 13.5.3.B.2. Area Plan must identify strategies for parking and water quality treatment, analyze such strategies, and include enforcement requirements.	Code Section 13.5.3.B identifies alternative development standards and guidelines that <u>may</u> be included in Area Plans, but they are not required. [JH]	Ellie Waller 6.27.13 document page 3
94. 13.5.3.C.3 Last bullet. Restoration, not just retirement, must be addressed.	Code Section 13.5.3.C.3.d as adopted states: "Transfers shall result in retirement of existing development." [JH]	Ellie Waller 6.27.13 document page 3
95. 13.5.3.D.1.b. - This was a dissenting vote by Clem- shall encourage protection of views. This requires no action thus no environmental impact assessed- see Design Standards comment	Code Section 13.5.3.D.1.b.(ii) was adopted to state: "Area Plans shall encourage the protection of views of Lake Tahoe." [JH]	Ellie Waller 6.27.13 document page 3

above.		
96. 13.5.3.D.4 Even though code says "should" SHALL is appropriate- same for 13.5.C.5	This comment is correct. The referenced sections were adopted with the word "should". [JH]	Ellie Waller 6.27.13 document page 3
97. 13.6.5.A.8 No mandatory requirement to protect SEZ. Language must include protection language.	This Code Section includes requirements that are in addition to those in the previous three subparagraphs (A, B, and C). Code Section 13.6.5.A.7 states that the submitted Area Plan shall "Protect and direct development away from Stream Environment Zones and other sensitive areas…" [JH]	Ellie Waller 6.27.13 document page 3
98. 13.6.5.B Explain "default standards". Give examples. No definition in Chapter 90 "Definitions" or anywhere in the RP does a definition exist. How can impacts be analyzed if no definition exists.	In reviewing the Area Plan for conformance, it must be shown that the TRPA requirements for water quality apply to all projects unless there is an approved load reduction plan. In that case, it must be shown that the requirements identified in the load reduction plan apply to all projects. In the case of the SSAP, the load reduction plan has not been completed and adopted so the TRPA requirements apply by default. Douglas County has adopted these by reference. [JH]	Ellie Waller 6.27.13 document page 4
99. 13.6.5.C.6 Define "or not interfere with threshold gain". Environmental redevelopment within this area may also result in.... may does not provide analytical proof stating impacts are mitigated or corrected.	The term "not interfere with" means that the Area Plan will not hinder or impede. [JH] See response to Question 78. [AE]	Ellie Waller 6.27.13 document page 4
100. .... should also	See response to Question 78. [AE]	Ellie Waller

help to reduce VMT and improve air quality. The same- does not analyze anything or provide proof. No requirement to analyze. Criteria for reduction must be stated.		6.27.13 document page 4
101. No scenic analysis or comparison with newly proposed structures- height maximums must identified and impacts analyzed.	See response to Question 78. [AE]	Ellie Waller 6.27.13 document page 4
102. 13.6.D.5.1- Subjective ! enhance appearance of existing bldgs. Give examples of what is on the ground today and what enhances the existing building.	There are numerous enhancements that can be made to existing appearance including, for example, vertical and horizontal articulation; use of colors, materials and style that are more indigenous; changes in lighting and vegetation; etc. These topics are addressed in the proposed design standards for the SSAP. [JH]	Ellie Waller 6.27.13 document page 4
103. 13.6.8 add "approved" MOU to the language.	The term “adoption” is used. The adoption process is explained in Code section 13.7 and includes the requirement for Governing Board approval. [JH]	Ellie Waller 6.27.13 document page 4
104. The commenter describes the purpose and requirements of cumulative impact analysis under NEPA.	As the proposed SSAP would not require discretionary action by a federal agency, it does not require compliance with NEPA. See also response to Question 76. [AE]	Ellie Waller 6.27.13 document page 4
105. New height and	Height and density standards are consistent with RPU and were analyzed in RPU EIS. [PN]	Ellie Waller

density standards are not adequately analyzed		6.18.13 Document pg. 1
106. Remove "voluntary compliance" from BMP Code and what environmental analysis was done on the detailed design standards?	Changes to TRPA BMP Code regulations are not a part of the proposed SSAP. The Design Standards and Guidelines were analyzed in the IEC. [PN]	Ellie Waller 6.18.13 Document pg. 4
107. Notice to affected property owners.	Proposed notice requirements are consistent with Douglas County notice requirements for the rest of the County. [PN]	Ellie Waller 6.18.13 Document pg. 4
108. Alternative MOU standard criteria approval	The MOU has been amended to require that any changes to the MOU will be subject to Governing Board approval.[PN]	Ellie Waller 6.18.13 Document pg. 4
109. Give examples of environmental enhancement projects.	Any project that contributes toward threshold attainment is considered an environmental enhancement project (e.g. SEZ restoration).	Ellie Waller 6.18.13 Document pg. 4
110 MOU Coordinator,	The Current Planning Manager is the MOU Coordinator.	Ellie Waller 6.18.13 Document pg. 4
111. Why provided a statement of intent after the Area Plain is approved.	Douglas County submitted a notice of intent and the Governing Board has been made aware of it.	Ellie Waller 6.18.13 Document pg. 5

