



Placer County  
Board of Supervisors  
175 Fulweiler Ave.  
Auburn, CA 95603

Date: September 9, 2016  
To: Placer County Board of Supervisors  
From: The League to Save Lake Tahoe

**Re: Request to Deny Approval of the Martis Valley West Specific Plan and Associated Environmental Impact Report (EIR). Overriding Considerations Cannot Be Justified.**

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Dear members of the Board of Supervisors,

The League to Save Lake Tahoe (the League) has taken the opportunity to review the Final Environmental Impact Report (FEIR) for the Martis Valley West Specific Plan (Specific Plan). The Specific Plan has been brought forth by Mountainside Partners (project proponents) following years of discussions and negotiations, many of which the League was a participant. The League has submitted extensive comments not only on the Specific Plan FEIR, but also on the Village at Squaw Valley Specific Plan (Squaw Valley) FEIR, and Placer County's Tahoe Basin Area Plan (Area Plan) draft EIR (DEIR). All of the submitted comments are important to assess together to understand a real cumulative impact analysis. The League would like to acknowledge that Placer County staff has requested denial of approval of the Specific Plan and FEIR.

While the League is in support of a significant conservation component of the Specific Plan, the League is disappointed with both the adequacy of the review and dismissal of traffic and cumulative impacts to Lake Tahoe associated with the Specific Plan. The Specific Plan lies outside of the Lake Tahoe Basin and the jurisdiction of the Tahoe Regional Planning Agency (TRPA), but will still have environmental consequences to the Basin. Because of the importance of Lake Tahoe as an Outstanding National Resource Water, as well as the unique and comprehensive environmental standards governing the Lake Tahoe Basin, it is essential that the project be denied as it is proposed today. There must be a genuine analysis that looks at real impacts associated with traffic to the Basin. The League urges, as Placer County staff has recommended, Placer County Board of Supervisors (BOS) to not certify the FEIR as it is presented today. The FEIR does not meet California Environmental Quality Act (CEQA) requirements for certification as described in these comments.

The below comments summarize the decisions of the Placer County advisory commissions and highlights relevant comment letters to demonstrate to this Board of Supervisors (BOS) why approving the Specific Plan and FEIR could only be used with arbitrary findings and inappropriate overriding considerations.

- I. **Both the Planning Commission and North Tahoe Regional Advisory Council voted to deny the Specific Plan and FEIR. BOS Should follow these recommendations.**
  
- II. **The FEIR is inadequate because it does not account for the negative traffic impacts the Specific Plan will generate in the Lake Tahoe Basin.**
  - a. *Impacts associated with an increase to (vehicle miles travelled) VMT to Lake Tahoe Basin are ignored.*
  
  - b. *Cumulative VMT impacts associated with Squaw Valley and are ignored. Area Plan analysis raises more VMT concerns.*
  
  - c. *The changes made to the transportation and circulation mitigation measures are meaningless. These weak mitigation measures do not hold project proponents accountable nor mitigate impacts to the Lake Tahoe Basin.*
  
- III. **This FEIR should not be approved or certified under CEQA. There are not enough appropriate overriding considerations to approve FEIR over detrimental environmental impacts.**

## Background

The Specific Plan proposal put forth by the project proponents is a result of years of negotiations, public comment, and agency input. The League was engaged by the project proponents in early 2012 to discuss the project and its associated conservation easement because a portion of the original project was within the Lake Tahoe Basin. The League and other conservation groups such as Mountain Area Preservation (MAP), Sierra Watch, and Sierra Club participated in discussions relating to the appropriateness of development entitlements for the project coupled with a significant amount of environmental conservation. The original project proposal spanned what is now designated as the West Parcel in the Specific Plan of Martis Valley and a 112.8 acre portion of the Lake Tahoe Basin, which would have required TRPA approval. It also included what is to be designated as conservation as the East Parcel of the Specific Plan.<sup>1</sup>

