

## **Summary and Response to Comments on the Final Draft Regional Plan Documents, Received After December 5, 2012**

This memo summarizes and responds to substantive late comments that were submitted on the Final Draft Regional Plan documents after the December staff summary was sent to Board members on December 5, 2012. TRPA is not required to respond to comments submitted after the close of the public comment period on the Draft EIS, and many of the late comments reiterate comments that were submitted earlier and are responded to in more detail in the Final EIS and previous staff reports. However, for the benefit of the Governing Board and the public, TRPA has elected to provide written responses to address any remaining concerns. This memo does not provide a systematic or detailed response to every comment received, nor does it address any of the comments that were supportive of the Final Draft Regional Plan. This exhibit does provide a summary and brief response to each substantive comment received by noon on December 11, 2012 that expresses concern or that otherwise takes issue with the Final Draft Regional Plan documents. All written comments received since the release of the Final Draft Regional Plan documents are available on TRPA's website at: <http://www.trpa.org/default.aspx?tabindex=0&tabid=422>

### **Comments from Tahoe Area Sierra Club (TASC) and Friends of the West Shore (FOWS), submitted on December 5, 2012**

- 1) **Comment Summary:** The comment summarizes the scope and extent of previous comments submitted by the TASC and FOWS.

**Response:** This comment is addressed in Exhibit J to the December 12, 2012 staff summary, in the response to comment one (1) from TASC.

- 2) **Comment Summary:** The comment summarizes TASC and FOWS's interpretation of how Threshold Standards should be achieved. The comment includes a list of general principles such as "adhere to the principles of soil science in order to conserve soil", and "protect views of Lake Tahoe..." The comment includes some specific proposals such as limiting allowable coverage to 50 percent in all cases. The comment also includes specific requests related to water quality, air quality, and noise monitoring.

**Response:** This comment is addressed in Exhibit J to the December 12, 2012 staff summary, in the response to comment nine (9) from TASC. In addition, each specific monitoring request is listed and responded to below:

## Water Quality Monitoring

### Field monitor stream chemistry and volume

Field monitoring of stream chemistry and volume is already occurring. TRPA and others (USFS, USGS) participate in and fund the Lake Tahoe Interagency Monitoring Program (LTIMP) tributary monitoring program, implemented by the US Geologic Survey (USGS) and UC Davis. The program has collected and analyzed stream chemistry and volume data since 1979 (for an overview of the program see <http://pubs.usgs.gov/fs/2000/0138/report.pdf>). To date, more than \$20 million has been invested in this program. This data is summarized and reported in the 2011 Threshold Evaluation and is available on USGS website at: <http://www.waterqualitydata.us/>.

### Field monitor chemistry and volume above and below development and urban areas

Field monitoring of stream chemistry and volume is already occurring above and below developed areas. The LTIMP tributary monitoring program has implemented an “above and below” sampling design along major tributaries (e.g., Upper Truckee, Ward, Trout, Third, Incline) for over 15 years. Researchers have not been able to detect statistically significant differences in pollutant concentration above and below urban development within the timeframe of the LTIMP monitoring record. With the recent adoption of the TMDL by both states, additions and adjustments are being made to monitoring programs. Additional and perhaps more meaningful monitoring efforts are currently underway to directly measure urban stormwater pollutant load reductions as part of the implementation of the Lake Tahoe TMDL. The Lahontan RWQCB is leading the interagency effort to monitor urban pollutant loads and over \$1.4 million has been invested to date.

### Field monitor nearshore at multiple sites around lake

Field monitoring of nearshore conditions, as well as pollutant loading affecting nearshore conditions, is already occurring at multiple sites around the lake, and efforts are underway to expand this monitoring. UC Davis has conducted lake-wide monitoring of nearshore conditions since 2000. Nearshore monitoring is funded by the Lahontan RWQCB and is summarized at: [http://terc.ucdavis.edu/publications/2011\\_LakeTahoeWaterQualityInvestigations.pdf](http://terc.ucdavis.edu/publications/2011_LakeTahoeWaterQualityInvestigations.pdf) and <http://terc.ucdavis.edu/stateofthelake/StateOfTheLake2012.pdf>.

This current monitoring will be continued into the future. Further research on the nearshore is ongoing but incomplete, and researchers are actively working on a synthesis of research on the nearshore environment. One of the outcomes of the synthesis is expected to be an updated monitoring plan using the new information to guide implementation of additional nearshore monitoring. In anticipation of the updated nearshore monitoring plan, TRPA is applying for Nevada environmental license plate grant funds to initiate additional nearshore monitoring this summer.

### Field Monitor seasonal impacts in Lake Tahoe and tributaries and track

Seasonal impacts and variations in Lake Tahoe and tributary water quality are already being monitored. Data is collected in pelagic Lake Tahoe and in tributaries year-round as part of the LTIMP. This data can and is used to evaluate seasonal variation in water quality conditions.

## Air Quality Monitoring

### Adequate number of sites basin-wide

TRPA and partner agencies are currently monitoring air quality at six different sites in the Region. TRPA's Air Quality Threshold Standards are generally in attainment and the existing array of monitoring sites represents significantly more monitoring sites per capita than surrounding areas. TRPA commissioned an independent review of the Region's air quality monitoring network. The review recommended a total of five monitoring sites, with some consolidation and reconfiguring of monitoring equipment to more completely and efficiently monitor all relevant parameters. The Governing Board was informed of this recommendation at the November Governing Board meeting, and will consider it in future priority setting and resource allocation decisions.

