

January 30, 2023

Placer County

CC: Patrick Dobbs, Crystal Jacobsen, Stephanie Holloway, Cindy Gustafson

Submitted via email: cdraecs@placer.ca.gov

Re: Comments on Proposed Village at Palisades Tahoe Specific Plan

Dear Placer County Commissioners and County Planning Staff,

The League to Save Lake Tahoe (League) appreciates the opportunity to provide comments on the partially Revised Draft Environmental Impact Report (RDEIR) for the proposed Village at Palisades Tahoe Specific Plan (VPTSP, Project).

The League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for the implementation of and compliance with policies contained within Tahoe's regional land use and planning documents, including the Bi-State Compact (Compact), the 2012 Regional Plan Update (RPU), the Regional Transportation Plan (RTP), and Tahoe Basin Area Plans.

The VPTSP, while not located within the Tahoe Basin, will impact the Tahoe Basin and undermine efforts within the Tahoe region to implement adopted plans and policies, and to protect the environment.

The League opposed the same project when it was proposed in 2012 as the Village at Squaw Valley Specific Plan, and continued to oppose it as it was approved by Placer County in 2016. We continue to oppose the Project in this, its most recent iteration. Consistent with our 2012 concerns, still unaddressed, the League's opposition is due to the significant, unanalyzed, and unmitigated impacts to Lake Tahoe's environment.

The League's Main Concerns Are:

- The VPTSP will undermine the Tahoe Regional Planning Agency's (TRPA) federal directive to attain and maintain Threshold Standards.
- The environmental/regulatory setting and the significant environmental impacts to Tahoe – including but not limited to vehicle miles traveled (VMT), water quality, and wildfire – remain inadequately analyzed in the RDEIR and wholly unmitigated in the Project plan.
- Substantial changes have occurred to the proposed Project since the Environmental Impact Report (EIR) was first released, leading to new or substantially more significant effects.
- New and pertinent information has become readily available since the EIR was certified which shows that new or substantially more severe significant impacts will occur.

Due to the inadequacy of the RDEIR in terms of addressing the Court of Appeal's ruling requiring decertification of the FEIR, and the lack of commitment from the County or the Project proponent that impacts will be addressed, these concerns can only be addressed with a new recirculated EIR. The new EIR must accurately analyze significant impacts using the best currently available science within the current environmental and regulatory setting and mitigate impacts with specific projects and programs implemented or funded by the Project.

Environmental Setting and Impact Analyses

The RDEIR does not provide sufficient information or citations to support its claim that the Project would not result in any significant impacts on the Lake Tahoe Basin, failing to act in accordance with the Court of Appeal's order.

Environmental and Regulatory Setting

The court found that the adopted EIR failed to provide adequate environmental and regulatory setting information for Lake Tahoe, which made it "impossible" for the EIR to properly evaluate the Project's impacts on Lake Tahoe.¹ The flawed environmental setting description could have provided the court with sufficient cause to require the FEIR to be decertified. The RDEIR does not correct the description of the environmental and regulatory setting, which leads to the inadequate analysis of impacts to Lake Tahoe.

Tahoe Regional Planning Agency Thresholds

Regarding the regulatory setting, the TRPA is federally required to set, attain, and maintain environmental thresholds. The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980, Compact) created the TRPA and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region. The Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards.²

Page 9-10 of the RDEIR claims that "TRPA's regulations do not apply to the proposed project; however, its vision for the transportation network within the Tahoe Basin is applicable." It is exactly this transportation system vision, as conveyed in the 2020 Regional Transportation Plan, that is not prepared to mitigate the significant impacts to Tahoe from the Project.

¹ RDEIR pg. 13-2, and *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th pg. 10.

² TRPA Ordinance 2021-03 adopting the new VMT threshold: <https://www.trpa.gov/wp-content/uploads/documents/2021-03-AQ-ThresholdStandard.pdf>; also see : *League to Save Lake Tahoe et al. v. County of Placer et al.* (2022) 75 Cal.App.5th 63, pg. 84 and RDEIR pg. 10-12.

