



August 5, 2009

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

**RE: Comments regarding Draft Regional Plan Alternatives Summary Report
(June 19, 2009)**

Introduction:

The League to Save Lake Tahoe and the Tahoe Area Sierra Club are concerned with the inconsistency of the Regional Plan update with the Tahoe Regional Planning Compact's substantive requirements and Findings and Declarations of Policy. The TRPA's direction is also inconsistent with established and binding direction for threshold maintenance and regional planning. Specifically, the League is concerned that (1) TRPA is approaching the threshold update in a piecemeal fashion, contrary to the direction of Resolution 82-11 and the Code of Ordinance that require the agency to bring all of the thresholds current at least once every five years, and is ignoring scientific evidence that some thresholds need to be strengthened to assure the protection of the values they are designed to safeguard; and (2) the proposed Alternatives 2-4 conflict with the mandate of the Compact "to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."

At this time, the proposed Regional Plan Alternatives (2-4) all focus on an upside-down approach of development objectives rather than rightfully Compact-mandated threshold achievement goals. Alternatives 2-4 are all variations on the same intense urbanization theme. The Regional Plan's primary focus should be on threshold achievement and maintenance. Threshold achievement and maintenance should not be secondary to development, especially at a time when 75% of the thresholds (2006 Threshold Evaluation) are not in attainment, including six out seven standards for water quality. Additionally the only threshold in attainment, Recreation, has the most subjective threshold standards.

Many of the elements and concepts of smart growth and PTOD (concentration of height/density/traffic/parking) are inappropriate for Tahoe. These concepts and elements are designed to prevent additional urban sprawl. However since Tahoe does not have the

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

potential for additional sprawl, additional urbanization and corresponding increases in both resident population and tourist capacity will negatively impact the very thresholds the TRPA has a responsibility to achieve and maintain.

The Regional Plan update alternatives fail to demonstrate that the Total Maximum Daily Load (TMDL) objectives of substantial pollution discharge reduction will be achieved within the span of the Regional Plan.

The proposed alternatives lack an effectiveness monitoring and evaluation process on project level scale. Without such an analysis it will be unclear whether the policies adopted in the Regional Plan Update and the specific projects that follow will be benefiting or negatively impacting the thresholds.

Finally, the alternatives proposed in the Regional Plan Update lack proper regulations, disincentives (along with “incentives”), performance-based triggers, Code enforcement, and accountability.

Questions on Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

General Questions:

The following are general questions that pertain to all components of Alternatives 2-4:

1. What are the regulations in the current 1987 Regional Plan that will no longer be applicable in the new alternatives? What are the new regulations that will be part of the new alternatives? In each case, what are the ramifications of increased development potential in relation to density, height, massing, coverage, parking (both on-site and off-site), traffic, VMT, etc... on a local and Basin wide scale? Additionally for each case, describe and quantify how any and all threshold indicators/standards will be affected (either adversely or beneficially), not only on a per capita basis, but also cumulatively?
2. Describe the ways in which Alternatives 2-4 are similar and exactly alike?
3. For all incentive based programs, does a matching “disincentive” program exist? If not, what disincentive(s) would compel one to choose a threshold benefit approach, rather than maintain status quo?

Alternatives Description:

Description for Alt. 4, what is meant by “rely on public implementation to redirect...” and what mechanisms make that reliance realistic”?

Many of alternatives place the majority of threshold achievement on the hope that developers will participate in the process. How will TRPA determine what will be

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

enough incentives for developers and how this fits within threshold attainment and maintenance, including on an ongoing basis as environmental and economic conditions change? If developers still decide that the incentives are not good enough to participate how will the thresholds be achieved?

Furthermore, there is a significant likelihood that in order for private developers to make substantial environmental improvements “worth their expense” they may have to invest in larger projects, such as large subdivision projects. Will the EIS analyze the impacts of such large projects in order to determine that actual, quantifiable environmental net gains are being made towards the achievement and maintenance of environmental thresholds, or if the incentive process is going backwards from the achievement of the environmental thresholds?

Key Action Strategies:

Alt. 2, no. 2, states, “Infill the 10% remaining SFD vacant lots using IPES and allocations.” Does this mean all remaining lots within the urban boundaries, within the boundaries of the proposed ‘urban nodes’ or throughout the Basin?

What is the definition of an ‘urban node’? Urban boundary? Urban core?

Will areas currently not designated as an urban become designated as an urban area? What is the impact on threshold achievement? Will certain recreation areas be incorporated into the urban boundary? What will the impacts to thresholds be? Currently a goshawk would be protected if it is located in a recreation area – will a goshawk in a recreation area within an urban boundary have this same protection?

Is there a publicly available map that clearly delineates the nodes by street or property lines?

What criteria define the locations and boundaries of each node in alternatives 2 and 4? Why do nodes appear larger in alternative 4 than 2 (per the maps)? Why are there nodes in alternative 2 identified as 2 separate nodes which are then combined and classified as just one node in alternative 4 (e.g. South Stateline areas)?

Will the IPES program be analyzed for effectiveness? Draft alternatives appear to assume status quo for IPES, but where is the technical evidence that assesses the effectiveness of the IPES program? How will the EIS examine this in relation to the alternatives adding additional allocations?

What is meant by “ETCC Infrastructure?” Are all thresholds included in infrastructure? If not, which ones?

What is meant by “Irrevocable Commitment?” How is this different than requiring a performance bond? How would it be enforced? Will allocations be awarded even if the improvement project is not yet completed?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

What is the recommended TMDL strategy? Is there one yet? If not, will there be one for EDAW to analyze? Which TMDL strategy is recommended by TRPA considering the CEQA review process is not complete?

Alt. 3, no. 1. What is “partial PTOD form”? How many versions of “partial” are possible?

What is meant by “coordinated EIP and development”?

No. 6., Does this recommend more transit and satellite parking than the MPO Plan? How much more?

Alt. 4, no. 2: This suggests that half of the remaining SFD lots are sensitive. What’s the current break-out of remaining IPES lots by IPES numbers and jurisdiction?

No. 5. What is meant by “ETCC Infrastructure before development in nodes”?

No. 6; Does this mean ‘no’ paid parking and ‘no’ focus on urban bike paths? Or does it mean no ferry, but additional paid parking and focus on urban bike paths is included (above and beyond the basic MPO Plan)? Wording is unclear.

How does “infill” compare to “concentration”? We presume infill will continue to develop on undeveloped land/parcels within some defined area (but will it be the urban boundary? CP boundary? Urban Node?), whereas concentration will focus on concentrating more density on existing developed parcels and less on developing undeveloped parcels. Do we understand correctly? Will this be clear to EDAW? How are the undeveloped parcels removed from the threat of future development?

Smart growth and new urbanism practices and principles were designed to prevent potential sprawl in urban communities where development and population are continuing to rapidly increase. However, the Basin has no more potential for sprawl. The March 24, 2008 Memorandum to the Governing Board states, “The focus of the present land use plan update is not on controlling additional growth as it was 25 years ago, because the Region is approaching growth buildout.”

Because these practices are based on reducing **potential** urban sprawl, which is not the focus of the new Regional Plan, what is the outcome TRPA expects from applying these practices to the different set of issues we have in the Basin? How will these practices help attain thresholds? What evidence does TRPA have that these ‘standard’ practices will result in the unique outcome needed in Tahoe? Aren’t studies outside of the Basin all based on areas where **additional** urban sprawl is the problem? Is the plan attempting to reduce **existing** sprawl. Have any other communities been successfully able to reduce **existing** sprawl. If so which communities and how similar or dissimilar are they to Tahoe Basin? What public funding mechanisms or other incentives were used in those communities to reduce existing sprawl?

