

January 18, 2023

Placer County

Planning Commissioners

CC: Patrick Dobbs, Crystal Jacobsen, Stephanie Holloway

Submitted via email to Andrea Dashiell: adashiell@placer.ca.gov

Re: Comments on Proposed Village at Palisades Tahoe Specific Plan

Dear Placer County Commissioners and County Planning Staff,

The League to Save Lake Tahoe (League) appreciates the opportunity to provide comments on the proposed Village at Palisades Tahoe Specific Plan (VPTSP, Project).

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

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

The League opposed the same project when it was proposed in 2012 as the Village at Squaw Valley Specific Plan, and continued to oppose it as it was approved by Placer County in 2016. The League's opposition is due to the large, unanalyzed, and unmitigated impacts to Lake Tahoe's environment.

We will provide more detailed comments before the January 30th deadline, but our main concerns are:

- The VPTSP will undermine Tahoe Regional Planning Agencies (TRPA) federal directive to attain and maintain Threshold Standards.
- The significant environmental impacts to Tahoe - vehicle miles traveled (VMT), water quality, and wildfire - remain inadequately analyzed and wholly unmitigated.
- Substantial changes have occurred to the proposed project since the Environmental Impact Report (EIR) was released, leading to new or substantially more severe significant effects.
- New and readily available information since the EIR was certified shows that new or substantially more severe significant impacts will occur.

Tahoe Regional Planning Agency Thresholds

The TRPA is federally required to set, attain, and maintain environmental thresholds. The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the TRPA and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region. The

Compact defines “environmental threshold carrying capacity” as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region.” The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards.¹

Vehicle Miles Traveled is not properly analyzed in the REIR

The Revised EIR analyzes VMT under the old TRPA VMT Threshold which is inadequate since the new VMT threshold was adopted in 2021. The new VMT Threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT target of 6.8% by 2045.² While the Village at Squaw Valley Specific Plan approved in 2016 may not have caused the old VMT Threshold to be exceeded at the time, *the VPTSP will undermine TRPA’s federal directive to attain and maintain the new VMT Threshold Standard.*

The REIR identifies a 0.8 percent increase over the Tahoe Basin’s total annual average daily VMT of 1,483,050. This increase in VMT and the associated impacts on Lake Tahoe are not analyzed properly with the new Threshold but rather argued to not reach a level of significance. The additional VMT that the project will bring to Tahoe is unmitigated which is not consistent with the new Threshold Standard. In order to adopt the new VMT Threshold, TRPA had to find that it would be able to attain the Threshold. The environmental findings state that the Threshold will be attained principally by implementing the Regional Plan (RPU) and the 2020 Regional Transportation Plan (RTP).³ There are no specific mitigations, projects, or policies in the RPU or RTP designed to mitigate impacts from the VPTSP. The lack of mitigation in the VPTSP would undermine TRPA’s federal obligation to achieve and maintain its adopted Threshold Standards.

The REIR inaccurately claims that there is not a link between VMT and fine sediment input to the Lake. There is in fact a link. Just because it is not a “direct,” measurable link, and “not a cost-effective” way to reduce fine sediment pollution,⁴ is not justification to dismiss the analysis or ignore the impacts of transportation on water quality. Further, it is not the role of the VPTSP REIR to determine how VMT affects Tahoe’s environment but the REIR must analyze the impacts of the VPTSP on Tahoe’s Threshold Standards and mitigate those impacts, which fails to do.

