

**ISSUE SUMMARY**

**Context/Background:** The Draft Regional Plan retains existing provisions related to noise, with language clarifications, and calls for an ongoing analysis of Airport noise and an update to the 1986 Airport Master Plan. Additionally, the 2011 Threshold Evaluation found that the existing Threshold Standards for noise are overly complex and need to be comprehensively reconsidered.

**RPU Committee:** The RPU Committee advanced proposed policy revisions related to airport noise by non-unanimous votes. The Bi-State Recommendation did not address Airport noise.

**EIS Analysis:** The EIS did not identify any significant environmental impacts from the proposed noise policy revisions, but did identify potentially significant impacts based on existing Threshold Standards. Potentially significant impacts resulted from cumulative traffic noises, construction related noise and ground vibration, and redevelopment in areas where existing noise levels exceed Threshold Standards. Mitigation measures would require the development and implementation of a Region-wide traffic noise reduction program, a Region-wide policy on construction noise, and exterior noise standards.

**Public Comments:** Few comments were received on noise policies or mitigation measures. Comments received focused on the feasibility and potential negative effects of proposed mitigation measures. A few comments expressed concern over Policy language related to airport noise and suggested that the Plan should include more stringent regulations on airport uses.

**Summary of Recommendation:**

1. Review and endorse the relevant mitigation measures in the Draft EIS (Exhibit B).
2. Consider public comments related to noise (Exhibit C).

## **ISSUE ANALYSIS**

### **Context/Background:**

The Draft Regional Plan retains existing provisions related to noise, with language clarifications, and calls for an ongoing analysis of airport noise and an update to the 1986 Airport Master Plan.

Non-substantive revisions to noise policies are intended to clarify language, make policy language consistent throughout the Plan, and remove duplication of specific standards that are established in other documents.

The existing airport noise policy (N-1.1) requires that an ordinance and enforcement program be developed to achieve the applicable single event Noise Threshold Standard at the airport. The existing policy language also lists the specific Threshold Standards that are included in Resolution 82-11, which establishes TRPA's Threshold Standards.

The revised policy language is intended to clarify that TRPA and the City of South Lake Tahoe will continue to work towards attainment of the applicable aircraft Threshold Standards and that an update to the 1986 Airport Master Plan would serve as the mechanism to attain and maintain applicable single event Noise Threshold Standards. The revised policy language does not repeat the applicable single event noise standards. The proposed language changes would not change the applicable Threshold Standards.

During preparation and peer review of the 2011 Threshold Evaluation, the feasibility and appropriateness of the existing Noise Thresholds was called into question. The evaluation indicated that existing Threshold Standards for noise may be overly complex and unachievable. Concerns focused on single event noise standards and exterior noise standards in developed areas. An evaluation and update to the existing Threshold Standards for noise was recommended.

### **RPU Committee Action:**

The Committee advanced Airport noise policies by a non-unanimous vote (Policies N-1.1 and N-1.6). The dissenting opinion opposed the changes to language in Policy N-1.1 and supported changes to Policy N-1.6 to require adoption of ordinances addressing specific sources of noise rather than allowing the adoption of ordinances.

Draft Plan and Code sections are attached as Exhibit A.

### **EIS Analysis:**

The Draft EIS did not identify any environmental effects resulting from the proposed changes to policy language in the Noise Sub-element. Mitigation is not required for the proposed changes to policy language.

The Draft EIS identified potentially significant noise impacts resulting from the use of commodities authorized under the Draft Plan. The impacts are based on the existing Threshold Standards for noise and relate to long-term traffic noise levels, construction-generated noise and ground vibration, and land use compatibility.

Long-Term Traffic Noise Levels: Many areas of the Region are not in attainment of numerical cumulative Noise Threshold Standards. Any increase in cumulative noise levels in these areas could result in a significant impact. The Draft Plan, and all other alternatives analyzed in the Draft EIS, would authorize the use of additional development commodities. The use of any new commodities could increase cumulative noise levels in areas where Threshold Standards are not in attainment.

The Draft EIS proposed mitigation measure 3.6-1 to address any increase in cumulative noise levels. The mitigation measure would require that TRPA coordinate within one year of adoption of the Regional Plan Update development and implementation of a Region-wide traffic noise mitigation program. The program could be implemented directly by TRPA or in coordination with other governmental agencies. Until the program is implemented, TRPA would continue to mitigate cumulative traffic noise levels on a project-by-project basis.