Project Development Level (Allocations):

Where did the proposed additional, since 2008, allocation numbers come from? All action alternatives presume more allocations will help attain thresholds. How? There should be an analysis that focuses only on remaining allocations and redevelopment (which would include transfers of development from non-urban to urban areas [to support concentration in urban areas, where appropriate] for environmentally beneficial redevelopment projects).

What is meant by “Public Service and Recreation to meet demand”? What is the carrying capacity for recreation facilities in use? What is considered “Public Service?” What if ‘demand’ exceeds the capacity to provide a public service without harming threshold attainment? What consideration is given if demand exceeds the carrying capacity of the areas? What are the threshold standard impacts of exceeding carrying capacity?

How will the new Plan incorporate Geotourism into recreation planning, which creates more sustainable recreation practices and draws tourists more apt to be stewards of the land? The alternatives appear to remain ‘passive’ and suggest TRPA will simply address what is popular at any given time, rather than work to improve conditions and promote more environmentally (and economically) beneficial recreation in the Basin.

Regarding TAUs, will the alternatives analyze a range of different policies on how TAU transfers should occur (i.e. should they be transferred on a square foot to square foot ratio, a bedroom to bedroom ratio, or other)?

Land Use/Zoning:

Alt. 4: what is meant by “with the current development standards to match Alt. 2?”

2nd row, Alt. 3, no. 1.

First, how can EDAW evaluate anything regarding the future update of the USFS Forest Plan that the public has not seen, has not been adopted, and is further delayed due to the recent ruling against the 2008 Forest Planning Rule?

Second, does this mean there will be no change to any plan area statements except where they include USFS-owned land?

Third, what are the ‘recent public lands acquisitions,’ how do they affect the associated PAS(s), and which one(s) would be changed for FS land inclusion?

Alt. 4, no. 1. missing language. “Same as alternative 3 except...” (except what?)

When will TRPA perform the objective Community Plan updates it has put off to the Regional Plan update for years? The language here suggests CP updates are already pre-determined in how they will look. Yet doesn’t the update process need to determine this?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

Alts 2-4, no. 3. It appears TRPA presumes it will allow significant expansions of resorts so long as a Master Plan update is performed. Yet what if such expansions contribute to threshold damage? Will there be regulations which will prohibit resorts from such expansions if they will harm threshold attainment?

What is meant by “streamlining the planning process” for the Master Plan System, and how will this affect threshold attainment?

Which resort(s) does TRPA have in mind to be covered under this item, and which not? How many potential new resorts are contemplated?

What is the “Placer County Redevelopment System?” How does their county-wide system address Tahoe’s unique needs? Upon what evidence does TRPA base its assumption that the County’s system will help attain TRPA thresholds? Are Placer County Redevelopment boundaries the same as TRPA’s? Are the criteria for establishing a boundary the same? How would the decision be made regarding which boundary was more protective of the threshold standards?

Alts 2-4, no. 6: What will be defined as “mixed-use projects” where new subdivisions will be allowed? On what kind of land? In certain areas only (e.g. nodes)? What changes are proposed to the 2-step subdivision process to help attain threshold standards?

On TRPA’s website (7/22/09), there are currently 15 Community Plans (CPs) and a statement that TRPA has more CPs to post. Alt. 3 includes 22 CPs yet the location of these CPs can not be deciphered on the provided maps. What are these 22 CPs? How many of these CPs are overdue for updates per TRPA’s Code, thus requiring a public process? How will TRPA undertake the community-based process for creating/updating CPs? Or, since no update processes are mentioned in the matrix, will EDAW be expected to make assumptions about what updated CPs might look like in order to perform analyses in the EIS? If so, what happens to the public update process? Is it co-opted by the Regional Plan process?

Would Alt. 3 be adding any new CPs to areas not currently covered by CPs? If so, for which communities?

Alt. 4 includes 18 CPs. What is the difference compared to Alt. 3?

Although some urban communities have been mildly successful at reducing environmental impacts on a per person basis, these cities have failed to progress in reducing their total environmental impacts because of continued growth. See “Population growth: the forgotten worry, though crisis continues,” *The Oregonian*, February 6, 2009.

- Is TRPA focused on reducing per person impacts and/or cumulative impacts?
- How will each alternative ensure that any potential benefit gained from the PTOD principles will not be outweighed by negative impacts of the PTOD’s resultant increase in population? For example if the PTOD alternatives can

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

demonstrate that VMTs will be reduced on a per person basis, but the plan causes an overall increase in the number of persons within the basin – thereby causing an overall increase in VMTs - then the alternative is moving away from threshold achievement instead of towards threshold achievement. How will the alternatives be analyzed in order to see if the overall cumulative impact is positive or negative to threshold achievement?

Alternative #3 states, “To achieve PTOD the quantity of commercial floor area, tourist accommodation units, and residential units of use, necessary to achieve the desired development patterns will be provided.”

- What is the “intensity of development necessary for PTOD?” How is this represented quantitatively? Upon what evidence was this intensity determined? What are the criteria for determining what is necessary?
- What exact “quantities” of the CFA and units will be provided? How will EDAW determine what is needed to achieve PTOD? Why are these commodities trying to achieve PTOD instead of trying to achieve the thresholds standards?

The D.A.S.R. states that height will be an incentive for encouraging pedestrian and transit development in specified urban areas (areas slightly vary by alternative). According to the 2009 edition of the American Heritage Dictionary an incentive is *something, such as the fear of punishment or the expectation or reward that induces action or motivates effort*. What type of punishment (disincentive) will be applied to discourage (re)development that doesn't meet the requirements of PTOD?

- How will development outside of key urban areas be dis-incentivized?
- What exactly will a developer have to do to “go-above-and-beyond” in order to gain additional height, density, coverage? How will this quantifiably benefit threshold standards?
- Will the allowance of height, density, and coverage as an incentive be given as a variable reward (i.e. the extent to which a developer goes above-and-beyond the standard requirement would affect the amount of height allowance rewarded up to a predetermined height limit)?
- Alternative 2 relies primarily on public/private partnerships to fund EIP projects and stormwater treatment. However, what will TRPA do to meet the associated environmental needs if private developers are not interested or willing to ‘go the extra mile?’ Will TRPA simply deny projects unless they include these extras?

Many of the alternatives propose to “intensify” the area within the urban boundary. How will the alternatives provide a corresponding decrease in “intensity” outside the urban boundary?

Height:

How will allowances of height be analyzed for threshold impacts (i.e. impacts to scenic resources and noise)?

- What range of height limits will be analyzed, and will they be analyzed against a variety of topographic conditions (i.e. a forested valley vs. steep slopes)?
- Also, will the height allowances be consistent with the community character of the particular area that is being considered for such an incentive? How will EDAW evaluate whether the proposed height fits in with the community character of a given area when the community will not be involved in determining what the character is (as we do not see this included in the matrix)? TRPA has already acknowledged a need to work with communities to address the ‘character’ issue, and as shown in the excerpt below from the August 2008 Governing Board Packet, suggests this be done with “robust public involvement and debate” as part of the Regional Plan update.

“...Given the number and variation of programs and policies out there, it is evident that there is no “silver bullet” solution. Each community must define community character, identify its specific issues, the context and area to which such regulations would apply, and resources availability to manage such programs.” (p 229, 8/08 GB Packet).

“...changes to the current policies and procedures that would increase the regulatory control of community character will require a comprehensive review of current Basin conditions and regulations from other jurisdictions, significant analysis of policy/economic/social consequences, robust public involvement and debate. Such an important policy and regulatory changes are, in staff’s view, most appropriately addressed as part of the Regional Plan Update. In addition, any proposed policy change can be analyzed and reviewed in the larger context of other related issues and policy shifts.”

How will the Plan update address this recommendation?

What exactly will a developer have to provide in order to gain additional height?