Water Quality is not Properly Analyzed in the REIR

Water quality impacts from transportation were not properly analyzed in this REIR. TRPA clearly states that: “Lake Tahoe’s clarity and environment are threatened by vehicle impacts to the region including

¹ TRPA Ordinance 2021-03 adopting the new VMT Threshold: <https://www.trpa.gov/wp-content/uploads/documents/2021-03-AQ-ThresholdStandard.pdf>

² Draft adopted April 28, 2021: <https://www.trpa.gov/wp-content/uploads/2021/04/Attachment-A-VMT-Threshold-Update-Standard-Recommendation-and-Implementation.pdf>

³ Threshold Standard Amendment Adopting Findings: https://www.trpa.gov/wp-content/uploads/documents/Attach-K_Draft-Findings_Threshold-Amendment.pdf

⁴ *ibid*

greenhouse gas emissions affecting climate change and roadway runoff degrading lake clarity.”⁵ This REIR dismisses the clear linkage between vehicles and lake clarity, ignoring the best available science and data. Water quality isn’t only dismissed without utilizing the best available science, but multiple aspects of the analysis even including the baseline description of the hydrologic basin are uncited (see REIR 13.2.2 Lake Tahoe Basin Regional Hydrology).

Impacts from the Palisades EIR include transportation impacts on water quality which are well documented in Lake Tahoe, however impacts were improperly analyzed, dismissed, and referenced without mitigation. Though the RDEIR states that “increased VMT could result in an increase in the amount of pollutants entering Lake Tahoe” and that “the project could have a direct physical effect on lake clarity and water quality via VMT in the Tahoe Basin generated by the project” these impacts are not analyzed in the RDEIR. Instead, *the analysis seeks to refute the tie between VMT and water quality instead of analyzing the impact of the project and its associated increase in transportation and VMT on water quality as required in the ruling.*

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

Wildfire behavior has changed, and catastrophic fires much further away than the project location have entered Lake Tahoe and have impacted the Tahoe Basin significantly since the Palisades EIR was first completed. As co-chair of the Tahoe Science Advisory Council Dr. Chandra states, “These fires, the Dixie, the Tamarack and the Caldor clearly show that we have to protect Lake Tahoe by thinking about actions *outside of the Lake Tahoe Basin.*”⁶ The climate is changing, and this REIR needs to incorporate the best available science that discloses the known impacts on water quality, soils, and public health and safety in Lake Tahoe from the increased risk of wildfire from the VPTSP. Fires that start outside of the basin now pose a significant risk to the Tahoe Basin as fire behavior has changed and the increased wildfire risk from this project needs to be considered. TRPA and the California Tahoe Alliance now recognize the importance of climate resilience and mitigating wildfire risk and have created regional strategy documents to reduce wildfire impacts coming from both in and out of the Tahoe Basin. Where once a project like this may not have posed a significant risk to wildfire in the Tahoe Basin, the agencies and science show that wildfire behavior has no boundaries and impacts need to be analyzed and mitigated to protect Lake Tahoe’s resources.

The REIR is inadequate due to substantial changes and new information resulting in more severe and unmitigated impacts to Tahoe

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

⁵ <https://www.trpa.gov/transportation/funding/sustainable-funding-initiative/>

⁶ Caldor Fire impact on Lake Tahoe’s clarity, ecology studied amidst ongoing wildfire season. <https://www.unr.edu/nevada-today/news/2021/caldor-fire-lake-tahoe>

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

Impacts to Tahoe must be adequately analyzed and mitigated

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

- Recognize that VMT is a threshold that TRPA has to achieve and maintain, and the VPTSP will undermine TRPA's ability to do so.
- Identify appropriate and enforceable mitigation measures. For VMT, this includes paying TRPA's Mobility Mitigation Fee, including specific and enforceable mitigation measures to reduce VMT to the standard of significance (no-net VMT for commercial/recreation and 15% below average VMT for tourist and residential uses⁷, also in line with California's SB 743⁸).

Thank you for the opportunity to comment on the VPTSP's impacts to Tahoe's environment at this stage. We will provide more detailed comments by January 30th.

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

Sincerely,



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

⁷ TRPA Project Impact Assessment Guidelines: <https://www.trpa.gov/wp-content/uploads/documents/PIA-Guidelines-Draft.pdf>

⁸ OPR Technical Advisory (2018): https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf