From: roxanna dunn <roxanna_dunn@yahoo.com>
Sent: 5/26/2026 1:21:17 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Nick Haven <nhaven@trpa.gov>; Michelle Glickert <mglickert@trpa.gov>; Kevin Verre <kverre@dot.nv.gov>; Helen Neff <hneff9@earthlink.net>;
Subject: May 27 Agenda item 7C

TRPA Board of Governors

In February of this year, Nick Haven and Michelle Glickert from TRPA's Transportation staff and Nick Verre from NDOT participated in our Citizens Advisory Board meeting discussing transportation. Our primary objective was to understand the process by which projects are considered and approved around Lake Tahoe. This reflected our frustration that projects in the Washoe Tahoe area have not been included in FTIP grant submissions during the past several years.

In the past ten years, I am aware of **three pedestrian deaths** on SR-28 inside the Northwood-Southwood Loop - a distance of approximately one mile. I don't have access to reports from the Sheriff's office or from NDOT, so I do not know how this compares to other areas, but that number seems alarming to me. At our CAB meeting, we discussed particular areas of concern - pedestrian crosswalks that provide insufficient safety mechanisms such as inadequate lead timing and lack of flashers in all directions. We also noted excessive speed through the area. Unlike other towns north of the lake that reduce speed to 25 mph, our speed limit is 35 mph.

Subsequent to that meeting, Helen Neff, a concerned citizen who was gravely injured while using one of our SR-28 crosswalks and has since become a well-informed advocate for safety, and I have met with Michele Glickert and Kevin Verre to discuss specific concerns raised by citizens at our CAB meetings. We are pleased with their response and are, for the first time in five or so years, optimistic that some of the issues will be addressed.

I enlist your support in addressing safety issues in Incline Village. We owe it to our residents and the tourists who fuel our local economy to provide a safe environment. Thank you to Nick, Michelle, and Kevin for their continued support and advocacy.

Roxanna Dunn
Chair, Incline Village Crystal Bay Citizens Advisory Board

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 5/26/2026 10:06:26 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>; Graham St.Michel <gstmichel@trpa.gov>;
Subject: Public Comment TRPA Governing Board Mtg 5-27-26 Agenda Item 7.C. via Agenda Item 3.
Attachments: Call For Tahoe East Shore Corridor Joint EIS.pdf

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Dear TRPA Governing Board Members,

I respectfully request this email and attached document calling for a joint TRPA and NEPA EIS to be completed for the Lake Tahoe Basin East Shore Transportation Corridor be placed on the record and become part of the minutes in connection with your TRPA Governing Board Meeting on May 27, 2026.

This submission provides a detailed chronological record of segmented transportation and recreation projects along the Nevada East Shore Corridor (SR 28 and US 50), documents cumulative impacts, and highlights critical public safety concerns regarding wildfire evacuation capacity. It respectfully calls for a joint TRPA/NEPA corridor-wide EIS to evaluate the system as it now operates and continues to expand.

Sincerely,
Doug Flaherty, President **(BIO NARRATIVE)**
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
Registered to do Business in California
Incline Village, NV

TahoeCleanAir.org Organizational Purpose
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

TAHOECLEANAIR.ORG

May 26, 2026

Keep the East Shore True

Tracy Larkin Thomason, Director *Nevada Department of Transportation* tlarkin@dot.state.nv.us *info@dot.nv.gov*	*Julie Regan- Executive Director* *Tahoe Regional Planning Agency* *Jregan@trpa.gov* *John Hester – COO and Deputy Director* *Tahoe Regional Planning Agency* *jhester@trpa.gov*
USFS Lake Tahoe Basin Management Unit (LTBMU) *sm.fs.paltbmu@usda.gov*	*James Morino – Executive Director* *Tahoe Transportation District* *jmarino@tahoetransportation.org*

A CALL FOR A LAKE TAHOE BASIN EAST SHORE TRANSPORTATION CORRIDOR JOINT TAHOE REGIONAL PLANNING AGENCY (TRPA) AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ENVIRONMENTAL IMPACT STATEMENT (EIS)

Between:

Tahoe Regional Planning Agency (TRPA), United States Forest Service (USFS), Nevada Department of Transportation (NDOT), Tahoe Transportation District (TTD), in connection with Federal Transit Administration (FTA) and other federal funding sources.