Will additional height allowances vary by location (node/CP/Special Area/etc. and/or specific community/location) or will there be a ‘standard’ maximum height allowance for each designation (i.e. for all areas within an ‘urban node’)?

What type of height incentives will be given for reductions in coverage or the implementation of technically advanced water treatment systems? Will height incentives be given that would block views of forest and mountains from adjacent residential areas?

How many total square feet (sum of all buildings in the Basin) will be allowed a height in the new Plan that is beyond what is allowed in current Regional Plan?

Density:

What is the proposed density increase with each alternative within urban nodes and the Basin as a whole? How does that compare to the current capacity for the Basin? How will the human carrying capacity of the Basin be determined? What will be parking impacts, VMT impacts, and noise impacts? How will more density benefit all thresholds?

Will any of the alternatives create a condition where there is an additional capacity to accommodate more residents and visitors at one time than currently exists?

In each alternative will there be minimum and/or maximum densities? What will be the limits?

What are the individual watershed impacts associated with increasing density (the human population) in certain locales identified in the D.A.S.R. (i.e. communities in close proximity to the Lake vs. communities in the floodplains of major tributaries of the Lake)?

Do any of the alternatives propose to decrease density (compared to existing levels) in areas outside of proposed urban nodes or community plans?

How does the exemption for moderate income housing from the allocation requirement affect density? Will there be any limits? How will this exemption impact thresholds?

Land Coverage:

Will the EIS analyze whether the existing classification of what is considered sensitive vs. non-sensitive is still appropriate?

For example, undeveloped forest land may be classified as land capability 4 or higher, yet serve an important and necessary environmental need (e.g. filtering), and thus may warrant protection as ‘sensitive’ land.

What are the soil conservation threshold benefits of transferring soft coverage into the CPs?

How does the Plan specify when these changes (all those listed below “Changes to Core Program Elements and Regulations” in the matrix) apply to transfers?

What are the threshold benefits from transferring soft coverage from sensitive soils to Community Plans/nodes compared to the benefits of restoration? Are offsets proposed?

Page 8, Alt. 1, no. 5. What is a “TRPA-designated impaired watershed?” Does TRPA have a process for designating impairment? Where are the criteria? How do they compare to the impervious coverage model? How does this relate to the federal 303(d) designation that the entire Basin is an impaired watershed?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

Would impairment require removal of coverage from the designated watersheds? Does this also refer to banked/potential coverage?

Why is there no alternative that analyzes different sets of permissible uses on sensitive lands?

Alt. 1, no. 7. The following is unclear: “This requirement would be revised to increase the land coverage mitigation threshold from 0% new coverage to 1% new coverage (i.e. the base allowable coverage under the Bailey Land Capability System).” How many acres of class 1b land does this change affect?

Is TRPA proposing to allow more coverage in ‘sensitive lands’ than is currently allowed? (If so, how does reducing the mitigation requirements benefit the threshold standards)?

Alt. 3, no. 8. What does TRPA consider “relatively small amounts of excess land coverage” (numerically)?” Do these excess amounts exceed the Bailey standards? How does that comply with threshold standards?

How far has TRPA fallen behind in collecting coverage mitigation fees per square foot that equal the cost to purchase? How will the Plan provide for mitigation fees to keep pace with acquisition and restoration costs?

Do the alternatives require restoration after coverage has been removed? Where is that stated?

All the alternatives state that there will be no changes to the Base Allowable Land Coverage and Maximum allowable coverage. Will there be exceptions to these rules (such as the incentives described above)?

Currently within a community plan a commercial facility (on land capability 4-7) can transfer land coverage to gain an allowable coverage of up to 70%. Do any of the alternatives propose to change the ratio of land coverage transfers for commercial properties seeking a maximum base coverage between 50% and 70%? Would these ratios be the same for soft coverage transfers?

What are the environmental impacts of transferring soft coverage as hard coverage, such as for commercial and tourist accommodation uses, into community plan areas and the urban nodes, compared to transferring hard coverage for hard coverage?

What are the associated environmental costs and benefits of transferring coverage from within a community plan area compared to transferring coverage into a community plan area from outside the boundaries of the CP?

What will be the threshold impacts of allowing transfers to occur across hydrologic unit boundaries?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

What will each alternative's anticipated overall basin wide coverage reduction be? What will be the overall coverage reduction in urban nodes?

What will be the impact on thresholds by reducing the transfer ratio to 1:1 for all transfers in excess of allowable base coverage when transferring coverage from sensitive lands to commercial, tourist accommodation, and/or mixed use facilities? Will this reduce the amount of the sensitive land retired and restored?

Housing:

Alts 2 & 4 would exempt moderate-income housing from allocation requirements. Given current 'equations' for moderate income housing costs, how will this provide housing for workers in the 'nodes' in the tourist/retail/etc. industry that do not make 'moderate income' wages? Where will those workers be able to afford to live and how will that fit with PTOD concepts? Why exempt moderate income housing from allocations? What would this mean for the regulation of such housing units? What would be the benefit to the thresholds? What limits would apply?

What is the Residential Housing Occupancy program? What are the numbers of residences expected? Are the numbers based on previous numbers, such as numbers from the 1980s level? Will the numbers try to roughly match the number of residents in the basin during this time period or will it match the percentage of residents to tourist occupancy during this time period? If it is the later and the tourist occupancy has increased then the residential occupancy will also need to be increased in order to match this percentage. The basin will then have a significantly larger amount of both residential and tourist occupancy compared to 1980s levels. Will this increase in population growth negatively impact threshold standards? Will any of the alternatives look at 1980s residential numbers instead of resident to tourist/vacation rental percentages?

Will any of the alternatives examine restricting vacation rentals in residential neighborhoods? Will the alternatives look at a variety of ideas such as not allowing any future houses or condominiums to become vacation rentals or examining whether current vocational rentals in residential neighborhoods should be converted back to primary residences?

Alt. 4: Why not limit use of Residential Bonus Units to nodes here as well (as in Alt. 2)?

Alt. 3 & 4: What is meant by a "20/25% inclusionary housing requirement" as listed here? How much will this increase the overall amount of resident and visitor housing in the Basin?

Do any alternatives include a corresponding reduction in housing elsewhere?

Will any of the alternatives examine how existing housing stock can be converted to affordable housing instead of creating additional structures for affordable housing? If not, why is this not being examined as an alternative?

Water Quality:

Alt #2 and #3, no.1 – How is it possible for a commodity or incentive to require technically advanced controls, etc.? What is really meant by #1? What are the water quality impacts of PTOD before and after implementation? What is the timeline (how many years) before advanced water quality stormwater treatment measures will be installed and functioning successfully (as proven through water quality measurements)?

What does TRPA consider “technically advanced controls?” Why not “best available technology”.

What is “active conveyance”? How does it compare to passive conveyance? Does it require substantial construction disturbance that will impact soils? What is the impact on threshold standards of constructing active conveyance?

Do curb and gutter practices, one form of active conveyance used in the Basin, adequately remove fine sediments and nutrients from runoff? Are there alternative practices for treating roadway runoff? Is ‘curb and gutter’ still promoted in the Basin although it’s being actively removed and replaced in areas outside of the Basin with practices shown to better handle stormwater treatment?

Will the TMDL model be calibrated by data collected in the Basin before the Regional Plan is proposed? Before the EIS analyzes the impacts of each alternative? If not, how will EDAW analyze the alternatives prior to calibration of the model?

Will PTOD be permitted to be implemented before fully functioning advanced stormwater treatment is installed for the full volume of the PTOD? If so, will PTOD water quality impacts (i.e. stormwater pollution) during the time before the success of the stormwater treatments be disclosed and compared to the stormwater pollution that existed before PTOD implementation? Will several years of monitoring be required prior to development of PTOD nodes? If not, what baseline data would post-PTOD measurements be compared to?