### Monitor for public health – where people breathe; Locate sites to address what is being protected, e.g. human health

The majority of current monitoring sites are in populated areas (South Lake Tahoe, Tahoe City, Stateline, Kings Beach, and Incline Village); only one site is located in an unpopulated area (Bliss). This array more than adequately addresses questions related to population exposure to air pollutants.

### Monitor for visibility – keep Bliss S.P. site, add to it, add SLT, North Shore

TRPA currently coordinates with the IMPROVE program to measure and report on regional visibility. The Bliss State Park visibility monitoring site has been in place for years. TRPA has secured funding and is finalizing an agreement with the Lake Tahoe Community College (LTCC) to re-establish a sub-regional visibility site at the LTCC campus on the South Shore. After established, cooperation and support from California Air Resources Board will be needed to maintain this site over the long term. Pursuant to Resolution 82-11, there is no requirement to establish a sub-regional visibility monitoring site on the north shore.

### Monitor for atmospheric deposition – coordinate with WQ researchers

Atmospheric deposition is already being monitored in coordination with water quality researchers. UC Davis is conducting monitoring of atmospheric deposition with funding from the Lahontan RWQCB and TRPA. This data was presented in the 2011 Threshold Evaluation in the Air Quality chapter; the Lake Tahoe Water Quality Investigation: final report; and the UC Davis, State of the Lake Report, available at:

[http://terc.ucdavis.edu/publications/2011\\_LakeTahoeWaterQualityInvestigations.pdf](http://terc.ucdavis.edu/publications/2011_LakeTahoeWaterQualityInvestigations.pdf) and <http://terc.ucdavis.edu/stateofthelake/StateOfTheLake2012.pdf>.

Applied research on atmospheric deposition of nutrient and fine sediments has been selected for funding by the SNPLMA research program implemented by the U.S. Pacific Southwest Research Station:

(<http://www.fs.fed.us/psw/partnerships/tahoescience/documents/SNPLMA12SelectionsAnnouncementMay2012.pdf>). This research will be used to inform decisions related to atmospheric deposition and to improve future monitoring procedures and efforts.

Monitor for ozone damage to pines; coordinate with vegetation experts

Monitoring for ozone damage to pines is already being conducted by vegetation experts. The US Forest Service implements a Forest Inventory and Analysis program, which assesses the health of forests in the Region every 10 years. This assessment includes an evaluation of the prevalence of ozone damage (see <http://www.fia.fs.fed.us/>, and <http://nrs.fs.fed.us/fia/topics/ozone/default.asp>). Note that this monitoring is performed over and above existing Threshold Standard monitoring, as TRPA does not have a Threshold Standard for vegetation damage resulting from ozone.

Noise Monitoring

Monitor and enforce noise standards for public health, community quiet, community character, and visitor attraction

This comment is addressed in more detail in response to comments 26 through 28 in TRPA's response to comments on the 2011 Threshold Evaluation, April 2012 draft (see Exhibit C to the Staff Summary for the October 24, 2012 Governing Board meeting). TRPA already monitors and enforces noise standards, as described in the Noise Chapter of the 2011 Threshold Evaluation, and Chapter 68, Noise Limitations, in the Code of Ordinances. In addition, as part of the RPU, TRPA has committed to develop and implement a region-wide traffic noise reduction program by December 2013.

Enforcement of noise standards is shared among multiple agencies, and TRPA takes into account many factors in determining how to exercise its enforcement discretion. During the permit review process, TRPA includes permit conditions to assure that projects, when implemented according to the permit, will not result in the exceedance of adopted Threshold Standards. TRPA monitors for permit compliance, and addresses non-compliance through a variety of methods. As reported in the 2011 Threshold Evaluation, other entities also share enforcement responsibility and authority. They often establish independent and mostly equivalent standards, and have the authority and ability to enforce many of the single event noise standards.

TRPA must consider the costs and practicality of additional monitoring and enforcement actions in light of competing resource needs and the level of incremental improvement that could result from expanded monitoring and enforcement. The 2011 Threshold Evaluation recommended increased monitoring and enforcement of single event noise standard by the appropriate state and federal law enforcement agencies with authority to enforce those standards. However, the peer review questioned whether pursuing additional data collection related to the status of all single event noise standards would result in any meaningful policy or management implications given TRPA's limited authority to enforce single event standards. To determine whether the incremental benefit of additional enforcement should be a priority for TRPA's limited resources, TRPA must consider the rate of exceedances of single event noise standards (which TASC acknowledges for the Airport is less than 1% of non-military/medical flights, and is less than 0.001% of boat trips). The low rates of non-compliance, practical limits to TRPA's ability to implement additional enforcement, and the overlap with law enforcement agencies that are better able to enforce these standards suggests that re-

directing resources from other priorities to increase single event noise monitoring and enforcement may not be the best use of TRPA's resources.

- 3) **Comment Summary:** The comment implies that environmental monitoring is not adequate, and suggests that approval of new development be tied to the measured environmental conditions. The comment also recommends that TRPA evaluate alternative funding strategies for monitoring.