The original proposal had essentially three planning components. The first and second components were the West Parcel located in Martis Valley within Placer County (1,052 acres) and the Lake Tahoe Basin (112.8 acres) parcel, both of which would have been the location site for development. The development project included 760 units and 6.6 acres of commercial property spanning both Placer County and TRPA jurisdictions. The project proponents sought a Resort Recreation designation through an Area Plan under the TRPA Regional Plan Update (RPU) for the Lake Tahoe Basin portion of development. The third component was the East Parcel which included a designation as

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<sup>1</sup> Martis Valley West Parcel Specific Plan. Preliminary Draft. May 2014. Prepared by East West Partners. 1.3 Plan Authority. p.10.

conservation for over 6,000 acres of open space in Martis Valley.<sup>2</sup> The project proponents ignored guidance given by the League and other conservation groups in delaying the Lake Tahoe Basin development and establishing environmental targets as required by the RPU for Area Plans. Neither the Resort Recreation designation nor the Area Plan were redevelopment opportunities envisioned by the RPU. There was significant public and TRPA Governing Board pushback when the first Notice of Preparation (NOP) for the original project was released in May of 2014. While the League supported the overall concept of conservation for the East Parcel within Martis Valley, the League did not find that the Lake Tahoe Basin portion of the project complied with TRPA RPU goals and policies. The significant criticism surrounding the original proposal resulted in the project proponents eliminating the Lake Tahoe Basin development.

The project proponent shifted the 760 units and 6.6 acres of commercial development from the original Placer County and Lake Tahoe Basin project site to only the Placer County jurisdiction. This is what has now created the Specific Plan that is discussed today. The Specific Plan is directly adjacent to the Lake Tahoe Basin parcels that were part of the original project proposal. The revised NOP for the Specific Plan was released in February of 2015. The public process for the Specific Plan have been incredibly complex, rushed, and forced. It has been difficult for the League, the longest running environmental advocacy organization for the Lake Tahoe Basin, to keep pace, let alone the general public. The DEIR for the Specific Plan was released in October of 2015. Placer County released a FEIR for an unrelated Squaw Valley Project in April 2016, which is a document close to 4,000 pages long (this project and cumulative impacts to Lake Tahoe will be discussed later). Placer County then released the Specific Plan FEIR less than a month later in May 2016, which is a document over 2,000 pages long. It appears both the Specific Plan project and FEIR have been forced at the hand of the project proponents through this disingenuous public process. The League urges the BOS to influence the final Specific Plan project and FEIR rather than simply processing it.

The League, Sierra Watch, and Mountain Area Preservation (MAP) met with Placer County staff on March 2, 2016 and April 13, 2016 to discuss concerns relating to the DEIR/FEIR and the public process for the Specific Plan. The League explained in detail the significant negative impacts this project would have on Lake Tahoe in terms of traffic and how these concerns have been dismissed. Minimal efforts had been made in updating mitigation measures. The DEIR and FEIR cannot be proof of a public process under CEQA. The Placer County Planning Director stated that there was still time to influence the project before it is approved through a staff discretionary review. It was made clear by him to all of the organizations that our issues would be addressed. The League repeated this commitment to the BOS at their April 19, 2016 meeting so that this could be part of public record.<sup>3</sup> It is the responsibility of Placer County as the lead agency of the DEIR and FEIR to influence the approval process for the Specific Plan. It is important for the BOS to understand the process of this project up until this point to acknowledge and follow the recommendations made by both NTRAC and the Planning Commission.

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<sup>2</sup> Martis Valley West Parcel Specific Plan. Preliminary Draft. May 2014. Prepared by East West Partners. 6.4 Designated Open Space. p.65.

<sup>3</sup> Placer County BOS Meeting. April 19, 2016. Squaw Valley Resort. Squaw Valley Creek, CA. Video: [http://placer.granicus.com/ViewPublisher.php?view\\_id=6](http://placer.granicus.com/ViewPublisher.php?view_id=6).