112. Code should be corrected to add restoration of the site not just retirement.	Restoration of land coverage is required in order to "retire" land coverage.	Ellie Waller 6.18.13 Document pg. 6
113. Where was the increase to 70% coverage analyzed in the RPU.	The RPU EIS analyzed the increase up to 70% coverage for developed parcels.	Ellie Waller 6.18.13 Document pg. 6
114. Explain where "modifies the CNEL standards" is analyzed in the RPU.	The proposed noise standards either retain the existing CNEL standards from the applicable community plans and PASs or bring the standard into compliance with the TRPA Threshold noise standard. [PN]	Ellie Waller 7.18.13 Document pg. 7
115. Where was the nominal increase in traffic noise analyzed in SSAP or RPU?	The SSAP IEC concludes that because measures identified in the RPU EIS that would reduce traffic noise to the extent feasible have been adopted by Douglas County and are a part of the proposed SSAP, the SSAP would not result in substantial increases in CNEL noise levels relative to existing conditions. [PN]	Ellie Waller 7.18.13 Document pg. 7
116. New uses not analyzed in RPU	Due to concerns about certain new uses being proposed in the SSAP, "downhill ski areas" and "golf courses" are proposed to be removed from the list of permissible uses. [PN]	Ellie Waller 7.18.13 Document pg. 7
117. Written evidence of water supply for golf course.	See comment 116 above. [PN]	Ellie Waller 7.18.13 Document pg. 6
118. Where were the new uses analyzed if the Area Plan did not exist when the RPU was approved?	All past approvals for new uses in the geographic area encompassed by the SSAP were reviewed pursuant to the TRPA Code of Ordinances and applicable community plan standards. [PN]	Ellie Waller 7.18.13 Document pg. 7
119. Where was population carrying capacity analyzed in the SSAP.	The RPU EIS analyzed the effects to population resulting from mixed –use zoni9ng concepts envisioned by Regional Plan Update. [PN]	Ellie Waller 7.18.13 Document pg. 6

120. The SSAP envisions demolishing existing 85 ft. buildings and creating 197 ft. buildings. The IEC should indicate "Yes" to scenic impact question concerning block modify existing views of Lake Tahoe.	The potential effect was analyzed in the RPU EIS an all future development proposals will be required to meet all applicable scenic quality standards in the Code and SSAP, including the South Shore Design Standards and Guidelines. [PN]	Ellie Waller 7.18.13 Document pg. 8
121. Design Standards and Guidelines – Pretty pictures do not analyze impacts.	The impacts associated with the South Shore Design Standards and Guidelines are analyzed in the SSAP IEC. [PN]	Ellie Waller 7.18.13 Document pg. 8
122. Scenic Impacts - RPU EIS was programmatic not project specific.	Project specific environmental documentation will be required for all future development proposals. [PN]	Ellie Waller 7.18.13 Document pg. 8
123. Conclusion that mixed-use areas with improved designs, signage, and compatible architecture ….generally improve scenic conditions is subjective.	TRPA Threshold Evaluations have shown that new and redeveloped areas with improved building design, signage and compatible architecture contribute to improved scenic quality. [PN]	Ellie Waller 7.18.13 Document pg. 8
124. Has any scenic analysis been completed for provisions that allowances of two new monument signs.	The SSAP IEC evaluated the provisions and concluded the signs would not have an adverse effect on applicable scenic resources and community design thresholds. [PN]	Ellie Waller 7.18.13 Document pg. 9
125. Explain	Environmental enhancement projects are those projects that result in improvement to any of the	Ellie Waller

environmental enhancement criteria.	threshold categories. [PN]	7.18.13 Document pg. 9
126. How does SSAP strengthen existing scenic protections?	The South Shore Design Standards and Guidelines include additional design standards and guidelines for site and building design, landscaping, signs and lighting that will contribute to improvements in scenic quality. [PN]	Ellie Waller 7.18.13 Document pg. 9
127. List the actual mitigation measures that qualify for a "no" in b.	The referenced mitigation measures are listed in the IEC. [PN]	Ellie Waller 7.18.13 Document pg. 9
128. The SSAP environmental analysis is inadequate.	An environmental analysis (IEC) for the SSAP has been prepared and has been revised based on input from a number of sources and meets the requirements of Chapter 3, Environmental Documentation of TRPA Code of Ordinances. [PN]	TASC/FOWS 7.17.13 letter pg. 1 and 2
129. Concern about ski areas and golf courses development on the formerly zoned conservation –zoned Edgewood property.	The APC has recommended that the Governing Board remove "downhill ski areas" and "golf courses" from the T-RR Edgewood property. [PN]	TASC/FOWS 7.17.13 letter pg. 3, 4 and 5
130. Responses to TASC/FOWS 7.17.13 letter were not provided in packet.	See response to comments 128 and 129 above. [PN]	TASC/FOWS 8.27.13 letter pg. 1
131. The TRPA Code requires Douglas County approval prior to Governing Board approval.	The Douglas Board of County Commissioners approved the SSAP on June 20, 2013. They will consider amending the SSAP to include any changes made by the Governing Board following GB approval. [PN]	TASC/FOWS 8.13.13 and 8.27.13 letter pg. 1
132. Compact does not allow delegation of TRPA project review and approval duties to	Similar MOU have been adopted by the Governing Board which delegate permitting responsibilities to the City of South Lake Tahoe, El Dorado County, Placer County and Washoe County.[PN]	TASC/FOWS 8.13.13 page 1 and 8.27.13