**Response:** TRPA participates in a very robust, wide-reaching, long-term, inter-agency monitoring program. In response to similar oral comments from TASC and FOWS, TRPA provided an overview of ongoing and proposed monitoring at the November 15, 2012 Governing Board meeting. While the comment implies that monitoring is not adequate, it does not identify any specific inadequacies. As described above in response to comment 2, each of the specific monitoring suggestions requested by the commenter is already occurring.

All approvals of new development are tied to measured environmental conditions. At the largest scale, TRPA evaluates the condition of all Threshold Standards at least every five years. This measurement of Threshold conditions is used to guide policy and Code amendments or changes to implementation programs (including the release of commodities that allow for new development) in order to better achieve environmental standards. On an annual basis, TRPA allocates commodities to each jurisdiction based on a review of the jurisdiction's environmental improvements and monitoring (see Code Section 50.5.2.E). At the project scale, approvals of development are guided in part by Goal DP-4, which states "condition approvals of new development and redevelopment in the Tahoe Region on positive improvements in off-site erosion and runoff control and air quality". Any new development must comply with all provisions of TRPA's Code of Ordinances including required environmental review and findings (Code Chapters 3 and 4), provisions governing site development (Chapters 30 – 39), and provisions governing resource management and protection (Chapters 60 – 68). Compliance with the Code requires site-specific evaluation of environmental conditions and limits approvals of development to only projects that would comply with all environmental protections and allow for the attainment and maintenance of all Threshold Standards.

The comment also suggests that TRPA evaluate alternative monitoring funding mechanisms in the RPU EIS. The RPU is not a funding document and does not address specific funding sources for implementation of any policies. As such, consideration of specific monitoring funding mechanisms is not within the scope of the RPU or the EIS. However, TRPA has and will continue to consider all feasible funding mechanisms to implement necessary monitoring. TRPA works cooperatively with multiple agencies, organizations, and project proponents to efficiently fund and share data from a comprehensive system of monitoring, which includes status and trend monitoring, performance monitoring, implementation monitoring, and compliance monitoring. TRPA has and will continue to invite full understanding of existing monitoring and measurement systems, the costs of those existing efforts, and cooperative engagement with the commenters to identify and implement any feasible alternative funding mechanisms for additional or modified programs of monitoring.

- 4) **Comment Summary:** The comment suggests that the analysis of cumulative impacts in the RPU EIS is incomplete. The comment asserts that the cumulative analysis does not consider all reasonably foreseeable future projects and that the reasonably foreseeable projects listed in the cumulative section are not analyzed. The comment also asserts that the Final Draft Plan would “set the stage for expansion of recreation areas”, which must be analyzed, and suggests that the EIS must analyze increases in VMT that could occur from future expansions of ski resorts or other projects outside of the Region.

**Response:** The cumulative analysis presented in the RPU EIS is complete, adequate, and considers the cumulative impacts of the RPU alternatives in combination with relevant past, current and reasonably foreseeable future projects. The cumulative analysis is presented in Chapter 4, Cumulative Impacts, and cumulative projects are described on pages 4-2 through 4-10 of the Draft EIS. The cumulative effects of the RPU alternatives and reasonably foreseeable projects are analyzed in section 4.3, Cumulative Analysis, beginning on page 4-10. The comment does not identify any specific projects that the commenter believes were not analyzed, and the comment does not provide rationale as to why the commenter believes the listed projects were not adequately analyzed.

The cumulative analysis approach is described on pages 4-1 and 4-2. In addition to the cumulative analysis provided in Chapter 4, the nature and timeframe of the RPU (i.e., Region-wide and over a 20+ year planning horizon) is such that the analysis of the RPU alternatives is inherently cumulative. Page 4-1 of the Draft EIS includes the following explanation:

“Functionally, the goals, policies, and implementation measures of the Regional Plan establish the necessary precedents for actions that guide the Region toward attainment of environmental thresholds and other important environmental qualities. They are applied on a Regional scale over a long-term (i.e., 20-year) period and address the ways in which 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 actions are taken over the long-term. Because the goals, policies, and implementation measures are applicable to all programs and projects in the Region over an extended timeframe, they are inherently cumulative in nature, i.e., they apply to the multiple projects and actions that would reasonably be expected to occur in accordance with the Regional Plan. In addition, because development projects in the Tahoe Region are required to receive allocations from a limited pool of CFA, residential allocations, residential bonus units, and TAUs, and because development in accordance with those allocations (as yet unused and newly authorized under each alternative) is assumed to be fully built out over the planning period of the Regional Plan, the analysis in Chapter 3 is cumulative because it assesses the build-out condition of each alternative.”

The comment’s assertion that the Final Draft Plan would result in undisclosed expansions of recreation areas is not accurate. The Draft EIS discloses and analyzes changes to Recreation and other land use classifications in Impact 3.2-2, Land Use Classification Change, beginning on page 3.2-

68. This impact also identifies a potentially significant impact and prescribes mitigation for a proposal in Alternative 3 that would allow an Area Plan to propose new allowable uses within Recreation Areas. In response to public comments, the Alternative 3 proposal was significantly reduced to limit Area Plan proposals for new allowable uses to two specific Resort Recreation areas, subject to specific environmental protections. This revision is described in the Final EIS in Chapter 2, Revisions to Alternative 3: Final Draft Plan (Final EIS, Volume 1, pages 2-3 through 2-6). Additional detail on the development potential of Recreation areas is provided in the Final EIS in Master Response 10, Development on Recreation-Designated Lands (Final EIS, Volume 1, pages 3-47 through 3-56).