Construction-Generated Noise: The Draft EIS identified significant noise impacts from construction activities associated with the use of newly authorized development allocations. The impacts relate to construction-generated noise that could exceed applicable TRPA Noise Standards, as well as excessive ground vibration from construction activities that could damage existing structures. Several local agencies have existing construction noise regulations and permitting processes in place that would mitigate the impact from construction-generated noise. However, other areas of the Region do not have comparable local regulations in place. TRPA does not currently implement a Region-wide construction noise best practices policy that would mitigate construction-generated noise where local regulations do not. Instead, TRPA evaluates impacts on a project-by-project basis and incorporates special permit conditions to address construction noise.

The Draft EIS proposed mitigation measures 3.6-2 and 3.6-3 to ensure that consistent and feasible noise reducing requirements are applied to construction projects. The mitigation measures would require TRPA to coordinate within one year of adoption of the Regional Plan Update development and implementation of a best construction practices policy for construction-generated noise and ground vibration. Where local regulations and permitting process already mitigate construction-generated noise and ground vibration, no additional or duplicative requirements would apply. Where local regulations and permitting processes do not mitigate these impacts, TRPA would collaborate with local governments to ensure that feasible requirements are in place to consistently address construction-generated noise and ground vibration.

Land Use Compatibility: The Draft EIS identified potentially significant impacts resulting from the placement of additional residential or tourist accommodation uses in community centers where existing ambient noise levels exceed the applicable TRPA standards. Unlike the impacts to long-term traffic noise levels described above, the land use compatibility impact stems from the effects of existing noise levels on new uses, not the additional noise caused by new uses.

Any new residential or tourist accommodation uses within community centers would comply with applicable building codes, which would result in acceptable interior noise levels. However, some new uses could be placed in locations where outdoor activity areas could be exposed to higher levels of noise.

To mitigate this impact, the Draft EIS proposed mitigation measure 2.6-4, which would require that TRPA coordinate development and implementation of an exterior noise policy for mixed-use development. The noise policy would include an exterior noise standard for mixed-use developments based on health criteria for noise exposure. New residential or tourist accommodation uses could not be approved if associated outdoor activity areas would exceed the exterior noise standard.

Draft EIS mitigation measures are attached as Exhibit B.

**Bi-State Recommendation:**

The Bi-State Recommendation did not address noise issues.

**Public Comments:**

Exhibit C lists comments from Agencies, Organizations and Individuals/Businesses that address the proposed noise policies and mitigation measures.

Few comments were received on noise policies or mitigation measures. Comments received focused on the feasibility and potential negative effects of proposed mitigation measures. A few comments expressed concern over changes to the policy language related to single event noise at the airport and suggested that the Plan should include more stringent regulations on airport use.

Public Agency Comments:

One Local Government sought clarification on how the noise mitigation measures would be implemented to avoid duplication of existing requirements.

One California State Agency submitted comments on mitigation measure 3.6-1, which would require TRPA to coordinate development and implementation of a Region-wide noise reduction program. The

comment suggested that some of the potential noise reduction measures listed in the mitigation measure would be infeasible.

Nevada State Agencies and Federal Agencies did not provide written comments on noise.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations focused on changes to the policy N-1.1 and the level of specificity and feasibility of mitigation measure 3.6-1. Several environmental organizations suggested that the change to the policy N-1.1 could lead to a less stringent noise standard for the airport. These organizations suggested that additional restrictions on the type of aircraft and timing of flights should be instituted to achieve Noise Thresholds. One organization suggested that the impacts from snowmobiles should be emphasized in noise policies.

One business organization provided comments on noise mitigation measures 3.6-2 and 3.6-3, which require that TRPA coordinate the development and implementation of a policy to minimize construction-generated noise and ground vibration. The comment suggested that the mitigation measure could duplicate existing requirements and that it could increase construction costs, serving as a disincentive for redevelopment.

Comments from Businesses and Individuals:

No businesses or individuals provided comments on noise policies or mitigation measures.

**Recommendation:**

The Policies that were advanced by non-unanimous votes were not addressed by the Bi-State Recommendation. Several comments were received on noise topics with the majority of comments focusing on the proposed noise mitigation measures.

Staff recommends the Update Committee:

1. Review and endorse the relevant mitigation measures in the Draft EIS (Exhibit B).
2. Consider other public comments related to noise.

**Exhibits:**

- A. Draft Plan and Code Text - April 25, 2012
- B. Draft EIS Mitigation Measures
- C. List of Applicable Comment Letters