The TRPA Governing Board's Legal Committee met on November 16, 2022 and had a discussion about "out of Basin projects."³ The Committee noted the TRPA's need to be engaged with the Project due to its impacts on Lake Tahoe. A CEQA provision was also discussed that requires the lead agency (Placer County) to consult with and request comments on the draft EIR from TRPA: "for a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project [emphasis added]."⁴ This statement and the clear and significant impacts on TRPA's thresholds provide further justification that TRPA's thresholds should be analyzed, and they identify another deficiency in the RDEIR. Through email, TRPA may have been contacted regarding this Project, but the lack of citations and misrepresentation of the purpose of TRPA's Thresholds, and details about the link between water quality and VMT in the RDEIR, reveal a need for TRPA to provide official comments on the project. The TRPA's December 22, 2015 comments⁵ on the Project still largely hold true (especially if the new VMT threshold is substituted for the old one).

The TRPA made the following case in their 2015 letter, and as the RDEIR says "nothing has changed." In this case, we agree. We hope that TRPA will become a key stakeholder to this process as encouraged by CEQA statutes and guidelines. Their 2015 statement is below, edited for conciseness and clarity, and with League notes added in italics:

- By proposing to increase the bed base and attractions at the Village to the project, if implemented without adequate mitigation, would significantly affect Lake Tahoe's physical environment through increased vehicle trips into and the amount of VMT within the Tahoe Basin.
 - *We note here that attractions have already been increased with the 2022 addition of the base-to-base gondola, which serves the sole purpose of making the resort more attractive.*
- Both vehicle trips and vehicle miles traveled are considered standards of significance for projects within the Tahoe Basin. As part of the Regional Plan Update in 2012, TRPA established a mitigation measure for exceeding the VMT threshold. This mitigation measure limits in-Basin development, however, it only applies within the Tahoe Basin.
 - *If this project were located a few miles to the east, TRPA's mitigation requirements would be required. Those few miles make no measurable change to the impacts to Tahoe, only to the ability to mitigate those impacts.*
- In the 2012 Regional Plan Update, TRPA recognized the critical need to redevelop aging infrastructure with new, environmentally beneficial development. The environmental redevelopment of places like Tahoe City and Kings Beach (*which would be the most significantly impacted communities in Tahoe*) would result in substantial reductions of fine sediment and nutrient deposition, the pollutants degrading Lake Tahoe's famed clarity and blueness. As a result of VMT capacity created elsewhere, i.e.

³ <https://www.trpa.gov/governing-board-documents-november-16-2022-hybrid-meeting/>, audio recording available.

⁴ PRC sect 21092.4 and Guidelines section 15086(a)).

⁵ TRPA (2015) comments on the Village at Squaw Valley Specific Plan DEIR: <https://unofficialalpine.com/wp-content/uploads/2016/02/TRPA-letter.pdf>

by the Project, efforts to protect Lake Tahoe may suffer without the ability to approve in-Basin projects.

- *This all still holds true, and is exacerbated by the 2020 Regional Transportation Plan and 2021 VMT Threshold Update which include larger consequences for not meeting VMT threshold targets.*

Finally, TRPA standards of significance for VMT align with Placer County's guidance under California's SB 743, and those were not included in the RDEIR analysis.

Vehicle Miles Traveled is Not Properly Analyzed in the RDEIR

The RDEIR analyzes VMT under the old TRPA VMT threshold, which is inadequate and inaccurate because a new VMT threshold was adopted in 2021. Even assuming the unsubstantiated claim in the RDEIR that VMT does not affect water quality, the point is moot – the County must analyze the impacts to the new VMT threshold. The new VMT threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT of 6.8% by 2045.⁶ While the Village at Squaw Valley Specific Plan approved in 2016 may not have caused the old VMT threshold to be exceeded at the time, *the VPTSP will undermine TRPA's federal directive to attain and maintain the new VMT Threshold Standard.*

The RDEIR identifies a 0.8 percent increase over the Tahoe Basin's total annual average daily VMT of 1,483,050. Any increase in VMT would be inconsistent with TRPA's new per capita VMT reduction threshold, including project level criteria that aligns with CA SB 743, signed into law in 2013 and taking effect July 1, 2020.