**I. Both the Planning Commission and North Tahoe Regional Advisory Council voted to deny the Specific Plan and FEIR. BOS should follow these recommendations.**

Both the Planning Commission and NTRAC voted to deny the Specific Plan and DEIR because justification to make overriding considerations for the project over environmental detriment could not be made. On May 12, 2016, the NTRAC voted that the Planning Commission table approval of the project as proposed today to allow that body and the public more time to review. NTRAC had been given only nine days to make a decision on a 2,000 paged document. They also voted to not approve the project as there were too many unanswered questions raised not only by the public, but members of NTRAC.<sup>4</sup>

The Planning Commission hosted a public meeting on June 9, 2016, which lasted over six hours, where almost every commenter from the public spoke against the Specific Plan and FEIR. The hearing was continued to July 7, 2016 where the Planning Commission focused their questions on fire safety, traffic impacts, and impacts to the Lake Tahoe Basin. The staff summary and staff responses at the hearing attempted to resolve concerns of the members, but failed. The summary, as the FEIR, failed to explain true impacts relating to traffic and Lake Tahoe. To the credit of Placer County staff, they have heeded the advice of the Planning Commission and have requested you deny approval the Specific Plan and FEIR. This letter discusses traffic, cumulative, and Lake Tahoe impacts in more detail below and highlights why the League agrees with Placer County staff. The Planning Commission found that their concerns were not answered and they could not make the necessary overriding considerations needed to approve the Specific Plan and FEIR. The League urges the BOS to follow the recommendations of both of these advisory councils. The FEIR is inadequate for the reasons discussed below.

**II. The FEIR is inadequate because it does not account for the negative traffic impacts the Specific Plan will generate in the Lake Tahoe Basin.**

The FEIR essentially concludes that the Specific Plan will increase vehicle miles traveled (VMT) to the Lake Tahoe Basin, but to a point where the project proponents do not have to be held accountable for their actions. The project proponents are being “let off the hook” with conclusions drawn in the FEIR stating a traffic increase does not matter along with meaningless mitigation measures. Traffic impacts and concerns must be addressed before the Specific Plan is approved.

***a. Impacts Associated with an Increase to VMT to Lake Tahoe Basin are Ignored.***

The FEIR ignores an impact assessment associated with the VMT increase. The FEIR concludes that because the Specific Plan is not within the Lake Tahoe Basin, that the TRPA Bi-State Compact Threshold (Thresholds) requirements do not apply.<sup>5</sup> While the FEIR can argue the Thresholds requirements do not apply, an adequate assessment of VMT and impacts to the Lake Tahoe Basin cannot be ignored, as has happened here. The FEIR points out,

<sup>4</sup> North Tahoe Regional Advisory Council Meeting. May 12, 2016. Tahoe City PUD. Electronic minutes unavailable at time of submittal.

<sup>5</sup> Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-9.

“On a peak travel day, the project would generate approximately 13,745 VMT within the Tahoe Basin. Total VMT in the TRPA boundary was estimated in the Regional Transportation Plan (TMPO and TRPA 2012) to be 1,984,600 for summer 2010 conditions. Based on this benchmark, which is considered the best available data, the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary. The TRPA environmental threshold carrying capacity threshold calls for the Tahoe Region’s VMT to be at least 10 percent below its 1981 level, or 2,067,600 VMT. The addition of the project’s VMT to the 2010 summer value would result in 1,998,345 VMT, which would remain below this VMT threshold.”<sup>6</sup>

The VMT Master Response alone does not detail impacts associated with VMT increase to the Lake Tahoe Basin. It states that there will be a 0.7 percent increase to the region. It then concludes that this is below the 10 percent allowable increase of the TRPA environmental carrying capacity threshold for VMT. There are brief discussions of other in-Basin projects and relationship to VMT increase in the Basin and what constitutes a significant increase. It then however concludes there is not a standard to use when determining what is “significant.”<sup>7</sup> To simplify, this FEIR concludes there will be an increase to VMT in the Basin, it is unsure if this is significant, but because the increase is less than what exceeds the ultimate TRPA carrying capacity, an overall impact assessment does not need to be done. This is an arbitrary analysis. A rational deduction can be made that a 0.7 percent increase to VMT within the Lake Tahoe Basin is significant because this means thousands of more trips which directly relate to increased threats to air quality and water quality. Specifically, increased traffic will result in increases in tailpipe emissions — which includes algae-driving nutrients and greenhouse gas emissions — and increases to fine sediment particles from roadways into Lake Tahoe.