Is there a SWMP plan for local governments and Caltrans in California and a “functional equivalent TMDL stormwater Master Plan” in Nevada? Have such plans undergone legally-required environmental review processes, including an analysis of alternatives? If not, how will the consultants analyze the environmental impacts of each in terms of the alternatives if there is no environmental review of these documents?

Alt 2 and 3, no. 2 (and throughout) – what is an irrevocable commitment? What makes it irrevocable? Is it possible that it could be revoked? What constitutes “adoption”? Will the environmental impact evaluation analyze the water quality impacts that would occur if the irrevocable commitment becomes revocable or defaulted after the project is built? If not, what is the assumption as to the guarantee that the commitment will never be revoked, officially or unofficially or by default (or financial losses by private and/or public entities responsible for the commitments)? Do irrevocable commitments qualify

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

for crediting rewards (as defined in the TMDL process) for load reduction? What happens to the value of a crediting reward if the commitment is revoked or defaulted? Alt 2 and 3, no. 3 – How does a commodity require a reduction in coverage in a PTOD? Isn't a commodity an inanimate object, with no authority? What is really meant? Is there a quantifiable amount of coverage reduction required in a PTOD? What are the impacts and benefits of the coverage removal? Does the removal stand alone or does it require a restoration as a part of the PTOD project? What are the criteria for restoration? What is the time allotted to complete restoration? What are the water quality, soils and vegetation impacts that occur during the time between the removal of the coverage itself and when the restoration is complete and fully functioning?

Alt #2 and 3, no. 4 – How does a commodity require reduction of coverage in verified sensitive lands in adopted community plan areas? Is there a quantifiable amount of coverage to be removed? What is a “verified sensitive land”? Why is coverage removal limited to CP areas? What are the impacts and benefits of coverage removal in sensitive areas? Does the removal stand alone or does it require restoration? What are the water quality, soils and vegetation impacts that occur during the time between the removal of the coverage itself and when the restoration is complete and fully functioning?

At #2 and 3, no. 5 – What does no. 5 mean? Will some treatment systems be on private land? What happens to public systems that are not interred in the ROW? Will they not be built? What is the alternative to not building the systems? What are the impacts on water quality of waiving some of the stormwater treatment systems? What percentage? What percentage of these installed stormwater systems are assumed to function effectively at what percentage of time? When does “if feasible” apply? Does this mean physically, financially, politically, or administratively feasible? What is the criteria for “feasible”?

Alt #2 and 3, no. 6 – How will the EIS analyze the environmental impacts if areas for treatment will not be identified until the future? How can the EIS analyze the environmental impacts of a public-private partnership for implementing area-wide systems on environmentally or physically constrained areas only “when feasible”? How will the consultants know which is feasible and which not? What is the timeline assumed from this identification to fully functional system? What are the water quality impacts during that time? What are the water quality impact assumptions for when the system is fully functional? Is there local data that support that analysis? What are the criteria for “feasible”? Are results from other areas available? What percentage of the data used is from modeling?

Alt #2 and 3, no. 7 – How does linking allocations to local ordinances protect water quality? How will this be different than what is currently done? What is the time gap between the construction of allocations and their operation and the connection to functional and effective capitol stormwater projects? What are the water quality impacts of construction of allocations and operation during the time gap in years prior to the completion and full functioning of the stormwater treatment project?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

Aren't counties already required to regulate BMPs on private parcels through MOUs with TRPA? What new enforcement is proposed?

Alt #2, no. 8: Are not BMPs already required for all homes in the Basin? Is it not illegal to sell a home now without BMPs? Why is this regulation not enforced now? Why would it be more effectively enforced in the future?

Alt #2 and 3, no. 9 – What is a “TMDL guided water quality strategy”? How does it compare to the current Code’s “water quality strategy”? What old standards are changed and what are the new standards? Are they equal to or greater than the old standards? Will projects be approved for construction before load reduction facilities are completed and functioning successfully? What is the projected timeline from today until advanced stormwater treatment facilities would be functioning successfully, including plan adoption, TMDL adoption, funding, local government management structures in place, sites acquired, engineering completed, construction completed, and operation fully tested and functional?

What is the percent success with regards to the practice of estimating the reduction of fine sediment and nutrient loads (when compared to actual measurements)? Are there data from actual functioning, effective equivalent systems that support this estimating system? Are data equivalent in volume, design, process and outcome? How does the estimating system protect human health?

Why use ‘estimates’ of fine sediments and nutrients when there are now methods to measure fine sediments (e.g. using a Coulter LS230 Laser Diffraction Particle-Size Analyzer, which has a minimum detectable particle size of 0.04 microns).? Aren't measurable reductions in fine sediments the best basis for stormwater regulation?

What will the performance standards be? Will the consultants be able to analyze the environmental impacts based on whether (and/or how well) performance standards are met or not met? If the results are reported in terms of annual average for volume, how will the results be reported for load reductions? Are these all estimates? How will the EIS analyze future average annual results without these performance standards having been selected yet? Looking forward, what variation is expected in average annual volume in 3 years?, 5?, 10? 20? What is the variation in average annual volume over the past years? What is the assumption about frequency and volume of flooding in an annual estimate of volume? Is that an estimate based on wetter or drier climate and for how long? Have the equivalent stormwater treatment systems been operated and maintained for long enough to establish a record of effectiveness? Which systems? If not, how can the EIS analyze the water quality benefits/impacts?

Alt #3, no. 1 (and Alt. 4., no. 3). Would the prohibition on “phosphorus containing fertilizer” be applied to every user of fertilizer? To be effective, what agency would enforce the prohibition? To be effective, what agency would oversee the prohibition enforcer? What percent of users will be expected to comply? What type of users will be expected to comply? Is there a database of fertilizer use on individual parcels? What is

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

the impact on water use of a prohibition on phosphorus in fertilizers? Does water use increase or decrease? Is there data? Where is it? What are alternative nutrients that could be expected to replace the phosphorus or enhance or buffer the nitrogen? What about nitrogen from fertilizer in terms of nutrient runoff to the lake?

Alt #4, no. 1: What are “verified low capability lands”? Are they already verified? When and how were they verified? Or, if this is a future action will it be completed before the environmental document is complete or after? How will the consultants know how many acres of lands are affected, where the source areas for TDR are, and how much TDR would be transferred? Is that information currently available from TRPA? How will these transfers be treated in terms of VMT, soil impacts, SEZ impacts, AQ impacts, vegetation impacts and other threshold standards?

Alt#4, no. 2: If restoration is required, why are commodities and land use incentives used as an award? What actions do they award? Meeting obligations? Is that a new social policy of the TRPA to reward doing what is already required? What are land use incentives? If unnecessary roads are to be removed, what are the criteria for “when feasible”? Are these physical, financial, political or administrative feasibilities? Or are there other definitions of feasible? If unnecessary roads are not removed, what is the award? What are the threshold impacts of this provision?

Is all restoration of lands to be awarded commodities? Will awards vary whether inside or outside of CP areas or PTOD nodes? Who will pay for these benefits awarded to private builders and developers? Are these awards a subsidy by the state and federal governments? Are commodities fungible? Are commodities as an award a gift of public money by the TRPA? What are the threshold impacts of this provision?

Alt #4, no. 4 – What policy would be amended? Which acquisition programs are targeted through this provision? What is the environmental impact or benefit of this provision in comparison to the existing policy? Is this a TRPA policy to be amended? Do any alternatives *require* the urban boundary be contracted? How will the EIS analyze the impacts of an ‘opportunity’ rather than requirement?

All Alternatives: What level of ‘reduction of impervious coverage’ does TRPA propose to require? Will there be quantitative reduction requirements (e.g. 25%, 50%, etc.)? Are there quantifiable goals associated with coverage removal for each alternative?