This increase in VMT and the associated impacts on Lake Tahoe are not analyzed properly with the new threshold. Rather, the RDEIR argues that added VMT does not reach a level of significance. The additional VMT that the Project will bring to Tahoe is unmitigated, which is not consistent with TRPA's new Threshold Standard. In order to adopt the new VMT threshold, TRPA had to find that it would be able to attain the threshold. The environmental findings state that the threshold will be attained principally by implementing the Regional Plan (RPU) and the 2020 Regional Transportation Plan (RTP).⁷ There are no specific mitigations, projects, or policies in the RPU or RTP designed to mitigate impacts from the VPTSP. The lack of mitigation in the VPTSP would undermine TRPA's federal obligation to achieve and maintain its adopted Threshold Standards. This will put a larger burden on the Tahoe Region, and Placer County in particular, to reduce VMT from future projects, which will make those projects more difficult to get approved and more costly to implement.

Page 13-20 of the RDEIR claims that the Project includes "policies, amenities, and actions that reduce reliance on the automobile for travel," which "are consistent with TRPA policies for reducing VMT," and "therefore, in many ways, the Village at Palisades Tahoe Specific Plan

⁶ Draft adopted April 28, 2021: <https://www.trpa.gov/wp-content/uploads/2021/04/Attachment-A-VMT-Threshold-Update-Standard-Recommendation-and-Implementation.pdf>

⁷ Threshold Standard Amendment Adopting Findings: https://www.trpa.gov/wp-content/uploads/documents/Attach-K_Draft-Findings_Threshold-Amendment.pdf

aligns with TRPA efforts to have projects include components that reduce VMT.” The RDEIR ignores TRPA’s specific requirements for VMT reduction, dismissing them based on the assertion that “components” are included to help reduce VMT by an undisclosed amount. What is clear is that even with policies, amenities, and actions that are not required through mitigation measures, the Project would still generate an estimated 23,842 peak daily VMT into the Tahoe Basin which do not exist today.

The RDEIR, inaccurately and without proper citations, claims that there is not a link between VMT and fine sediment input to the Lake. There is in fact a link. Just because it is not a “direct,” measurable link, and “not a cost-effective” way to reduce fine sediment pollution,⁸ is not justification to dismiss the analysis or ignore the impacts of transportation on water quality in Lake Tahoe. Further, it is not the role of the VPTSP RDEIR to determine how VMT affects Tahoe’s environment, but the RDEIR must analyze the impacts of the VPTSP on Tahoe’s Threshold Standards and mitigate those impacts, which it fails to do.

The VPTSP will undermine TRPA’s federal directive to attain and maintain the new VMT Threshold Standard. To avoid this, and comply with California’s and Placer County’s SB 743 Guidelines (standards of significance), VMT must be reduced to somewhere between no-net increase in VMT and 15% below average VMT, for the different land uses that are part of the Project.