The FEIR completely ignores key factors raised in the Area Plan and the Lake Tahoe Total Maximum Daily Load (TMDL). The TMDL is described as follows from the Area Plan,

“In 2011 and after years of study, a Total Maximum Daily Load (TMDL) water quality improvement program was established for Lake Tahoe in accordance with the U.S. Clean Water Act. More than any prior work, the TMDL identified Lake Tahoe’s pollutants of concern and their primary sources. Fine sediment, phosphorous and nitrogen are the primary pollutants. The largest source categories are the urban uplands (developed areas and roads) and atmospheric deposition, largely from private vehicle emissions.”<sup>8</sup>

The actual TMDL report itself explains impacts to atmospheric deposition by concluding,

<sup>6</sup> Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-17.

<sup>7</sup> Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-26.

<sup>8</sup> Placer County Tahoe Basin Area Plan, Public Review Draft June 2016. Prepared by Placer County Planning Services Division, TRPA, Dyett & Bhatia Urban and Regional Planning, Stockham Consulting. Introduction. p.2.

“Atmospheric deposition refers to the deposition of pollutants that land directly on the lake surface. This can occur as dry deposition or as part of a precipitation event (wet deposition). Because the surface area of the lake is 501 km<sup>2</sup> in comparison to its drainage area of 812 km<sup>2</sup>, airborne input of nutrients and fine sediment particles to Lake Tahoe’s surface is significant. The California Air Resources Board (CARB) conducted the Lake Tahoe Atmospheric Deposition Study (LTADS) to estimate the contribution of dry atmospheric deposition to Lake Tahoe. These estimates were paired with long term monitoring data collected by UC Davis - TERC to provide detailed pollutant loading numbers to use for lake clarity modeling purposes. Gertler et al. (2006) and CARB (2006) found that airborne pollutants are generated mostly from within the Lake Tahoe basin and come from motor vehicles, wood burning, and road dust. Motor vehicles, including cars, buses, trucks, boats, and airplanes are primary sources of atmospheric nitrogen. Swift et al. (2006) determined that inorganic particles are the dominant factor in clarity loss since those particles contribute greater than 55 to 60 percent of the clarity loss while organic particles contribute up to 25 percent of the clarity loss.”<sup>9</sup>

Simply put, motor vehicles contribute substantially as a pollutant (specifically phosphorus and nitrogen) to the Lake through fine sediment and tailpipe emissions. The TMDL report goes on further in describing impacts of nitrogen to the Lake,

“Long-term Nitrogen and Phosphorus trends in the mid-1980s Lake Tahoe began to experience an increase in nitrogen from atmospheric deposition directly onto the lake surface (Jassby et al. 1994). Atmospheric deposition provides most of the dissolved inorganic nitrogen and total nitrogen in the annual nutrient load. Increased amounts of atmospheric nitrogen have caused an observed shift from co-limitation by nitrogen and phosphorus to persistent phosphorus limitation in the phytoplankton community (Jassby et al. 1994, 1995, and 2001). Algal growth studies also support the finding of increased nitrogen in Lake Tahoe; these long-term bioassay experiments show a shift from co-limitation by both nitrogen and phosphorus, to predominant phosphorus limitation (Goldman et al. 1993).”<sup>10</sup>

More nitrogen and phosphorus put into the Lake creates more algae which drops clarity in the Lake. It can be deduced that more traffic creates more fine sediment and tailpipe emissions which directly contribute to algae increase in the Lake. The overall VMT analysis in relationship to the Lake Tahoe Basin is arbitrary in its conclusions and ignores impacts to the Lake Tahoe environment. The VMT analysis does not have an inclusive baseline for a true assessment as discussed below.