Noise:

Which alternative addresses construction noise (including the conflict between existing exemptions for construction noise versus the CNEL levels experienced in affected areas)? Which alternative analyzes the use of construction equipment with the lowest possible noise emissions?

What is a ‘noise mitigation fund’ and how will it be used to reduce noise? How would this work? How will it reduce noise in the area in which the noise impacts occur? What

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

limitations will TRPA place on projects that will violate noise standards? Will they be denied?

Does each of the alternatives adopt methods for applying the CNEL threshold standards to the review of individual projects? Where is that information specified?

Natural Hazard:

How are known hazards such as flooding, avalanche, fire, subsidence and seiche addressed in each alternative?

Would new construction be allowed in those zones?

How do the hazard maps apply to proposed projects? What in the Regional Plan would trigger the denial of a proposed project? For projects approved in known hazard areas, who would take the responsibility for the liability?

Air Quality:

Are the proposed updates to the CO, Ozone and PM standards exactly the same as the California standards, including how attainment (or violation) is determined?

Are there any differences in how TRPA would apply the standards compared to how California applies the standards? If so, what impacts to human and environmental health would result from this difference?

What activities are considered “Forest fuels burning”?

Do all of the alternatives monitor pile burning for localized human health impacts?

Will ecologically beneficial understory burning be lumped with the higher-smoke producing pile burning? How will the alternatives balance the ecological need for understory burning with air quality?

How do the alternatives address small-scale biofuel facilities? What are the air quality impacts of burning biomass in local small scale biofuel facilities versus transporting biomass out of the Basin? What are the environmental impacts of each option? How will alternatives promote these alternative means of removing biomass (to reduce pile burning)?

What are the emission reductions associated with the individual requirements in each of the alternatives? How do these compare to Tahoe’s overall emissions (this will require a Tahoe-specific Emissions Inventory)? How do these affect the amount of PM, N and P deposited into Lake Tahoe?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

Are smoke controls on local prescribed fire necessary to achieve standards? What are the smoke levels caused by out-of-Basin fires? How can TRPA mitigate for these impacts to the Basin's air quality?

What would be the emission reductions associated with active enforcement of the *existing* wood heater regulations? In other words, how many emissions are caused by stoves which do not comply with current regulations? What are the wood heater emissions associated with each alternative?

no. 7; what is the difference between current vs. 'international' crosswalk designs? What are the air quality benefits of requiring international crosswalk designs?

Where will the EIS analyze alternatives to the existing Air Quality Mitigation Fee program? Are the current fees commensurate with the pollution caused by a project? Are the fees able to truly mitigate projects? What *quantifiable* measures can be developed to assess the success (or failure) of the mitigation fee program?

Alt. 3, no. 3, last row: How will air quality mitigation fees be prioritized? Will "the most beneficial reductions in emissions" be based on actual, Tahoe-specific data (rather than assumptions and modeled values)? How will reductions be confirmed? Will areas affected by the projects selected for funds be monitored as needed to confirm the success or failure of such projects?

What does it mean for human, environmental and lake health to have a net (or defined percentage) reduction in emissions from the Regional Transportation Plan?

How much do bike lanes reduce VMT? What is the difference (in VMT reduction) between bike lanes maintained during the winter months and those that are not?

How much does VMT affect air quality? In other words, how many emissions of which air pollutants come from VMT, on average, by time of year, etc.? What benefits are obtained by VMT reduction? Do benefits to air and water quality vary by where VMT is reduced in the Basin?

How will emissions from vehicles entering and leaving the Basin (getting to the 'nodes'/CPs/etc.) be reduced?

Community Design:

Will no. 4 in alts 2-4 be the only item analyzed for protecting Night Sky? How will the Regional Plan protect Night Sky? What other regulations are available to reduce light impacts?

Will there be areas designated for communication towers vs. areas where they are prohibited? How will the Plan deal with conflicts? Proposed towers in residential areas?

Transportation:

Is the waterborne service in Alts 2 & 4 the only transit connection TRPA will analyze between north and south shore? What about standards related to transit service around the lake?

What are the emissions associated with waterborne service (from the vessels providing the service)? How does that translate into emissions per person/mile? What is the cost of providing waterborne service? How many people can be moved via waterborne service in a day versus using the same funds to cover other transit options? What are the operating limitations of waterborne service?

What happens when weather prevents safe travel on the Lake? How often would this happen (per historical weather data)? Will unsafe traveling conditions increase due to climate change impacts to weather?

How do the emissions (per person/mile) created by waterborne service compare to the emissions per person/mile when traveling by personal vehicle, public transit shuttle, bus, etc.?

What are the impacts of aircraft emissions per passenger compared to that same passenger driving to and from the Basin?

Where in the EIS will aircraft emissions be analyzed?

What kind of parking fees are proposed in the alternatives? What evidence supports such fees and the expected reduction in VMT? What are the alternative levels of VMT reduction associated with different fee schedules and number of parking spaces?

Alt. 4, no. 2. includes a basin entry fee. What will the fees be and how will they be used? Will they pay for public transit (purchases and O&M costs)? Roadway improvements? Etc.? Who will administer the program? Will full-time residents have the option to purchase annual passes? How will amounts be determined?

Conservation Element:

Vegetation:

Which goal is targeted to attaining the old-growth tree threshold standard? Is there a basin-wide plan proposal to attain the old growth threshold standard? What section of the Code would need to be amended to protect old growth trees? Will old growth be protected in PTODs?

Alt. 2, last row, no. 7: Why was 100' buffer chosen? Why not 200', 300', etc.? What is the desired outcome and which 'buffer' or alternative regulation achieves the outcome? Will the EIS analyze the benefits and impacts of different buffers?

How does one "mitigate" for loss of habitat of species of special significance? Will nests be moved? If habitat is 'created' elsewhere, how will wildlife be 'informed'?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

How do the proposed changes to regulation of Northern Goshawks compare to existing USFS guidelines? Why are there differences? What and where is the “new” science on goshawk behavior that TRPA is proposing to apply to this threshold standard published?

How will the remaining Jeffrey and Ponderosa pine trees be protected along the developed portions of the highways? What is the scenic impact of the current strangling and removal of the large pines in commercial areas along the highways? Does the Regional Plan consider mature native pine trees to be fire-resistant?

How will defensible-space requirements impact small, residential lot vegetation? What is the mitigation proposed if lots are required to clear all tree vegetation within 30 ft of a structure on lots less than 6,001 ft sq? How many trees will be removed in the basin under implementation of that standard?

Wildlife and Fisheries:

There is no mention of addressing the problem of quagga/zebra mussels and other AIS in any of the alternatives. Will a variety of different strategies be examined such as continuing with boat ramp inspections, creating entry point inspections, only allowing Tahoe dedicated boats on the lake, or closing the lake to watercraft, etc?

Soils:

What are the current protocols for examining land capability challenges? How will the new Plan address the variability among soils just feet apart? What improved criteria will ensure that adequate soil samples (numbers and locations) are taken when assessing land capability, such that site-specific variations are adequately represented?

Why isn't the threshold standard to conserve soil stated? Are all soil subelements proposed designed to conserve soil? If not, why not?

Given the Ninth Circuit decision in 1985¹ did not agree with previous attempts to apply the coverage threshold at the ‘watershed association’ level (*i.e.* “...TRPA further points out that it has determined that the threshold is to be applied on a “watershed association” basis, rather than “parcel-by-parcel.” TRPA is indignant that the district court did not defer to its interpretation of this threshold. We find TRPA’s protests unpersuasive...”), what is the purpose of attempting to revise land coverage by watershed basis again?