Water Quality is Not Properly Analyzed in the RDEIR

Water quality impacts from transportation were not properly analyzed in this RDEIR. TRPA clearly states that “Lake Tahoe’s clarity and environment are threatened by vehicle impacts to the region including greenhouse gas emissions affecting climate change and roadway runoff degrading lake clarity.”⁹ This RDEIR dismisses the clear linkage between vehicles and lake clarity, ignoring the best available science and data. Water quality is dismissed without utilizing the best available science, and multiple aspects of the analysis – even including the baseline description of the hydrologic basin – are uncited (see RDEIR 13.2.2 Lake Tahoe Basin Regional Hydrology). Additionally, page 13-18 of the RDEIR makes the spurious claim that VMT is not linked to water quality. The RDEIR states that “the proposed project would result in a potentially significant impact if it would substantially degrade Lake Tahoe water quality or water clarity, including if it would conflict with TRPA Threshold Standards related to Lake water quality.” The RDEIR attempts a creative approach by repeatedly stating that there is no “direct” link between VMT and water quality. “Direct” has nothing to do with the CEQA language in this context; VMT is in fact linked to water quality (directly or indirectly is not of concern), thus the VMT threshold is related to water quality and potential significant impacts must be analyzed.

Impacts from the Palisades EIR include transportation impacts on water quality, which are well documented in Lake Tahoe. However, impacts were improperly analyzed, dismissed, and referenced without mitigation.

⁸ *ibid*

⁹ <https://www.trpa.gov/transportation/funding/sustainable-funding-initiative/>

As part of this dismissal, relevant plans were not referenced or used in the analysis of impacts.

- Neither Tahoe’s 2008 Plan or Basin Plan were considered beyond small mentions of their existence. Standards and science in those plans are relevant to the VPTSP’s impacts to Tahoe’s water quality.
- Tahoe’s 2012 Regional Plan includes specific water quality thresholds and policies, none of which are included in the RDEIR’s analysis on water quality impacts.
- Tahoe’s Total Maximum Daily Load (TMDL) Program contains plenty of science-backed analyses of mobile sources’ (e.g., private automobiles) contribution to clarity loss. Instead of using the facts and available science developed through the TMDL Program, the RDEIR relies on “meetings” with TRPA staff in 2021 to substantiate its claims of no impacts. It is also important to note that the RDEIR provides average Tahoe Basin VMT, but the TMDL specifically uses “peak” VMT assumptions.

The RDEIR also erred in dismissing impacts from transportation on Lake Tahoe Basin water quality when it failed to analyze tread pollution from tire wear, which is now considered 1,850 times worse than exhaust emissions and can easily degrade into Lake Tahoe, which has already detected microplastic pollution through research completed by the Desert Research Institute and the Tahoe Environmental Research Center¹⁰. The 2022 “State of the Lake” assessment conducted by the UC Davis Tahoe Environmental Research Center¹¹ identifies microplastics as a significant Lake pollutant, and in 2020 the U.S. EPA awarded nearly \$100,000 to address microplastic pollution in Lake Tahoe. The two most common types of microplastics found in the Lake are polyethylene and polypropylene. When the new recirculated EIR is developed, it must include an assessment of the Project’s potentially significant contribution of microplastics to Lake Tahoe from Project VMT. Any increase in VMT would lead to an increase in treadwear pollution and microplastic impacts. As Ezra Miller, a scientist at the SFEI with expertise in microplastics and fish contamination states, “Tire particles are especially harmful because of their small size. People think they’re breaking down, but the way they’re breaking down is into smaller particles,” said Miller. “The smaller the particle, the more these contaminants leak into nearby watersheds,” he explained.¹² Not only do tires break down into microplastics, they are extremely toxic, as detailed in 2021 research completed by Washington State University scientists entitled, “[A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon.](#)” The impacts from VMT on water quality as they relate to tires and microplastics need to be analyzed in the RDEIR as they relate to VMT and Lake Tahoe’s water quality. The only solution that we have control over in reducing pollutants from tires is driving less; this Project must take that action here to prevent pollution of Lake Tahoe.