Douglas County.		letter pg. 1 and 2
133. The MOU delegates to Douglas County the ability to prepare an EIS for project proposals.	The "Activities Requiring TRPA Approval" section of the Area Plan MOU requires that projects currently requiring Governing Board approval will continue to be reviewed by TRPA. Projects for which an EIS will be prepared require Governing Board approval and will therefore, be reviewed by TRPA. [PN]	TASC/FOWS 8.27.13 letter pg. 2
134. The Regional Plan imposes significant barriers to appealing delegated project approval to the TRPA.	The SSAP and MOU are consistent with Chapter 13 of the Code that sets forth Area Plan appeal procedures. [PN]	TASC/FOWS 8.27.13 letter pg. 2 and 3
135. The exemptions and qualified exemptions are improper.	The exempt and qualified exempt MOU is being removed from the proposed MOU since a nearly identical MOU currently exists between TRPA and Douglas County.[PN]	TASC/FOWS 8.13.13 page 1 and 5 and 8.27.13 letter pg. 3
136. The environmental and cumulative impacts of the SSAP have not been adequately analyzed.	See response to answers 76-78 [AE]	TASC/FOWS 8.13.13 letter pg. 2 and 5 and 8.27.13 letter pg. 3
137. The SSAP does not show how it will achieve and maintain thresholds.	See Attachment M, Environmental Improvement Documentation Summary, and Chapter 4 findings of the Staff Summary [PN]	TASC/FOWS 8.13.13 letter pg. 2 and 8.27.13 letter pg. 3 and 4
138. Area Plans need more environmental review that what was included in the RPU EIS.	See response to answer 86 [PN]	TASC/FOWS 8.13.13 letter pg. 2 and 8.27.13 letter pg. 4

139. The SSAP IEC "tiers" from the RPU EIS which is premature since the EIS is the subject of a pending lawsuit.	TRPA certified the RPU EIS in December 2012 and that certification remains valid. [PN]	TASC/FOWS 8.13.13. pg. 2 and 8.27.13 letter pg. 4
140. The SSAP including TRPA's MOU template and Conformity Checklist that will be used for all Area Plans, carry forward problems and deficiencies of the RPU process and documents. We incorporate herein all comments by TSAC and FOWs on the RPU, and all subsequent comments submitted related to Area Plans and RPU implementation (in 2013	Comment noted	TASC/FOWS 8.13.13 letter pg. 2 and 8.27.13 letter pg. 4
141. Compact threshold findings cannot be made.	Staff has revised the staff summary to provide additional information to support the findings.[PN]	TASC/FOWS 8.13.13 letter pg. 2 and 6 and 8.27.13 letter pg. 4
142. Will golf courses be considered prohibited on the T-RR	The RPIC's recommendation to remove golf courses from the T-RR resort parcel will remove "golf courses" as a permissible use on the parcel. A golf course could not be permitted as a conditional or special use.[PN]	TASC/FOWS 8.13.13 letter pg. 3

parcel, will they be conditional or special uses, but not prohibited, or will this remove them from the T-RR designation altogether?		
143. Changes related to Special Areas we not addressed in IEC.	The IEC analyzed the potential environmental effects of eliminating special uses (e.g. See "Land Use" section of IEC.[PN]	TASC/FOWS 8.13.13 letter pg. 3
144. Snowmobile Use as an Expanded and New Use.	A footnote has been added to the Douglas County Regulatory Code that prohibits snowmobile courses within Special Area 1 as shown on the Record of Survey May for the Park Cattle Company (Document No. 34529).[PN]	TASC/FOWS 8.13.13 letter pg. 4
145. Increase in Nitrogen not analyzed. The TMDL does not address nitrogen.	The TMDL addresses fine sediment, nitrogen and phosphorous.	TASC/FOWS 8.13.13 letter pg. 5
146. Simulated image of Resort Recreation Development	The simulated image of development on the Edgewod Mountain Resort Recreation Parcel depicts development that could not be allowed under the SSAP for the following reasons: 1) The site in question contains a deed restriction requiring the site to be maintained as open space and a scenic view corridor as recorded in the Official Records of Douglas County as Document No. 26156	Attachment to TASC/FOWS 8.27.13 letter