The comment's suggestion that the EIS did not analyze cumulative increases in VMT, and that possible future expansions of ski areas and other projects outside of the Region must be analyzed is not correct. The EIS analyzes total cumulative changes in VMT in Impact 3.3-3, Vehicle Miles Traveled Threshold Standard, beginning on page 3.3-47 of the Draft EIS. The analysis of VMT uses accepted professional methods of traffic analysis, with models tailored to specific circumstances in Tahoe. The analysis considers VMT associated with multiple user types, including residents, visitors, and through trips (see Draft EIS, Appendix E, Traffic and Transportation Model Outputs for additional details on the transportation analysis). The analysis determined that all RPU alternatives could result in significant impacts by exceeding the adopted VMT Threshold Standards by the year 2035. To mitigate these impacts, the EIS prescribed Mitigation Measure 3.3-3, which would require regular monitoring and short-term forecasting of VMT. Pursuant to the mitigation measure, new land use commodities would only be released if actual VMT monitoring and short-term forecasting determined that the commodities would not cause the VMT Threshold to be exceeded. There is no information to indicate future projects outside the Region could increase VMT within the Region beyond the levels projected in the EIS. However, if an unforeseen project outside the Region were to result in increased VMT within the Region, the mitigation measure would ensure that the project does not contribute to an exceedance of the adopted VMT Threshold Standard.

### **Comments from Friends of Tahoe Vista (FOTV), submitted on December 6, 2012**

- 1) **Comment Summary:** Many of the remarks reiterate comments that were submitted on the Draft Regional Plan documents.
- 2) **Response:** These comments have already been addressed in previous responses and the new comments do not provide new substantive information that is not already addressed in previous responses. Please refer to the Final EIS Volume 1, responses to comment O8 (pages 3-187 to 3-222) and Master Responses (pages 3-13 to 3-71); and the October 24 staff summary, Exhibit D, Public Comments on April 25, 2012 Draft Regional Plan, which address these comments in detail.
- 3) **Comment Summary:** The comment letter contains suggestions for changes to existing Regional Plan sections that are not proposed for change in any of the Regional Plan alternatives under consideration.

**Response:** In January 2011, the Governing Board voted to define the scope of the Regional Plan Update and limit the update to addressing identified priorities (see Draft EIS section 1.2, Project Purpose, Need, and Objectives for more information). The comment letter suggests several changes to existing TRPA Goals and Policies and Code of Ordinances language that are outside of the scope of the RPU as defined by the Board, and are beyond the range of alternatives evaluated in the EIS.

- 4) **Comment Summary:** The comment letter states the Regional Plan Update process was difficult to follow.

**Response:** This comment is addressed in the December 12, 2012 TRPA staff summary in Exhibit J, Additional public comments and responses regarding the Final Draft Regional Plan Documents. Response to comment 7 from the TASC, beginning on page 4 of 27 of Exhibit J addresses this comment.

- 5) **Comment Summary:** The letter includes several comments indicating general opposition to the approach of the Final Draft Plan.

**Response:** These comments do not include specific alternatives to the Final Draft Plan, and while they state opposition to the RPU approach, they do not identify any specific inadequacies with the RPU approach. The Governing Board considered five alternative approaches to attaining and maintaining environmental thresholds through the RPU. These alternatives were based on years of monitoring (summarized in the 2001, 2006, and 2011 Threshold Evaluations), and years of public input (see Final EIS, Volume 1, Master Response 2, Duration of Public Comment Period; and Draft EIS section 1.10 Environmental Review Process, for a summary of public input). The Draft Plan was developed by the Governing Boards RPU Committee in over 15 public meetings, which incorporated significant public input. The Draft Plan was then revised in response to additional public comment including recommendations from the administrations of California and Nevada that were the result of a multi-stakeholder consensus process. The Final Draft Plan represents a compromise proposal that has been refined to address major concerns by numerous stakeholders.

- 6) **Comment Summary:** The comment letter states that TRPA does not have specific timelines for attaining Thresholds.

**Response:** Code Section 16.5 requires that TRPA develop expected Threshold attainment schedules. These attainment dates and interim targets are addressed in the 2011 Threshold Evaluation.

- 7) **Comment Summary:** The comment letter asserts that the 208 Water Quality Plan is inconsistent with the Final Draft Plan.

**Response:** TRPA has updated the 208 Water Quality Plan to ensure there are no inconsistencies with the Regional Plan. The Governing Board is scheduled to consider forwarding the Revised 208



Water Quality Plan to California and Nevada agencies for approval at the same time the Governing Board considers approval of the RPU.

- 8) **Comment Summary:** The comment letter includes editorial comments on policy language, including suggestions to replace the word “should” with “shall” throughout the Goals and Policies.

**Response:** The term “should” is used in policy language consistent with the intent of policies to articulate objectives and provide direction. The term “shall” is used in the Code of Ordinances, consistent with the Codes role in providing specific implementing ordinances and regulations that implement the direction provided by the policies. This comment was evaluated in the Staff Summary and considered by the RPU Committee at the November 14, 2012 meeting; and the Committee declined to make the suggested changes.

- 9) **Comment Summary:** The comment letter includes references to text in the existing Goals and Policies and suggests that the Bi-State Compact should be quoted directly and not paraphrased.