Lake Tahoe Basin – Nevada East Shore Corridor transportation development system which includes associated NV SR 28 transportation projects, plans, and US 50 corridor management plan - Spooner to Stateline (herein “east shore corridor or “system”)

A Chronological Record of Segmented Project Implementation and the Absence of a Cumulatively Comprehensive EIS.

DISCLAIMER
This document has been prepared by Doug Flaherty, President of the Tahoe Sierra Clean Air Coalition, a 501(c)(3) nonprofit organization. I am not an attorney, and this document does not constitute legal advice. The analysis, findings, and recommendations contained herein represent my good-faith opinion and understanding of publicly available agency records, planning documents, and relevant environmental law principles. They are offered solely to support informed public discussion and agency consideration of the need for a comprehensive East Shore corridor-wide EIS. Any party seeking legal advice should consult a qualified attorney.

EXECUTIVE SUMMARY

The Tahoe Sierra Clean Air Coalition has prepared this report to document the development of transportation, recreation access, mobility infrastructure, corridor management planning, and associated environmental review activities along the Nevada State Route 28 and U.S. Highway 50 East Shore corridor of the Lake Tahoe Basin.

Over more than two decades, multiple agencies—including the U.S. Forest Service, Tahoe Regional Planning Agency, Nevada Department of Transportation, Tahoe Transportation District, Nevada State Parks, Washoe County, and Douglas County—have planned, studied, funded, and implemented a coordinated series of transportation, recreation, corridor management, and mobility-related actions aimed at enhancing movement throughout the Nevada East Shore corridor.

These actions include:

- Development and expansion of the East Shore Trail and Stateline-to-Stateline Bikeway system.
- The Sand Harbor to Spooner Summit trail segment and associated environmental reviews, including the proposed segmented Sand Harbor to Thunderbird Lodge trail extension.

- Construction of new parking facilities, transit hubs, destination recreation facilities, and destination trails increasing direct lake access points.
- Integration of transit, multimodal, and transportation demand management infrastructure through phased corridor implementation.
- Roadway modifications include roadway and wildfire evacuation corridor redesign, and intersection modifications making it harder to escape wildfire.
- Expansion of shoreline access, recreation use, and visitor accommodation capacity.
- Basin-wide active transportation planning, trail system analysis, and implementation of segmented corridor management, transportation safety, and mobility planning initiatives through phased and interconnected planning efforts.
- Ongoing and planned 2025–2026 construction including the North Parking Project expansion (Ponderosa lot), Chimney Beach parking lot and pedestrian crossing, and Spooner Transit Hub / Watercraft Inspection Station.

A comprehensive corridor-wide Environmental Impact Statement (EIS) under both NEPA and the Tahoe Regional Planning Compact is needed to evaluate the cumulative environmental, transportation, and public safety impacts — including wildfire evacuation capacity — of this interconnected system as it now operates and continues to expand.

The record further reflects that these actions have occurred through a continuing sequence of segmented plans, studies, corridor initiatives, funding programs, environmental reviews, and implementation strategies extending over many years. Much of which has been federally funded.

These include, among others:

- 2006 NDOT Landscape and Aesthetics Corridor Plan.
- 2011 Nevada Stateline-to-Stateline Bikeway South Demonstration Environmental Assessment.
- 2011 Nevada Stateline-to-Stateline Bikeway Feasibility Study.
- 2016 NDOT Road Safety Assessment (RSA).
- 2016 Linking Tahoe Active Transportation Plan.
- 2017 NDOT Complete Streets Policy.
- 2017 Linking Tahoe Corridor Connection Plan (LTCCP).
- 2017 Linking Tahoe Transit Master Plan.
- 2017 Tahoe Transportation District Short Range Transit and Operations Plan (SRTP).
- 2018 One Nevada Transportation Plan (ONTP).
- 2018 U.S. 50 South Shore Community Revitalization Project.
- 2019 Stateline-to-Stateline Bikeway Phase 3 Sand Harbor to Spooner Summit planning and environmental review.
- 2019 TRPA-MPO Lake Tahoe Safety Plan.
- 2020 Linking Tahoe Regional Transportation Plan.
- May 2024 U.S. 50 East Shore Corridor Management Plan.
- January 9, 2026, USFS Basin Wide Trails Analysis Project (BWTA) – approved Environmental Assessment authorizing over 45 miles of new multi-use trails, reclassification of 111+ miles of existing trails for Class 1 e-bike access, new

trailheads, and enhanced connectivity across the Lake Tahoe Basin, including East Shore segments.

