

From: [Niobe Burden Austere](#)
To: [Tahoe Regional Planning Agency and the Marlette Lake Water System](#)
Subject: Public Comment -NV Legislative Committee oversight meeting - Where are current Environmental Thresholds? What Legal Language in CEQA - NEPA substantiates the Environmental documentation supporting these Amendments?
Date: Tuesday, January 16, 2024 9:21:08 PM

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Please accept the following Public Comment for the NEVADA Legislative Committee meeting on January 23 2024 for the record and distribute as necessary

No response or even acknowledgement of the following public comment was considered by TRPA committees or staff with regard to TRPA Housing Amendments.

Amendments were passed despite public outcry over unsubstantiated increased density, 100% coverage and increased height (to 5 stories-65').

The next Environmental Threshold report is due in 2024, yet no interim information was provided or legal references provided substantiating that the environmental documentation supporting the Housing Amendments was sufficient to meet CEQA and NEPA guidelines. The original question was asked in June 2023 and so staff had plenty of time to answer and make legal reference substantiating their claims.

Thank you,
Niobe Burden Austere
Concerned North Shore resident
Tahoe Conservation Photographer

----- Forwarded message -----

From: Niobe Burden Austere [REDACTED]
Date: Tue, Dec 5, 2023 at 11:57 AM
Subject: Pubic Comment -Where are current Environmental Thresholds? What Legal Language in CEQA - NEPA substantiates the Environmental documentation supporting these Amendments?
To: Cindy Gustafson <cindygustafson@placer.ca.gov>, Hayley Williamson [REDACTED], Ashley Conrad-Saydah [REDACTED], Vince Hoenigman [REDACTED], John Marshall <jmarshall@trpa.gov>, Brooke Laine <BOSFive@edcgov.us>, Megan Hays [REDACTED], John Friedrich <jfriedrich@cityofslt.us>, Francisco Aguilar <cisco@sos.nv.gov>, Alexis Hill <AHill@washoecounty.us>, Wesley Rice <wrice@douglasnv.us>, Julie Regan <jregan@trpa.gov>, Belinda Faustinos [REDACTED], Shelly Aldean [REDACTED], Marja Ambler <publiccomment@trpa.gov>, Jessica Diss <jdiss.trpa@gmail.com>, Alexandra Leumer [REDACTED], James Settlemeyer <jsettlemeyer@dcnr.nv.gov>, Hilary Roverud <hroverud@cityofslt.us>, Kevin Hill [REDACTED], Judith Simon [REDACTED], Kevin Drake [REDACTED], Brendan Ferry <brendan.ferry@edcgov.us>, Jennifer Carr <jcarr@ndep.nv.gov>, Ben Letton [REDACTED], Garth Alling [REDACTED], Crystal Jacobse <jacobse@placer.ca.gov> <cjacobse@placer.ca.gov>, Ellery Stahler <estahler@lands.nv.gov>, Serrell Smokey <Executive.assistant@washoetribe.us>, Susan Chandler [REDACTED], Jason Drew [REDACTED], Eric Young <eyoung@washoecounty.us>, Steve Teshara <steveteshara@gmail.com>, Heather

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Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

Resubmitted from **PUBLIC COMMENT at OCT 11 2023 APC MEETING - NO answer or REPLY RECEIVED**

Dear TRPA Advisory Planning Commission and Governing Board,

THANK YOU for seeing the necessities of definitive thresholds whether they are attained or not. I'm glad it was recognized by the commission that threshold targets should be targeted and details regarding any deviation therefrom in threshold evaluation reports explained. **While a statement of intent is seen as too broad.**

As indicated in the meeting, **all four of the proposed Environmental Thresholds that TRPA proposes to change are currently in question** of being attained in the next publicly available Threshold Evaluation 4 year report (due in 2024). Thresholds have been slipping and we need to keep the definitions of targeted thresholds in place and give explanatory reason and mitigation to any deviation.

Where are current Environmental Thresholds? Are there any Interim reports available to substantiate no changes in Environmental Thresholds since 2019?

Of the 10 threshold areas stated, are all thresholds being met prior to these proposed Amendments to the Regional Plan. If not, which ones are not being met?

Resubmitted from **PUBLIC COMMENT at JUNE 14 2023 Governing Board Meeting - NO Answer Received**

From the TRPA website -

"The [Bi-State Compact](#) as revised in 1980, gave TRPA authority to adopt environmental quality standards, called thresholds, and to enforce ordinances designed to achieve the thresholds. In 1982, TRPA adopted nine environmental threshold carrying capacities (thresholds), which set environmental standards for the Lake Tahoe basin and indirectly defined the capacity of the Region to accommodate additional land development. In 2021, TRPA adopted an additional threshold, Transportation and Sustainable Communities."

My question -

Is there another Threshold Evaluation Report in the works? when will it be published?

The last one being 2019 and they are to be completed every 4 years according to your website. Also, the 2019 report only indicates two of the ten thresholds are rated as "attained or better than the target", and many threshold details show that there was "insufficient data". 21 thresholds had mitigation management implemented in 2019

- <https://thresholds.laketahoeinfo.org/ThresholdCategory/Index>

Interim studies conducted should prove that all the thresholds from 2019 have improved? and now "attain the original goals set" or these amendments to density wouldn't be merited, would they?

Where are these interim studies?

The Governing Board and public have the right to be provided with this information prior to considering Basin wide changes in Land Use development proposed in these Housing Amendments.

The timing of these proposals is purposeful.

Why is TRPA staff pushing so hard for these Housing Amendments to be passed quickly without ANY current environmental threshold status transparency or a Cumulative Environmental Assessment, instead providing only an Environmental Checklist?

As I pointed out in October, Attorney General Bonta joined a Comment Letter in Support of Proposal to Strengthen Federal NEPA Regulations (Press Release Oct 3, 2023, [LINK Here](#)),

In their comment letter, the attorneys general supports CEQ's proposal and recommend additional changes to strengthen the rule, including:

- **Strengthening analysis of climate change effects in all types of NEPA review, including requiring consideration of climate change effects when conducting environmental reviews of proposed actions that do not require preparation of an environmental impact statement.**
- **Providing direction to agencies on how to evaluate cumulative disproportionate adverse effects on environmental justice communities.**
- **Incorporating provisions of CEQ's previously published greenhouse gas emissions guidance.**

?? - I asked at the October 11th TRPA Advisory Planning Commission meeting for the commission **to ask TRPA staff to consult with the Attorney General's office** that the environmental analysis documentation was sufficient enough for the proposed Housing Amendments and thereby also meet the necessary strengthened Federal NEPA Regulations and CEQA guidelines. - **NO REPLY**

?? - I asked TRPA staff and Legal Counsel specifically for the legal language in CEQA and NEPA that substantiates their legal counsel that no Cumulative Environmental Assessment is necessary. Especially considering the fact that the **Tahoe Basin is classified as being in a Very High Fire Hazard Severity Zone** - **NO REPLY**

In addition, the public feels that the TRPA Regional Plan Chapter 6 Policies and Goals: Public Services & Facilities Element falls woefully short of providing an “Environmental Threshold carrying capacity”, “to maintain public health and safety within the region”, as discussed in the Bi-State Compact.

Thank you for your time and consideration.

Niobe Burden Austere

Advocate for Sustainable Development in Lake Tahoe

Property Owner in Tahoe since 1998

[REDACTED]