Though the RDEIR states that “increased VMT could result in an increase in the amount of pollutants entering Lake Tahoe” and that “the project could have a direct physical effect on lake clarity and water quality via VMT in the Tahoe Basin generated by the project,” these impacts are not analyzed in the RDEIR. Instead, *the analysis seeks to refute the tie between VMT and*

¹⁰ <https://www.emissionsanalytics.com/news/gaining-traction-losing-tread>

¹¹ UC Davis – TERC (2022) State of the Lake:
https://tahoe.ucdavis.edu/sites/g/files/dgvnsk4286/files/inline-files/2022_SOTL_complete-reduced_1.pdf

¹² <https://www.sierraclub.org/sierra/more-cars-road-clean-or-not-means-more-microplastics>

water quality instead of analyzing the impact of the Project and its associated increase in transportation and VMT on water quality as required in the Court of Appeals ruling.

Wildfire Baseline Conditions Have Changed Significantly since the Release of the DEIR

Wildfire behavior has changed, and catastrophic fires like the Caldor Fire, much further away than the project location, have entered Lake Tahoe and have impacted the Tahoe Basin significantly since the Palisades EIR was first completed. As co-chair of the Tahoe Science Advisory Council Dr. Sudeep Chandra states, “These fires, the Dixie, the Tamarack and the Caldor clearly show that we have to protect Lake Tahoe by thinking about actions *outside of the Lake Tahoe Basin*.”¹³ The climate is changing, and this RDEIR needs to incorporate the best available science that discloses the known impacts on water quality, soils, and public health and safety in Lake Tahoe from the increased risk of wildfire from the VPTSP. Fires that start outside of the Basin now pose a significant risk to the Tahoe Basin as fire behavior has changed and the increased wildfire risk from this project needs to be considered. The Olympic Valley CWPP not only includes details on the high risk of wildfire within the Valley itself, but includes a significant portion of the SR 89 evacuation corridor. TRPA and the California Tahoe Alliance now recognize the importance of climate resilience and mitigating wildfire risk and have created regional strategy documents ([Tahoe Climate Resilience Action Strategy](#), [Integrated Vulnerability Assessment of Climate Change in the Tahoe Basin](#), [Lake Tahoe Basin Forest Action Plan](#)) to reduce wildfire impacts coming from both in and out of the Tahoe Basin. As stated in the Vulnerability Assessment, “An elevated number of extreme heat events is expected to occur [in parts of El Dorado County] outside of the Basin, including locations as close as ten miles from the Basin, especially in the latter half of this century.” (page 71, Vulnerability Assessment).

Similarly, the Olympic Valley Public Service District published the Olympic Valley Community Wildfire Protection Plan in 2022.¹⁴ This plan directly contradicts the opinions of Chief Bansen which the RDEIR relies on: “Located in the middle of tens of thousands of acres of wildland, with hundreds of wooden homes and commercial structures, the Olympic Valley community has a very high exposure to catastrophic wildfire losses.”

Where once a project like this may not have posed a significant risk to wildfire in the Tahoe Basin, the agencies and science show that wildfire behavior has no boundaries and impacts need to be analyzed and mitigated to protect Lake Tahoe’s resources.

The RDEIR is Inadequate

The RDEIR does not comply with the Court’s order due to insufficient description of the environmental and regulatory setting, inadequate analysis of impacts to Tahoe, and substantial changes and new information resulting in more severe and unmitigated impacts to Tahoe.

¹³Caldor Fire impact on Lake Tahoe’s clarity, ecology studied amidst ongoing wildfire season.

<https://www.unr.edu/nevada-today/news/2021/caldor-fire-lake-tahoe>

¹⁴ [Olympic Valley Community Wildfire Protection Plan](#)

The RDEIR claims that there have been no changes to the project (other than the name) since certification of the EIR in 2016. The RDEIR does not substantially address the issues that were overturned in the court and there is a new/expanded use - the gondola connecting Palisades to Alpine completed in 2022 which needs to be analyzed under the new VMT Threshold. The gondola was built to make the resort more attractive. Additionally, renaming the resort to include “Tahoe” shows the link, and desire to be linked, to Tahoe.

The RDEIR must analyze the Project under the new VMT Threshold, which is part of the current regulatory setting. The RDEIR’s attempt to take advantage of loopholes it creates with either vague or specific language is an obvious ploy to avoid conducting the further analysis called for by the court.