**Response:** This topic was raised by the commenter and considered by the RPU Committee at the November 14, 2012 meeting and by the Governing Board at the November 15, 2012 meeting. The Governing Board identified and corrected one instance in the existing Goals and Policies where the Compact was mis-quoted. In two other instances, the Governing Board endorsed the modification of existing summaries of Compact requirements, as recommended.

- 10) **Comment Summary:** The comment letter also asserts that TRPA must develop quantifiable criteria related to scenic evaluations.

**Response:** TRPA already has quantifiable criteria for scenic evaluations. This criteria is detailed in TRPA’s Design Review Guidelines and Scenic Quality Improvement Program, available at: <http://www.trpa.org/default.aspx?tabindex=7&tabid=357>

- 11) **Comment Summary:** The comment requests that Code Sec 13.6.3 specify that the APC must take public comment when considering the conformity of a proposed Area Plan with the Regional Plan.

**Response:** The APC is already required to consider public comments in accordance with State Open Meeting laws. Therefore, it is not necessary to include this requirement in the Code of Ordinances.

- 12) **Comment Summary:** The comment letter suggest TRPA must have a definition of “Sustainable Redevelopment”.

**Response:** Sustainable Redevelopment is referred to in Policy LU-4.1, which references the Regional Plan Land Use Map and summarizes each land use classification. Policy LU-4.1 also explains that *“Implementation ordinances set forth the detailed management criteria and allowed uses for each*

*land use classification*". In this context, sustainable redevelopment means redevelopment that is consistent with the provisions of TRPA's Regional Plan and Code of Ordinances.

### **Comments from John Friedrich and Michael Hogan, submitted on December 7, 2012**

- 1) **Comment Summary:** The comment provides recommendations for amending the Regional Plan's adaptive management system. The comment recommends that additional project-scale monitoring be conducted. The comment then lists a range of policy changes and suggests that the policy changes should be implemented if monitoring indicates that projects are not meeting prescribed goals. The comment proposes that additional monitoring requirements and the list of potential policy changes be incorporated into the Final Draft Goals and Policies.

**Response:** The commenter's general intent is consistent with TRPA's existing adaptive management processes, which use environmental monitoring data to inform continual improvements to policies and implementation programs (see the Monitoring and Evaluation Subelement of the Goals and Policies). TRPA currently coordinates with multiple agencies to implement a comprehensive monitoring program that evaluates environmental conditions on multiple scales. This monitoring program includes status and trend monitoring, project effectiveness monitoring, and implementation/compliance monitoring.

Status and Trend monitoring measures and analyzes environmental conditions at large scales and over extended time periods. It provides information on the current condition and trajectory of the ecosystem in relation to established environmental standards. The 2011 Threshold Evaluation, and every five-year threshold evaluation before it, summarizes the results of status and trend monitoring, which guide improvements to policies and regional programs.

Effectiveness monitoring measures the success of individual projects at achieving their intended goals. Along the lines proposed by the commenter, TRPA and other agencies already require effectiveness monitoring for environmental improvement projects and significant private development projects that have the potential to result in measurable environmental effects (e.g., Homewood, Boulder Bay, Sierra Colina). Effectiveness monitoring is used to improve standard practices, design approaches, and regulatory requirements, to identify adjustments needed in the monitored project, and to provide information that can be applied to other future projects.

Implementation or compliance monitoring ensures that projects are implemented as intended and that they comply with all permit conditions, best management practices, and other required environmental protections. Compliance monitoring is performed on every project TRPA approves, and it ensures that projects comply with requirements that are intended to prevent or limit environmental impacts.

The comment letter suggests that the public desires greater confidence in the water quality benefits resulting from future environmental redevelopment project, and so suggests requiring additional project effectiveness monitoring to determine whether anticipated benefits have been realized, and if not, to require policy changes or further project design features. TRPA already requires project effectiveness monitoring, and would need to carefully consider what information gap, if any, would be addressed by requiring additional project effectiveness monitoring. The environmental analysis that precedes project approval and resultant project permit conditions and associated monitoring post-approval already often provide the information suggested by the commenter. TRPA currently considers policy amendments based on all available information including applied research, status and trend monitoring, project effectiveness monitoring, and compliance monitoring. To be effective, any additional monitoring requirements would need to be developed in the context of existing scientifically designed monitoring programs and project monitoring requirements. While TRPA currently approves of and supports valid effectiveness monitoring, addition of a new, across the board, project-scale monitoring requirement may add cost without providing technically valid information that can be more widely used or applied.

The implementing provisions of any new project effectiveness monitoring would need to be carefully considered to ensure the requirement is practical, provides useful information, will reduce environmental risk and uncertainty, and is not unintentionally duplicative or burdensome. The implementing provisions would need to clearly identify what projects the monitoring requirement applies to (e.g., all projects of any nature, projects of a certain size or nature, projects in certain locations but not others). The implementing provisions would also need to determine the type and duration of monitoring, and how that data would be interpreted and used. New project monitoring requirements would also need to be crafted to avoid unintended consequences. For example, requiring a project applicant to complete additional costly monitoring of environmentally beneficial project components would serve as a disincentive to include environmental improvements beyond the minimum required.

The recommendation in the comment letter is similar to a proposal from Board member Bresnick that was considered by the RPU Committee on November 14, 2012 (see supplement to the staff summary for the November 14, 2012 RPU Committee meeting). The RPU Committee declined to incorporate similar changes into the Final Draft Plan.