All alternatives 2-4, no. 1 offers recommend changes to core program elements and regulations regarding “suitability” of soil and site conditions for wet season grading. Is this proposal intended to address the current grading prohibition dates and revise them to be more flexible? Narrower? Broader? What is the intent and what actual assumptions will be made in the analysis of environmental impacts? Is there data that supports this change? Are the “improved evaluation criteria and monitoring protocols” already

¹ LexisNexis: 766 F.2d 1308; 1985 U.S. App. LEXIS 27428

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

available? Where can they be seen? If not developed, how can the EIS evaluate the change?

All alternative 2-4, no. 2 is not clear – what is the proposal and what is the intent? How will this benefit the thresholds?

All alternatives 2-4, #3 – what is the “planning level land capability map” and how does it relate to the regular land capability map? If the planning level is different, when will it be publicly available and how will the environmental impacts of the planning alternatives be analyzed? How does this new map relate to the different planning alternatives? Will the different planning alternatives result in different soil conservation impacts?

The soil subelement proposes to develop and implement a number of standards and protocols. If these standards and protocols are not developed yet, how will the EIS analyze the impact to the thresholds?

Where will the EIS examine the differences between soil types? Conservation vs. development has a certain benefit or consequence which varies with different types. For example, volcanic soils are more fragile than granitic soils, thus runoff on one type may generate more sediment and nutrient loading to the Lake than other types. How will this affect which areas are developed, conserved, and how either/both are done? Which EIP projects are selected, funded, and how they are implemented? How BMPs are done? How coverage is regulated (removed, transferred, restored, etc.)?

Shorezone:

How do the changes proposed in alternatives 2-4 affect the Shorezone?

What modifications to the Shorezone Ordinances are needed to remedy negative impacts caused by the proposed action alternatives (e.g. increased population)?

Open Space

Will the definition of Open Space remain the same?

Will the new Plan clearly distinguish between open “plazas” (often cobble-stone type areas found within ski villages) versus actual “open space” – undeveloped open forest lands (which generally fit with the current definition)?

Will there be regulations which require more open space?

Will the new Plan regulate ‘plazas’ located within resort ‘villages’?

Will existing, publicly-owned open forest lands be left undeveloped? And/or will the new Plan call for any type of development on such lands? If so, what? (E.g. log fences, benches, pathways, etc.?)

Cultural Resources

Alt.s 2-4 include several measures related to the identification/documentation of historically and culturally significant resources. But how to they increase the protection of such resources?

What will be the criteria for designating an area as a historic district? Will historic districts be commercial, tourist, residential, or a combination of the three?

- Will the designation of a historic district be consistent with the goals of reaching and maintaining the environmental thresholds?
- How do these changes help in attaining the thresholds?
- What limitations to development will historic districts apply in order to protect the cultural and community values of the area?

Will more coverage be created in the basin by implementing the cultural resource goals identified in Alternatives 2, 3, and 4.

Stream Environment Zone (SEZ):

Where will the new Plan require each project to provide a net benefit to SEZs to help achieve the threshold standards?

Based on Tahoe-specific research, can SEZ mitigation provide the same level of environmental benefits as naturally functioning SEZ?

How does each alternative address SEZ restoration? Why isn't the threshold standard to preserve naturally functioning and restore 25% of disturbed and developed SEZ stated? Are all alternatives designed to preserve or restore SEZ? If not, why not?

How will the general theme of all action alternatives – more density – help achieve this threshold?

All action alternatives, no. 1 – Will the new, to be developed, revised definition include flood plains in the definition? How will the definition address rain-on-snow (ROS) storm events? Will SEZs that have been drained and dried-out due to human activities be re-defined? Will SEZs that have dried out in recent years due to climate change be re-defined? What will be the assumption about climate change - drier vs. wetter - for SEZs? How will these assumptions be applied to the three new planning alternatives?

All action alternatives, no. 3 – How will remote sensing help identify the previous conditions of SEZs? How effective is remote sensing when compared to on-the-ground measurements and observations?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

All action alternatives, no. 4 – Will new condition assessments require new assumptions about the definition of SEZs? How will the EIS analyze those assumptions and on what basis? Why are the assessments to be done at the regional and project scale? What is the purpose of limiting the assessments to only regional and project? Will they be complete by March, 2010 or whenever the proposed study is complete?

All action alternatives, no. 5 – What is the numerical/quantifiable definition of “to the maximum extent practicable?” Is that a variance procedure? To what extent does “to the maximum extent practicable” protect and restore SEZ? Is TRPA going to approve every project application and simply attempt to reduce the impacts to SEZs from such projects, rather than deny projects which develop SEZs?

Alt #2 – no. 6 – What were the assumptions behind the selected Compensatory Mitigation for Permanent SEZ impacts of 2:1 ? On what basis were assumptions made? What is the actual impact of permanent SEZ loss and is there data that establishes that 2:1 offset provides 100% mitigation in the Tahoe basin? This section later states a potential 5:1 offset depending on a number of factors. Is there a sliding scale with criteria? Where is that printed? Is it based on existing data?

This alternative also suggests that “wherever possible, compensatory mitigation would be commensurate with the nature of the proposed impacts.” What does this statement mean? How does it provide for protection and restoration of SEZ? What is the consequence if it isn’t possible? Is it possible to analyze this possibility for this alternative?

Alternatives #3 and 4, no. 6 – These alternatives suggests slightly different offsets than Alt. 2 for the compensatory mitigation – the same questions as asked for Alt. 2 apply here (to the issues of assumptions, impacts, existing data and environmental analysis).

All action alternatives, no. 7 – What was the assumption selected for the Compensatory Mitigation for ALL Temporary SEZ Impacts of 1:1? What is the evidence and where is the data that temporary impacts can be mitigated with a 1:1 restoration? What is the assumption about how long the disturbance exists, how extensive it is, how disruptive it is, the condition of the SEZ prior to and during the time of its disturbance?

All action alternatives, no. 8 – What would the “in-lieu fee program” be used for? Who will administer it? How will the program offset SEZ disturbance in manner to offset the full disturbance and loss at the actual costs of the disturbance to the soils, vegetation and connectivity of vegetation? Is there data that establishes these costs? How would future, inflation-driven costs be accounted for?

All action alternatives, no. 9 – Are there old performance standards for SEZ mitigation, restoration, enhancement and creation of projects? How do the new standards compare quantitatively?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

The SEZ subelement proposes to develop and implement a number of standards and protocols. If these standards and protocols are not developed yet how can the EIS analyze the impacts to the thresholds?

The SEZ subelement appears to be based on a future study that may not be completed and available to the public until March 2010, if not later. How will the EIS analyze the environmental impacts and compare the three new planning alternatives if the study is only underway during the time the analysis for the EIS is being completed?

Energy and Climate Change:

Enough scientific data exists to indicate that the Basin will receive less snow and more rain, and shorter winters with more intense flooding events. How will stormwater treatment plans address this? What alternative stormwater regulations are available and how do they help attain thresholds? How will the weather changes affect Lake Tahoe's clarity? What mitigations are available to reduce these impacts? How can we adapt to climate change?

How does climate change impact each of the threshold standards?
Why is TRPA putting off managing for climate change until after the new Plan is adopted when California requires a climate change analysis now?

What will the new Plan do to reduce Greenhouse Gas emissions from Basin activities and structures?

General Recreation:

The alternatives (except Alternative 1) all propose to increase density significantly in urban areas (i.e. the community plan areas). This will lead to greater user demand on recreation resources within and close to the urban areas. Will the EIS analyze the impacts that urban density increases will have on the quality of all recreation in the Tahoe Basin?

Will the EIS analyze the manner in which the new goals of Opportunity and Access Desired Conditions (sic) help to attain the science-based threshold standards? How will the new policy focus on users needs help to attain the other threshold standards?

How will the EIS analyze the new policy of minimizing impacts of resource management on public access points? What does that policy mean? How does this policy help to attain threshold standards? Is there a policy to minimize recreation impacts on the resource being used? If not, how is the cumulative environmental impact of new, enhanced and/or expanded recreation sites or facilities to be analyzed?

All action alternatives, no. 3 – How does ensuring transferability of coverage for ADA purposes help to achieve the threshold standards? Would this code change apply to all ADA facilities or only Recreation ADA facilities?

Will the EIS analyze the impacts of recreation on all other thresholds? Will the EIS determine the true recreation carrying capacity (which addresses the level and extent of recreation activities that can occur without harming the other thresholds).

Dispersed Recreation:

Alt #2, no. 2 – How does adding transect zones change dispersed recreation? How would the Regional Plan change Wilderness Boundaries through transect zoning? Would there be more Wilderness or less Wilderness? How do wilderness and general forest land use designations differ from USFS boundaries? Aren't there forested areas that are owned by other public entities that should remain designated as wilderness/general forest? What is the point of this change? How does it help achieve threshold standards?

Alternatives 2 and 3, no. 3 – How would this proposal help achieve the community noise and single-event threshold standards? How would this affect other thresholds, like air quality, water quality, wildlife, etc.? What is the environmental impact of determining use areas for snowmobiles? Would this permit more snowmobiles or fewer?

Alt #3, no. 2 - - What is the point of this change in PAS? Do new special areas add or subtract areas for use of noise-producing sports? Would this change increase the environmental protections for general forest and wilderness areas? How do the changes help achieve threshold standards?

Developed Recreation:

All alternatives, no. 1- Is the PAOT system still appropriate? Has it worked to help attain all thresholds? What other methods are available for managing recreation in the Basin while ensuring recreation is compatible with other threshold standards?

Does retaining the remaining PAOTs presume that developed recreation is entitled to expand? What is the environmental impact from the increased recreation associated with each PAOT? How does expanded recreation help achieve threshold standards? How will the carrying capacity of each area and recreation type to be determined? If the carrying capacity of an area is unknown, how will the Regional Plan stay within the area's carrying capacity? What are the impacts of additional Recreation use and facilities on the threshold standards?

Alts #2 and #4, no. 2 –Is such Master Planning intended for expansion of existing resorts or for new resorts or both? How is the increase or decrease in use to be calculated? Are multi-season resorts assumed to be recreation resorts? Are all resorts recreation providers? Are there carrying capacity studies that support the need for multi-season resorts? How will the EIS analyze the potential cumulative impacts of the expansion of such resorts if this information is yet unknown? Or is there a list of resorts that this addresses?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

Alt #2, no. 3 – What is the assumption regarding recreation facilities that, if changed to non-recreation, are required to be replaced? Who would pay the in-lieu fee and what for? What is the impact on the science-based threshold standards (all non-recreation standards) and the recreation carrying capacity of the Basin if a recreation facility closes and is vs. is not replaced?

Alt#2, no. 2 – What is the assumption regarding recreation facilities that would require in-kind or equal replacement? What is the impact on recreation carrying capacity? What is the impact on the science-based threshold standards?

Alt #4, no. 3 – What is the assumption regarding recreation facilities that, if changed to non-recreation uses, would require replacement or an in-lieu fee if inconsistent with the wish-list Recreation Master Plan? What is the impact on recreation carrying capacity? What is the impact on the science-based threshold standards? How does this requirement help attain the science-based threshold standards?

How will recreation limits be managed and enforced to prevent overuse?

Urban Recreation:

Since urban recreation is not part of the recreation threshold how will adding an urbanized recreation designation assist in achieving threshold attainment?

How will the conversion of urban parcels to neighborhood parks affect the thresholds? Will certain natural values such as wildlife and scenic quality be impacted from this conversion?

What size and types of facilities will these neighborhood parks provide? Will low-impact recreation facilities be preferred over high-impact recreation facilities (i.e. a hiking trail vs. a developed play-ground)? Will there be a maximum and minimum size requirement for the conversion of an urban parcel into a neighborhood park?

Exactly what types of natural values and features will be incorporated into these “new” neighborhood parks?

Where will the funds for the maintenance and operations of “new” neighborhood parks come from after the urban parcels have been converted to neighborhood Parks? In addition, who will be responsible for the maintenance and operations of the “new” neighborhood parks?

Performance Review and Implementation:

Is the IPES program working? In other words, has it proven effective at helping achieve threshold attainment over the past 22 years? Is there a better program? What alternative programs are available? How will the additional allocations proposed in the action

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

alternatives be managed? What are the environmental impacts of using the existing IPES system to regulate allocations versus alternative methods?

Will the EIS analyze an alternative way to determine when a parcel is ready to be built that relies on direct scientific monitoring of water quality and other standards affected by residential development (rather than level/extent of project implementation or other non-measured items)?

Alts 2-4, no. 1. Regarding “authorized for the life of the Plan” – Do these alternatives propose that allocations be guaranteed for the life of the Plan – regardless of the status of thresholds? What if new science indicates the level of allocations selected in the new Plan is still too high? Allocations should only be contingent upon measured, quantifiable improvements to the thresholds (as per the Compact). “Guaranteed for the life of the Plan” suggests allocations will be provided regardless of threshold status.

What are the threshold impacts associated with allowing TAU transfers which ‘morph’ the size of the TAU unit? What alternative options are there for transferring TAUs and what are the associated threshold benefits/impacts?

What will TRPA require instead of Performance Bonds? What is the enforcement mechanism?

Research, Monitoring and Evaluation:

New G&P, Alts. 2-4: What process will be used to assess what and when research needs to be conducted? Who will assess what scientific questions exist and how to answer them? Who will translate those answers for use by TRPA? Will there be a pre-designated, non-regulatory body of scientists (e.g. TSC) that will regularly assess what scientific questions need to be addressed? Who will ensure the research determined by this group is then carried out? What if there is disagreement between scientific priorities and TRPA interests?

Alt. 2, no. 2. How will “Policies *emphasize* the need to include science-based information into decision making.” Shouldn’t policies *require* decisions to be based on science (and aren’t they already supposed to be)? What does the Compact say about this?

TRPA has frequently failed to modify the Regional Plan when dictated by scientific review in the 5 year threshold evaluations. How do alternatives adapt to new science? Are there alternative proposals to TRPA’s current 5-year threshold report that ‘trigger’ where TRPA is supposed to make such changes? What mechanisms are included to ensure TRPA adapts to new science in a timely manner? What criteria will be used to judge when TRPA needs to adapt its thresholds and/or Regional Plan based on new science? Will the Tahoe Science Consortium play a role in these evaluations?

How will TRPA ensure ongoing, adequate threshold monitoring?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

How will the success/failure of EIP projects be measured? How will this affect allocations?

Alt. 3 proposes “Alt. 2 with increased effectiveness monitoring...” This suggests that Alt. 2 will not have enough monitoring of the impacts of development on threshold attainment. Given the Compact’s requirement to first and foremost attain and maintain thresholds, all alternatives MUST include the monitoring necessary to determine the status of the threshold standards and only allow development consistent with attainment of those standards. Why don’t all alternatives include adequate effectiveness monitoring?

Where will the EIS evaluate an alternative that requires treatment systems be proven effective (through scientific in-Basin monitoring) *before* additional allocations for new development are provided?

Environmental Improvement Subelement

How will the new Plan work with the EIP program to ensure EIP projects have a direct, measurable benefit?

Which alternatives rely on *measured improvement* from EIP project implementation (to grant more allocations, for example) versus simply rewarding the *implementation* of a project, whether it is successful/beneficial or not? In other words, how much has the process of ‘rewarding’ EIP project implementation, rather than measured threshold improvement, worked? What changes can be made to require measured improvement from project implementation before any ‘rewards’ are given, and how will this help attain thresholds?