***b. Cumulative VMT Impacts Associated with Squaw Valley are Ignored. Area Plan Analysis Raises More VMT Concerns.***

The League has been diligently reviewing the Specific Plan FEIR, the Squaw Valley FEIR, and the Area Plan DEIR/S. The Area Plan EIR/S cumulative impact analysis (or lack thereof) is directly

<sup>9</sup> Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Source Analysis. p.7-8.

<sup>10</sup> Final Tahoe Total Maximum Daily Load Report. November 2010. Prepared by California Regional Water Quality Control Board, Lahontan Region and Nevada Division of Environmental Protection. Optical Properties of Lake Tahoe. p.3-7.



relevant to this Specific Plan. It is unclear what baseline numbers have been used for VMT analysis for this project, Squaw Valley, and the Area Plan. Below is an excerpt from the League's comment letter submitted on the Area Plan DEIR/S that refers to the Specific Plan FEIR and Squaw Valley FEIR as well. (See *enclosed*). The League submitted this letter to the BOS for review and states,

"The Squaw FEIR states:

'The project's summer Friday VMT estimate within the TRPA boundary is 23,842. Total VMT in the TRPA boundary was estimated in the Regional Plan (at Table 3.3-5) to be 1,984,600 for summer 2010 conditions. The project would result in an estimated 1.2 percent increase in VMT within the TRPA boundary. The TRPA environmental carrying capacity thresholds calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, which establishes a VMT threshold of 2,067,600. The addition of the project's VMT to the 2010 summer value would result in 2,008,442, which would remain below this VMT threshold.'<sup>11</sup>

It clearly concludes that this project alone would substantially increase the amount of VMT to the Lake Tahoe Basin. The Martis Valley FEIR states:

'On a peak travel day, the project would generate approximately 13,745 VMT within the Tahoe Basin. Total VMT in the TRPA boundary was estimated in the Regional Transportation Plan (TMPO and TRPA 2012) to be 1,984,600 for summer 2010 conditions. Based on this benchmark, which is considered the best available data, the project would result in an estimated 0.7 percent increase in VMT within the TRPA boundary. The TRPA environmental threshold carrying capacity threshold calls for the Tahoe Region's VMT to be at least 10 percent below its 1981 level, or 2,067,600 VMT. The addition of the project's VMT to the 2010 summer value would result in 1,998,345 VMT, which would remain below this VMT threshold.'<sup>12</sup>

This summary concludes that this project will also bring a substantial increase to VMT within Lake Tahoe. Cumulatively the Squaw and Martis Valley projects impacts are discussed below (actual number increase will be 37,582 cumulatively) within Lake Tahoe. The Area Plan DEIR/S lacks an adequate analysis of what this truly means in terms of environmental impacts to not only North Lake Tahoe, but to the whole region. The DEIR/S states in Cumulative Impact 10-4: Cumulative vehicle miles traveled:

'The analysis of region-wide VMT resulting from build-out of the alternatives is presented in Chapter 10. That analysis also accounted for growth that could occur throughout the rest of the Lake Tahoe region consistent with the TRPA Regional Plan, to allow for comparison of regional VMT under the alternatives to TRPA's regional VMT threshold standard. The TRPA TransCAD model scenarios analyzed in Chapter 10 reflect some, but not all, of the cumulative growth that occurred outside of the Tahoe Basin. This cumulative analysis adds traffic growth

<sup>11</sup> Final Environmental Impact Report Village at Squaw Valley Specific Plan. April 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p. 3-25.