### **Comments from Placer County Air Pollution Control District, submitted on December 7, 2012**

- 1) **Comment Summary:** In its December 7, 2012 letter, the Placer County Air Pollution Control District (District) recommends a different methodology for determining the impacts related to operational emissions of the EIS alternatives. The primary goal of the alternative methodology appears to be separating out the reduction of emissions resulting from technological improvements in motor vehicles called for by state and federal law between now and 2035. The comment letter provides recommended revisions to the calculations for Alternative 3 in a modified Table 3.4-16 and

alternative significance criterion using the 100 tons per year (TPY) standard from the U. S. Environmental Protection Agency's prevention of significant deterioration (PSD) threshold.

**Response:** TRPA appreciates the continued careful review of air quality analysis provided in the Regional Plan Update EIS by the District. Employing the District's recommended calculations and significance criterion, the air quality impact of Alternative 3 of the Regional Plan Update would be less than significant, which is the same significance conclusion as the EIS. As a result, with either the existing calculation method in the EIS or the District's method, when comparing baseline emissions (2010 conditions) to future emissions (2035 conditions), the outcome is a less-than-significant air quality impact. Consequently, the District's recommended alternative method results in the same determination of significance (i.e., "less than significant") as in the EIS.

Both calculation methods are informative regarding potential air quality impacts. The approach in the Draft EIS provides a comprehensive analysis reflecting consideration of all of the influences on total future emissions, including the addition of dwelling units and commercial floor area, reduction in motor vehicle trips from transit and non-motor vehicle facility investments, reduction in trips and trip-lengths from the more compact land use pattern resulting from transfer of development into community centers, and the improvements in emission rates of motor vehicles in response to state and federal laws. Because the amount of potential new development (i.e., additional dwelling units and square footage) allowed in the Region is very limited, the emission-reducing influence of the other factors affecting total emissions (particularly the improved emission rates from motor vehicles, as recognized in the Draft EIS) would outweigh the emission-increasing influence of potential new development.

While TRPA recognizes that the EIS calculation method does not segregate the emissions of additional VMT from future development, it is an appropriate approach recognizing the special, even unique, circumstances in the Tahoe Region. The goals of regional planning in the Region are focused on environmental improvement, rather than just mitigation of development. The Compact requires the Region to attain and maintain environmental threshold carrying capacities. No other region in California is subject to enforceable carrying capacities. By virtue of TRPA's land use allocation system, the level of potential additional development in the Region is very limited, compared to other metropolitan planning regions of the State. Therefore, emissions from added development will be much lower than typical in other regions. Also, future development allowed in the Region would be concentrated in a more compact land use pattern, which reduces trip lengths and VMT. This land use scenario is enforceable, because TRPA possesses both regional planning responsibility and land use authority, which is unique in California. Consequently, when conducting a comprehensive analysis of future air quality (recognizing all the influences on emissions), a decline in future emissions in the Tahoe Region would be both reasonable to expect and understandably unusual, compared to other regions.

Notably, the Regional Plan Update EIS does present an expected increase in VMT from development in the Region, so the underlying travel information sought by the District is available to the public in

the Draft EIS Transportation section. Transportation Impact 3.3-3 presents an evaluation of the change in total VMT and concludes that all of the alternatives would result in increased annual VMT by 2035, compared to 2010 conditions. It is also noted that the Draft EIS has provided estimates of the net increase in emissions associated with the Regional Plan Update alternatives compared to Alternative 1 (the no-action alternative). These estimates of the emissions directly attributable to the proposed plan alternatives were provided in the Draft EIS for Alternatives 2 through 5 in Air Quality Impact 3.4-3 and Greenhouse Gas Impact 3.5-1. This comparison of Alternatives 2 through 5 to the future, no-action alternative is analogous to the method the District recommended. Therefore, the public has been presented with the type of information the District is seeking.

While the Tahoe Basin setting and regulatory framework are unique, the air quality impact analysis method used in the Regional Plan Update Draft EIS, i.e., where total future plan-related emissions are compared to total baseline emissions to determine impacts, is consistent with the approach employed by other regional jurisdictions for long-range planning actions. The analyses have typically involved a comprehensive evaluation of all factors influencing future emissions, rather than singling out individual factors. In environmental documents addressing other long-range regional plans, this analysis approach has sometimes resulted in net reductions in future mobile source emissions, similar to the outcome of the Regional Plan Update EIS.

In conclusion, TRPA appreciates the District's input, recommended method, and confirmation of a less-than-significant air quality impact resulting from the implementation of Alternative 3 of the Regional Plan Update. Recognizing that the ultimate air quality impact significance conclusion of the EIS is unchanged by the recommended method, the calculation method and results presented in the Draft EIS are appropriate for the special circumstances of the Tahoe Region, and information analogous to that sought by the District is contained in other parts of the EIS, there are no new significant impacts or changes in the severity of previously presented impacts that need to be included in the EIS.

- 2) **Comment Summary:** In its December 7, letter, the District also emphasizes a prior comment expressing concerns about the air quality impacts of the potential for increased frequency of prescribed open burning by fire departments and wildfire management agencies associated with new development.