Does the EIP program contain projects that are still scientifically relevant? Justified? How does the technology in EIP projects compare to advanced techniques being used outside of the Basin (i.e. other locations recommend *against* curb and gutter practices [and are removing such structures], yet Tahoe’s EIP projects still add such practices in the Basin). How well does the EIP adapt to new science? How well is the EIP coordinated with the Regional Plan? How will TRPA ensure both remain updated as dictated by science?

In alt. 4, no. 4, what does TRPA consider “a higher percentage of mitigation fees” that can be used for operations and maintenance (O&M) costs? Currently, what percentage of mitigation fees can be used for O&M? How do O&M costs compare to first year purchase costs? How often do O&M costs prevent the initial investment in a project (or equipment, etc.), even though the funds for the initial investment are available? How would the proposed ‘increased percentage’ affect these situations? Would more new sweepers be purchased? Would better stormwater facilities be constructed?

Environmental Thresholds:

What specifically are the proposed changes to the thresholds? How will attainment, exceedances and violations be determined for each threshold standard? How do the changes compare to existing TRPA, federal, state and local standards?

What are the impacts to the protected resource from the proposed updates? (For example, the protected resources in air quality include human health, vegetation, visibility and lake clarity).

Of the thresholds identified in the 2006 Threshold Update EA and other related documentation to be in need of updating, removal and/or replacement, which ones are addressed by the proposed changes here and which ones are not? How do the thresholds identified as outdated affect the attainment of other thresholds if the new Regional Plan continues to proliferate outdated requirements? Or will the new Regional Plan address new science through Code changes, even though it may conflict with thresholds? If this is the case, how will TRPA deal with this? (TRPA was recently unwilling to give more credence to new science than the two-decades outdated Code [regarding fine sediments and the water quality threshold standard] due to concerns about legal liability from the Sierra Colina Village project.)

Land Use Classification:

Why are there not a range of land classification systems being examined?

Will the two-step subdivision process continue in the same manner in all alternatives under the different land classification?

How will changing the land use classification of “conservation” affect the thresholds?

How will adding in the language “intensive outdoor recreation” under Land Classification affect the thresholds? What are the differences between non intensive outdoor recreation and intensive outdoor recreation upon the thresholds?

Neighborhood General

Under Neighborhood General (T4-NG) it is stated that “These districts comprise lands that are located in areas with existing or potential density of 8-15 units per acre and structures one to three stories high.” How will it be determined whether an area has a potential for 8 to 15 units per acre? How will it be determined if an area is has the potential to be three stories high. Can a structure be three stories high if it is within an “urban boundary” but outside of the urban node?

Regarding Neighborhood General, what will be the impacts to the thresholds if all potential areas have 15 units per acre and are three stories high?

Neighborhood Center

Under Neighborhood Center (T4-NC) it is stated that “These districts comprise lands that are located in areas with existing or potential residential and tourist density patterns of 8-20 units per acre and one to three stories high.” How will it be determined whether an area has a potential for 8 to 20 units per acre and one to three stories high?

Regarding Neighborhood Center, how will the thresholds standards be impacted if all potential areas are 20 units per acre and three stories high?

Are Neighborhood Centers (T4- NC) located outside or inside community plans? Can neighborhood centers be located outside of urban nodes?

Will there be regulations for the massing of structures in addition to height paramaters?

Town Center

The matrix states that “Town Center (T5-TC) is core areas **generally** designated in community plans areas.” What is meant by “generally?” Does this mean that town centers can be located outside community plans? Does this imply that a town center can be located outside of an urban node? Does it imply that within community plans there will not be a rigid boundary designated for the town center and that the town center can continue to morph its shape without any regulation? How will the lack of rigid boundary impact the thresholds? How will having town centers located outside of community plans or outside of urban nodes affect each threshold?

Regarding T5-TC, what standards will determine if an area “provides[s] the **potential** for a mixture of uses such as tourist accommodations, commercial services, intensive recreation, or mixed use buildings, with residential and commercial uses serving the daily or frequent needs of the surrounding area?” How will the thresholds be impacted if all potential areas and all existing areas are 20 units per acre and four stories high?

It is stated that town centers are districts “located in areas where moderate amounts of existing excess land coverage should be retained.” How will it determined that excess land coverage should remain. How does retaining this excess land coverage benefit the thresholds?

How will it be determined if an area has “**potential** residential and tourist density patterns of 8-40 units per acre and structures one to four stories high.” How will the thresholds be impacted if all potential areas and existing areas have 20 units per acre and four stories high? How will the thresholds be impacted based on a variety of this combination – 8 units per acre and 3 stories high or 25 units per acre and 2 stories high?

Will town centers be able to be located in areas where gaming is not permitted?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

Alt. 2, Town Center, T5-TC; the definition includes “located in areas where gaming is a permitted and recognized use”.

We recommend the use of “gambling” since ‘gaming’ now refers to other activities.

Do all areas where gambling is allowed represent areas that are “centrally located near commercial services, employment centers...[etc.]” as listed in the last bullet?

Will there be regulations for the massing of structures in addition to height parameters?

Special Districts

What will be the impacts of Special Districts on the thresholds?

Will there be regulations for the massing of structures in addition to height parameters?

Tourist Center (T5-TOR)

The matrix states that Tourist Centers are “more intense urban-form areas **generally** designated in community plan areas.” Does this allow for tourist centers to be located outside of community plans? How will being located outside of community plans impact the thresholds? Will tourist centers be able to be located outside of urban nodes? If located outside of urban nodes how will this affect the thresholds? Does the word “generally” imply that tourist centers will not have rigid boundaries but can morph out without restrictions? How will this lack of restriction impact the thresholds?

The matrix states that Tourist Centers are areas that “have the **potential** to provide such services [commercial and public], and mixed use buildings with commercial and residential uses, in the **future**” and are “located in areas with existing or potential residential and tourist density patterns exceeding 8-40 units per acre and structures two to six stories high.”

How will it be determined which areas have this “potential?” How will the thresholds be impacted if all potential areas and existing areas are built to 40 units per acre and are six stories high? How will the thresholds be impacted based on a combination of the different ranges of density and height? For example, 20 units per acre with five stories or 35 units per acre with four stores, etc?

Will structures under one story not be allowed? How will this impact the thresholds?

Are tourist center not allowed to be located in areas without gaming?

What draws tourists to the Tahoe Basin? Is gambling still the main draw for bringing tourists into the Tahoe Basin? According to what evidence and how recent is the evidence?

LTSLT & TASC Comments/Questions on the Regional Plan Update for the Lake Tahoe Basin: Draft Alternatives Summary Report

We expect that Tahoe's natural environment and all it has to offer ranks at the top of this list; that being the case, how will the alternatives promote environmentally-sustainable tourism? Why would alternatives continue to locate tourist centers around gambling establishments if they are no longer the primary draw for tourism?

Attempting to plan tourist centers through a response to perceived tourist preferences (in other words, being reactive) may not be conducive to meeting thresholds (see comments on recreation), nor as history has shown, may this create and maintain a sustainable Tahoe economy. Rather, TRPA can and should take a *proactive* approach to promote sustainable tourism. For example, what changes can be made to our "tourist areas" (e.g. So. Stateline) that will draw tourists who will be more 1) interested in Tahoe's unique natural resources and 2) better stewards of Tahoe's precious environment? Geotourism has proven to improve the environment and economy of those communities which embrace it, but those communities need to be proactive, not reactive. How will the new Plan be proactive? (Indications in the matrix all suggest TRPA will react to recreation demands).

Will there be regulations for the massing of structures in addition to height parameters?

Summary

Thank you for the opportunity to provide questions on the Regional Plan Update documents that need answers as part of the environmental review process. If you have any questions on the above suite of questions, please contact the undersigned.

Thank you,

Carl Young
Program Director
The League to Save Lake Tahoe

Michael Donahoe
Conservation Co-chair
Tahoe Area Sierra Club

Laurel Ames
Board member
California Watershed Network