<sup>12</sup> Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Master Responses. p.3-17.

that could occur as the result of growth outside of Tahoe Basin, including Martis Valley, the Squaw/Alpine Meadows area, and Truckee. Table 19-5 shows summary daily VMT in the Tahoe Basin under baseline 2015 conditions and in cumulative 2035 conditions for each alternative, assuming full build-out of the Tahoe Basin and surrounding areas near the Plan area (including Martis Valley, Truckee, and Squaw/Alpine). The VMT threshold is periodically updated whenever the TRPA updates its transportation model. The most recent VMT threshold was calculated at 2,030,938 for a peak summer day, based on the 2014 model update. Existing summer daily regional VMT is estimated to be 1,937,070 or 93,868 below the TRPA threshold standard based on the most recent modeling completed to support the Tahoe Regional Transportation Plan (TRPA 2016). Additional detail on the cumulative VMT methodology is provided in Appendix G. In future cumulative conditions with all alternatives daily summer VMT in the Tahoe region would increase by various amounts. However, under cumulative conditions with all alternatives VMT would remain below the TRPA regional VMT threshold standard of 2,030,938. Because cumulative VMT would remain below adopted standard under all alternatives, the cumulative impact would be less-than-significant. Thus, the Area Plan or Lodge Alternatives **would not make a considerable contribution** to a significant cumulative impact.<sup>13</sup> (emphasis added)

The information relating to the VMT threshold is inconsistent throughout the 2011 Threshold Report, 2014 Transportation Monitoring report, Squaw, Martis Valley FEIRs, and the Area Plan DEIR/S. If the current VMT Threshold (from Area Plan DEIR/S) is at 2,030,938 VMT per day (on the peak day) and the current status is 1,937,070 VMT the addition of 37,582 VMT from Squaw and Martis Valley projects will bring the status to 1,974,652 VMT. **Which would mean the *entire Lake Tahoe Region* would be within 97% of attainment, meaning there is only 3% before the region is out of attainment.** Concluding that Squaw and Martis Valley ‘would not make a considerable contribution to a significant cumulative impact,’ without any adequate explanation is not only not legally defensible; it is a conclusion that could put the Lake at risk and cause failure to prepare for a threshold nonattainment. There is no discussion as to what is considered ‘significant’ in either the transportation section of the Area Plan DEIR/S nor the cumulative impact discussion. While the Area Plan DEIR/S shows that VMT will decrease by 2035, again there is still no discussion of the projects’ impacts to existing conditions or future Area Plan build-out. Even with the projected beneficial improvement of a reduction to 1,931,634 VMT in 2035 the additional VMT from Squaw and Martis Valley would still bring the threshold to **within 96.7% of complete attainment**. The work and efforts put forth through this Area Plan to improve existing traffic conditions could be negated by these projects. Concluding that there is not a considerable contribution to a significant cumulative impact is arbitrary because there is no standard of significance. These inaccuracies must be resolved in the FEIR/S. The Squaw and Martis Valley FEIR/S should also be amended to reflect the most current data and all of this information should be made public.”

The conclusions from the League’s Area Plan comment letter directly apply to this Specific Plan FEIR. The standard of what is deemed significant in terms of VMT increase was not addressed in this

<sup>13</sup> Draft Environmental Impact Report/Statement for Placer County Tahoe basin Area Plan and Tahoe City Lodge Project. June 2016. Prepared for Placer County and TRPA by Ascent Environmental. Cumulative Impacts. p.19-18 & 19.



Specific Plan FEIR. Even if the Squaw Valley VMT impacts are disregarded, as stated above, the Specific Plan will increase VMT by 13,745. This will increase the current standard (numbers taken from the Area Plan DEIR/S) to 1,960,912. This will close the gap for the **entire Lake Tahoe Region to being within 96% of attainment**. The League disagrees with the Specific Plan that this is not significant without any legal explanations. The amount of inconsistencies within this FEIR and the Area Plan DEIR/S must be resolved before this project is approved as presented today. Increased traffic directly increases fine sediment, increased greenhouse gas emissions, and increased algae as discussed above. The impacts relating to traffic are ignored through the inadequate VMT analysis. An actual impact analysis as it relates to VMT increase must be done. Because of these inadequacies, certification of the FEIR must be denied.

***c. The Changes Made to the Transportation and Circulation Mitigation Measures Are Meaningless. These Weak Mitigation Measures Do Not Hold Project Proponents Accountable nor Mitigate Impacts to the Lake Tahoe Basin.***

Minimal changes were made to mitigation measures under the “Traffic and Circulation” section of the DEIR. The below mitigation measures shifted impacts related to transit in Impact 10-5: Impacts to Transit from Potentially Significant (PS) to Less than Significant (LTS).<sup>14</sup>

*“Mitigation Measure 10-5a: Payment of annual transit fees: Prior to recordation of the initial Small Lot Final Map, the applicant shall establish a new Zone of Benefit (ZOB) within an existing County Service Area (CSA) or annex into a pre-existing ZOB to provide adequate funding of capital and ongoing operational transit services/requirements. The applicant shall submit to the County for review and approval a complete and adequate engineer’s report supporting the level of assessments necessary for the establishment of the ZOB. The report shall be prepared by a registered engineer in a consultation with a qualified financial consultant and shall establish the basis for the special benefit appurtenant of the project.*

*Mitigation Measure 10-5b: Join and Maintain membership in the Truckee-North Tahoe Transportation Management Association: Prior to Improvement Plan approval and/or recordation of the Final Map, the commercial and homeowner associations shall join and maintain membership (at the rate defined by the TNT/TMA and tied to improvements to be funded in perpetuity in Truckee-North Tahoe Transportation Management Association (TNT/TMA) whose established purpose is to improve the general traffic and transportation conditions in Truckee/North Tahoe area, and to address situations associated with traffic congestion transportation systems.”<sup>15</sup>*

These updated mitigation measures lack detail on how they could truly be considered mitigation. *Mitigation Measure 10-5a* requires that the project proponents to establish a ZOB and provide adequate funding to the CSA. There is no discussion as to an actual amount, where directly this funding will go to, how the funding will be traced, if it is a continual or one-time contribution, or if any of

<sup>14</sup> Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Revisions to Draft EIR. p.2-18&19.

<sup>15</sup> Final Environmental Impact Report Martis Valley West Parcel Specific Plan. May 2016. Prepared for Placer County by Ascent Environmental. Revisions to Draft EIR. p.2-18&19.

this will improve transit to the Lake Tahoe Basin. The mitigation measure is a lot of words describing a contribution that could happen, at some point, and go somewhere. This is another example of an arbitrary and capricious assessment in this FEIR. The purpose of mitigation measures is to detail how impacts will be mitigated, which is not the case here. This mitigation measure does not and will not hold the project proponents accountable for transit impacts to the Lake Tahoe Basin. *Mitigation Measure 10-5a* is inadequate because of its lack of details.

*Mitigation Measure 10-5b* is also arbitrary and capricious as to what it means and how it will mitigate impacts. It states that the project proponent will be a part of an association without any description as to what the TNT/TMA is or what a “membership” entails. It later goes on to state the project proponent will be a member in perpetuity until a homeowner association becomes a member. How the project proponents will be able to hold the homeowner association accountable for attending and participating in the association is not discussed. Again, this mitigation measure is meaningless and arbitrary.

While there will be a development agreement that should detail funding mechanisms, the actual impact assessment is incomplete. There needs to be much more information on all of these things to see if they can be a reality. Having two mitigation measures without any detail that shift a critical impact from Significant (PS) to Less Than Significant (LTS) is not only inadequate in terms of an appropriate environmental review, but is a blatant disregard of solutions to transit impacts to the Lake Tahoe Basin. It is the responsibility of Placer County to influence the project approval process through the FEIR. It would be irresponsible for the BOS to certify the FEIR as it is presented today because of the overall disregard of VMT impacts to Lake Tahoe and lack of meaningful mitigation measures. The League recommends that the certification of the FEIR be denied. An actual environmental analysis should include more details to the above mitigation measures and consideration of requiring the project proponents to increase transit opportunities from the project area to the Basin. An analysis of how mitigation measures *actually* mitigate environmental impacts must be conducted in a new FEIR for it to be adequate.

### **III. This FEIR Should Not Be Approved or Certified under CEQA. There Are Not Enough Appropriate Overriding Considerations to Approve FEIR Over Detrimental Environmental Impacts.**

This Specific Plan FEIR cannot be certified as it does not meet the necessary CEQA requirements. CEQA only allows for certification of a FEIR after it has been found that the EIR has been completed in compliance with CEQA.<sup>16</sup> The Specific Plan cannot be approved as proposed as the Lake Tahoe Basin traffic impacts were ignored and the FEIR lacks adequate mitigation. The Planning Commission and NTRAC agree the overriding considerations cannot be made by voting to deny the approval of the Specific Plan and FEIR. This FEIR cannot be certified because of its lack of CEQA compliance. CEQA states that a project can only be approved if it will not have significant effect on the environment.<sup>17</sup> The FEIR did not prove through its analysis that there would not be significant impacts to the Lake Tahoe Region because the VMT analysis is arbitrary. The associated mitigation measures relating to traffic

<sup>16</sup> § 21000 CCR, Title 4, Chapter 3 (CEQA) §15090(a)(1).

<sup>17</sup> § 21000 CCR, Title 4, Chapter 3 (CEQA) §15092(b)(1).

impacts to Lake Tahoe are also arbitrary and meaningless. The priceless Lake Tahoe environment cannot be sacrificed for the Specific Plan approval.

The BOS could make findings of overriding consideration against environmental harm to approve the project. To do this CEQA requires that the BOS,

“...balance, as applicable, economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project outweigh the unavoidable adverse environmental effects may be considered ‘acceptable.’”<sup>18</sup>

The Specific Plan and associated FEIR have ignored public input and have disregarded current planning efforts to improve the Lake Tahoe region by both TRPA and Placer County through the Area Plan. The Specific Plan will undoubtedly bring financial gain to the project proponents. Alternatives brought forth by the League, MAP, and Sierra Watch have been ignored. The project will have detrimental environmental impacts to the Martis Valley region and Lake Tahoe. It is unclear as to what benefits the Specific Plan will bring other than financial gain to the project proponents. There is not enough evidence for the BOS to make any overriding considerations to approve this project. The League recommends that the FEIR be denied certification and that the approval of the Specific Plan also be denied.

## Recommendations

These comments have detailed concerns with not only the FEIR, but impacts to the Lake Tahoe region. The League has retained a traffic expert to help work on transportation issues with Placer County and TRPA. Placer County has adopted an updated Tahoe Truckee Area Regional Transit Systems Plan Update (the TART Plan) and is identifying funding mechanisms to improve public transit. The League is encouraged by this process and hopes the TART plan can be used as model regionally. However, the TART Plan itself cannot be used as mitigation for this Specific Plan or suffice as the necessary overriding considerations needed as required by CEQA to certify the FEIR. The League recommends that:

- **The BOS follow the advisement of NTRAC and Planning Commission and deny the Specific Plan and FEIR as proposed today.**
- **A new environmental review be recirculated to assess traffic and environmental impacts to Lake Tahoe. Including Air Quality and Water Quality impacts associated with traffic increase.**
- **Reduction in project size and consideration of different points of access to project sight.**
- **Including meaningful mitigation to an updated Specific Plan. Suggestions could include:**

<sup>18</sup> § 21000 CCR, Title 4, Chapter 3 (CEQA) §15093(a).

- **Requiring the project proponent to provide shuttle systems in coordination with local transit.**
- **Consideration of road tolls and parking fees.**
- **Coordinating shuttle systems with Reno, Sacramento, and the Bay Area.**

The League welcomes the opportunity to discuss improvement to transportation and transit to Placer County and regionally. However, this Specific Plan and FEIR cannot be approved as presented today because of a real analysis of the detrimental impacts to the Lake Tahoe Basin has been ignored.

Sincerely,  
Shannon Eckmeyer  
Policy Analyst  
League to Save Lake Tahoe

*(Enclosures 2016.8.15 League to Save Lake Tahoe's Comments on Tahoe Basin Area Plan and Tahoe City Lodge Project)*