**Response:** TRPA responded to this comment in the Final EIS (see Response to Comment A38-21), which is reprinted below:

“The comment expresses concerns about the potential for increased frequency of prescribed open burning by fire departments and wildfire management agencies associated with new development, and associated impacts on air quality. To varying degrees, each alternative focuses on

redevelopment and concentration of development within already developed areas. None of the alternatives would result in new development in areas not already managed for wildfire risks in the Wildland Urban Interface (see Impact 3.2-1 on pages 3.2-11 to 3.2-67 for more information on proposed land use patterns). There is no evidence to suggest that the type of development that could occur under the Regional Plan Update alternatives would increase the frequency of open burning for wildfire management. Further, Impact 3.14-1 discusses wildland fire impacts, and policies related to defensible space. Impact 3.14-1 concluded that there would be beneficial impacts associated with wildland fire risks under Alternatives 2-5 of the Regional Plan Update.”

### **Comments from Laurel Ames, submitted on December 9, 2012**

- 1) **Comment Summary:** The comment asserts that stream monitoring shows that nitrogen loading into Lake Tahoe is increasing, and suggests that nitrogen can only be addressed through source control, not through treatment strategies. The comment states that “Nitrogen reduction is a goal that is sadly in need of action.” The comment also suggests that fertilizer control programs are not in place.

**Response:** Contrary to the comment’s assertion, nitrogen loading into Lake Tahoe is not increasing. As shown below and described in more detail in the 2011 Threshold Evaluation, total nitrogen loading has remained relatively constant with some important forms of nitrogen and sources decreasing. The existing Regional Plan includes provisions to reduce nitrogen loading, and the RPU expands these protections to further reduce nitrogen loading. Existing provisions focus on source control, such as fertilizer management and reduced automobile use. The RPU includes numerous provisions that further reduce automobile use, which is the most significant source of nitrogen entering Lake Tahoe. In addition, the RPU includes regulatory changes that allow stormwater treatment systems to better address nitrogen loading.

As described in the 2011 Threshold Evaluation, the trend in total nitrogen concentration in tributaries has remained unchanged since 1988 (page 4-37, and Figure 1 below), and the largest and most impactful sources of nitrogen loading are decreasing. Nitrate and nitrite are the forms of nitrogen that are responsible for algae growth in Lake Tahoe, and the concentration of these forms of nitrogen in tributaries has been decreasing since 1996 (Figure 2). Atmospheric deposition accounts for the 55% of nitrogen loading into Lake Tahoe, and has also been decreasing since the mid 1990’s (Figure 3).

Figure 1: Trend in total nitrogen concentration in tributaries.

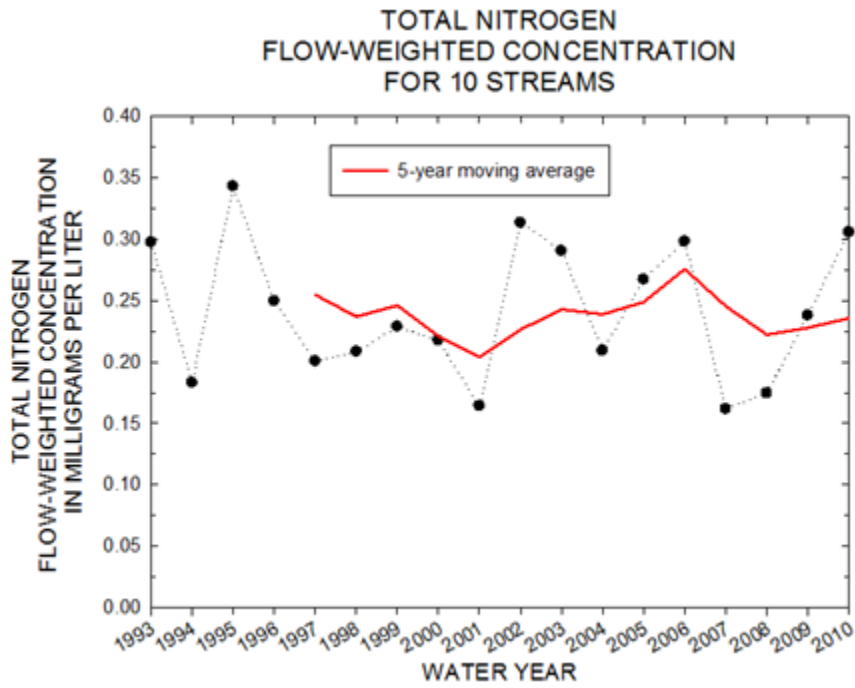
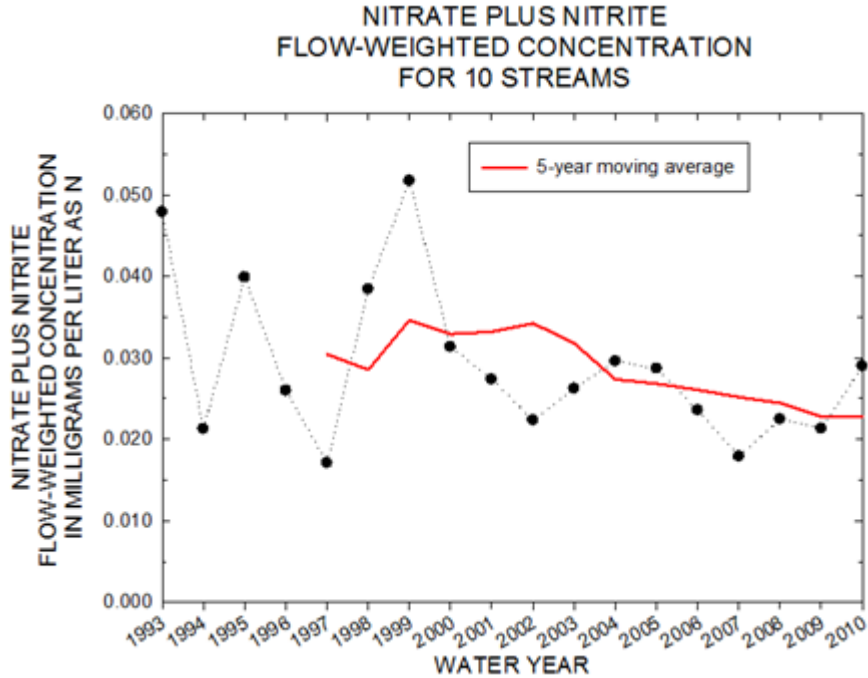
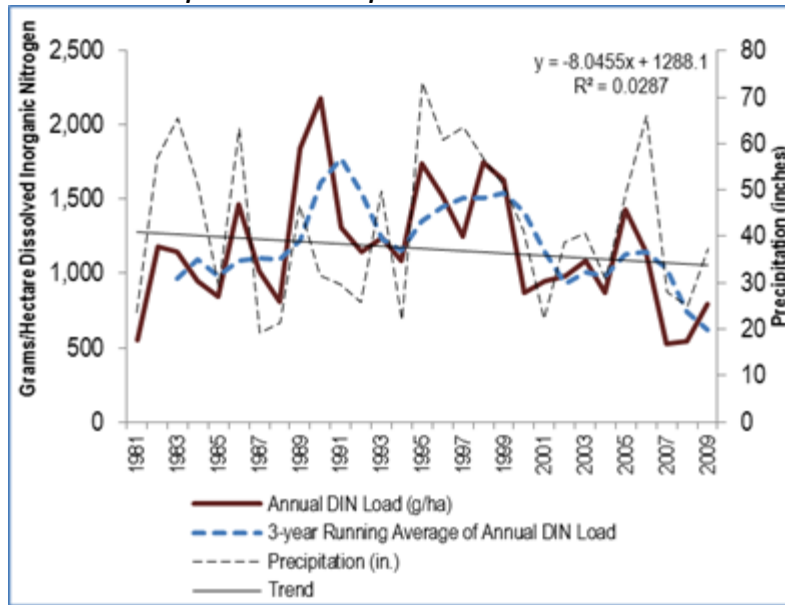


