



Mr. Michael Johnson, Agency Director
Placer County Planning Department
3091 County Center Dr.
Auburn, CA 95603

March 20, 2012

Re: Zoning Text Amendment (ZTA) in TPZ lands per application dated 12/27/2011 from Northstar, CA. (Vail Resorts)

Dear Placer County,

On behalf of the North Tahoe Preservation Alliance, the Sierra Club (Lake Tahoe Chapter, the North Tahoe Citizens Action Alliance, the Friends of Lake Tahoe, and the Friends of the West Shore, we submit these comments with regard to your consideration of the requested rezoning of TPZ lands by Northstar, CA (Vail Resorts) as they relate to project's potential impacts on the affected area within the Lake Tahoe basin:

1. Project description is inadequate and fails to note that a portion of the affected lands lies within the Tahoe Basin. This pervades the entire document.

2. Project description fails to note how many basin acres are involved and fails to include a descriptive map illustrating the affected area.
3. Project description fails to note that the portion of land within the Tahoe basin is governed by the Tahoe Regional Plan or how this project conforms to its goals and policies and Plan Area Statement. This proposed rezoning is inconsistent with the Northstar Plan Area Statement.
4. This proposed use is precedent setting for the entire basin and the adjacent 1000+ acres of Forest Service Land, which the TRPA in the new Regional Plan Update is proposing to up zone to a Recreation use that would allow residential, commercial and Tourist Accommodation Uses. Current TRPA guidelines do not allow these uses. This rezone may have an adverse effect on other TPZ lands in the basin.
5. The Negative Declaration fails to analyze the environmental impacts of ski support facilities, towers, chair lifts, gondolas, cable cars, ski runs, and snow making on the Lake Tahoe Basin. Those potential impacts include but aren't limited to the following:
 - a. Traffic circulation and the potential addition of new access roads?
 - b. Any adverse effects on a scenic vista? View from Lake Tahoe?
 - c. Creation of a new source of light or glare?
 - d. Conflict with existing TRPA Regional Plan?
 - e. Area has been identified as habitat for Golden Eagles and a critical fawning area for deer. What are potential impacts on other wildlife?
 - f. What are the impacts of cutting new ski runs and access roads on water caused erosion? Will this increase the rate or amount of surface runoff? How many trees will be removed?
 - g. Will snow making deplete existing groundwater supplies? What will be the water source?
 - h. How will wastewater and sewage be handled? Will it require on-site sewage systems?
 - i. What are the cumulative effects on Lake Tahoe due to the ski area expansion? Consider the proposed considerable expansion at Squaw Valley? What is the future intention of the developer regarding the rezoned 3700+ acres at Northstar? Together with the existing ski terrain of 2900 acres, this could become a ski area significantly bigger than Heavenly Valley's 4800 acres. What are Vail's future plans for the Lake Tahoe Basin side of Northstar?
 - j. Will this project open up and or set precedent for TPZ zoning at Homewood Mountain Resort, Squaw Valley, Alpine Meadows, Sugar Bowl and Royal Gorge.

Every one of these impacts could potentially affect the rezoned properties and therefore provides a fair argument that an EIR must be prepared. To avoid sequential piecemeal planning, a master plan should be submitted with the application. Longstanding CEQA law states that impacts from future development must be analyzed before the first step is taken towards that development.

Finally, CEQA provides that a lead agency may issue a negative declaration and may avoid preparing an EIR only if “[t]here is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” Pub. Res. Code § 21080(c)(1). An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project. CEQA Guidelines § 15063(d)(3). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole (CEQA Guidelines § 15064(d)), as well as the project’s growth-inducing and cumulative impacts. *See City of Antioch v. City Council of Pittsburg* (1986) 187 Cal. App. 3d 1325, 1333. An agency must prepare an EIR whenever it is presented with a “fair argument” that a project may have a significant effect on the environment, even if there is also substantial evidence to indicate that the impact is not significant. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75); CEQA Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR.

THE COUNTY CANNOT REVISE THE TIMBER PRODUCTION ZONE REQUIREMENTS WITHOUT COMPLYING WITH CEQA.

The analysis and evidence presented in the study and negative declaration is insufficient to support the conclusion that an EIR is not required. Rather, they reach the “no significant impact” conclusion by deferring the analysis of many of the project’s impacts to a later date.

For all the reasons cited above, we request the County deny the applicants requested rezone.

Sincerely,

Laurel Ames
Conservation Co-Chair
Tahoe Area Sierra Club



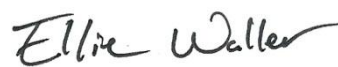
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