TRPA’s new VMT Threshold also constitutes new information since the time the EIR was certified and analyzing the VPTSP under the Threshold would show that new or substantially more severe significant impacts would occur to Tahoe.

As stated above, TRPA’s VMT threshold is closely aligned with Placer County’s SB 743 guidance in terms of standards of significance. In 2019, the CEQA Guidelines were updated to include a new section (15064.3). Lead agencies were required to comply with the new VMT guidelines by July 1, 2022. Placer County updated its Transportation Study Guidelines in May 2021, at the same time TRPA approved its VMT Threshold update. Regardless of the County’s interpretation of how the Project’s impacts to Tahoe must be analyzed and mitigated, there is no question that the EIR must be updated and recirculated to include a transportation analysis that considers SB 743 (Placer County’s Transportation Study Guidelines) standards of significance. Because the 2016 EIR was decertified and all County approvals were rescinded, the Project is subject to the new regulations.

Impacts to Tahoe must be adequately analyzed and mitigated

The VPTSP RDEIR needs to adequately analyze the impacts on Tahoe’s Threshold Standards, particularly under the new VMT Threshold. Those impacts then need to be mitigated to the relevant standards of significance. The new VPTSP EIR must:

1. Recognize that VMT is a threshold that TRPA has to achieve and maintain, and the VPTSP will undermine TRPA’s ability to do so.
2. Identify appropriate and enforceable mitigation measures. For VMT, this includes paying TRPA’s Mobility Mitigation Fee for the impacts to Tahoe *and* including specific and enforceable mitigation measures to reduce VMT to the standard of significance (no-net VMT for commercial/recreation and 15% below average VMT for tourist and residential uses¹⁵, also in line with California’s SB 743¹⁶) for the life of the Project.
 - Placer County itself makes this claim in its 2016 response to the December 2015 TRPA comment letter on the Project: “While this EIR examines the environmental

¹⁵ TRPA Project Impact Assessment Guidelines: <https://www.trpa.gov/wp-content/uploads/documents/PIA-Guidelines-Draft.pdf>

¹⁶ OPR Technical Advisory (2018): https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

effects on resources outside the jurisdiction of the lead agency (Placer County), the EIR uses the thresholds of the lead agency, as is required and anticipated under CEQA analyses.”

- Potential projects and programs for ongoing mitigation can be found in Placer County's 2020 Resort Triangle Transportation Plan (RTTP)¹⁷ such as: transit priority lanes on Highway 89, ongoing transit operations funding (Placer County must identify the cost required to enhance TART services to meet the required VMT reduction and the Project must pay its fair share), parking management (paid parking, carpool incentives, etc.), employee trip reduction programs, and the Truckee River Access Plan).
- Additionally, Placer County now has a required Trip Reduction Program that Palisades Tahoe must comply with.¹⁸
- Appendix C to the REIR includes some project aspects that might help reduce VMT. It is important to note that there are no “teeth” to these because they are not mitigation measures. Appendix C also does not reflect the current environmental or regulatory setting - the project amenities and proposed activities to reduce VMT are largely pulled or updated from the decertified FEIR.

Thank you for the opportunity to comment on the VPTSP's impacts to Tahoe's environment. We look forward to responses from Placer County in the near-term and a more fully revised and recirculated EIR with sufficient impacts analysis and mitigation measures in the longer-term.

Please do not hesitate to reach out to me directly with any questions.

Sincerely,



Gavin Feiger
Senior Land Use Policy Analyst
on behalf of the League to Save Lake Tahoe

¹⁷ 2020 RTTP: <https://www.placer.ca.gov/DocumentCenter/View/58036/Resort-Triangle-Transportation-Plan-PDF?bidId=>

¹⁸ https://library.qcode.us/lib/placer_county_ca/pub/county_code/item/chapter_10-article_10_20