Figure 2: Trend in nitrite and nitrate concentration in tributaries.



**Figure 3: Trend in atmospheric nitrate deposition.**



The existing Regional Plan includes numerous provisions that address nitrogen loading into Lake Tahoe. These include ordinances that restrict emissions of air pollution that contributes to atmospheric deposition of nitrogen, including TRPA's air quality control regulations (Code Section 65.1), the Traffic and Air Quality Mitigation Program (Code Section 65.2), the Rental Car Mitigation Program (Code Section 65.4), and the Employer-Based Trip Reduction Program (Code Section 65.5). The existing Regional Plan also addresses nitrogen loading from fertilizer. Code Section 61.4 requires that revegetation use plant species that do not require long-term application of fertilizers. Fertilizer management is addressed in Code Section 60.1.8, which includes restrictions on the use of fertilizer in SEZs and other sensitive areas. Additional details on fertilizer management are provided in Chapter 5, Soil and Vegetation Management, in the BMP Handbook, available at: <http://www.tahoebmp.org/Documents/2012%20BMP%20Handbook.pdf>

The RPU includes targeted amendments that will accelerate the reduction of nitrogen entering Lake Tahoe. As described in the Lake Tahoe TMDL Technical Report ([http://www.swrcb.ca.gov/rwqcb6/water\\_issues/programs/tmdl/lake\\_tahoe/docs/techrpt.pdf](http://www.swrcb.ca.gov/rwqcb6/water_issues/programs/tmdl/lake_tahoe/docs/techrpt.pdf)), atmospheric deposition accounts for 55% of all nitrogen entering Lake Tahoe, largely from automobile exhaust. As the largest source of nitrogen, atmospheric deposition represents the greatest opportunity for reductions in nitrogen loading. The RPU includes numerous amendments to promote a more compact land use pattern and increase the viability of transit and non-motorized forms of transportation (see the October 24, 2012 staff summary for an overview). These amendments will reduce reliance on private automobiles and reduce the largest source of nitrogen loading. In addition, the RPU more closely aligns TRPA's approach to water quality management with the Lake Tahoe TMDL (see Master Response 4, Consistency and coordination between the TMDL, 208 Plan, and Regional Plan Requirements, in the Final EIS for more information). This updated approach to improving water quality enforces a performance standard for nitrogen



reduction and allows it to be achieved more efficiently by moving away from a single water quality treatment approach for every parcel regardless of the different physical characteristics of each site. The updated approach allows stormwater treatment approaches to be tailored to site conditions based on sophisticated monitoring. For example, an area with greater nitrogen loading would be able to incorporate more “wet basins” into an area-wide stormwater system to create anaerobic conditions and facilitate denitrification, rather than applying an infiltration standard uniformly to each parcel, which would not address nitrogen as well.

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