- Associated NDOT scoping reports and public outreach materials.
- USFS Basin-wide trail system analysis and environmental review initiatives associated with continued corridor expansion and regional connectivity planning.

Past, present, and reasonably foreseeable non-transportation environmental impact projects within the East Shore Corridor include:

- TRPA mandated Phase 2 housing that added significant increases in height, density, and coverage along demonstrated capacity constrained Town Center wildfire evacuation corridors within Washoe Tahoe and Douglas Tahoe.
- TRPA Phase 3 housing Initiative EIS.
- The Tahoe Blue Events Center.
- The proposed Barton Hospital directly on the constrained US 50 Wildfire Evacuation Corridor.
- USFS recreation facility expansion along US 50 in Douglas Tahoe including USFS-proposed glamping and expanded recreation facilities at Zephyr Cove and other East Shore locations, representing reasonably foreseeable additional visitor-serving development that would further increase visitation, parking demand, and use within the already constrained East Shore corridor.
- 947 Tahoe Blvd project Incline Village, NV
- Waldorf Astoria Project, Crystal Bay, NV directly on and within the constrained SR 28 Wildfire Evacuation Corridor.

- Latitude 39 mixed-use development project in Stateline on the US 50 corridor, previously approved by TRPA amid significant community opposition regarding traffic, density, and cumulative impacts on the constrained South Shore evacuation and transportation network.
- Increases in Short Term Rental units.
- Other cumulatively considerable environmental impact factors:
- Increases in East Shore Corridor visitors related to Reno and Carson City, NV population increases.
- Ongoing substantial data in connection with harmful plastic and trash pollution within Lake Tahoe Waters.
- A lack of near shore and stream outlet pollution monitoring.
- A demonstrated lack of TRPA and USFS monitoring and enforceability of project conditions and/or regulations.
- Tahoe-region scientific research and related literature identifying potential associations between cyanobacteria toxins and neurodegenerative diseases, including ALS, together with ongoing concerns regarding cyanobacteria presence and monitoring within Lake Tahoe waters.
- Significant planned increases in pace and scale burning and forest thinning by Tahoe burn agencies carried out under federal and state funding and facilitated by segmented lower-level categorical exclusions (CE's) and Environmental Assessments (EA's).

However, when examined collectively and in chronological sequence, the record demonstrates that these past, current, and reasonably foreseeable impacts arising from

segmented projects, plans, transportation strategies, corridor studies, environmental reviews, and related implementation actions form a coordinated and interdependent corridor-wide Tahoe East Shore living, tourist accommodation, transportation, and recreation access network.

That system has expanded incrementally over time, with each successive project, plan, implementation phase, and corridor initiative contributing to increased access, expanded connectivity, greater visitor accommodation capacity, increased system integration, and intensified corridor use along a constrained and environmentally sensitive shoreline corridor.

What is notably absent from the record is a single, comprehensive EIS evaluating the past, present, and reasonably foreseeable environmental, Tahoe East Shore living, tourist accommodation, transportation, public safety, evacuation, and system-wide effects arising from the integrated operation and continuing expansion of the East Shore corridor network.

The Tahoe Regional Planning Compact expressly defines environmental threshold carrying capacities to include standards necessary to maintain public health and safety within the region, in addition to environmental values.

As set forth in Article I of the Compact, the region’s environmental and public safety values are to be protected through coordinated, basin-wide planning designed to maintain equilibrium between natural conditions and human use.

This framework establishes that transportation system performance, including evacuation capacity under emergency conditions, is not solely a planning consideration, but a core component of Compact's environmental and public safety mandate.

Article VII of the Tahoe Regional Planning Compact further requires preparation and consideration of a detailed Environmental Impact Statement before approval or implementation of projects that may significantly affect the environment and require consultation with Federal, State, and local agencies possessing jurisdiction or special expertise regarding environmental impacts.

Instead, any environmental reviews have largely proceeded at the segmented project, or plan level, under the guise of programmatic planning and tiering without a corresponding evaluation of how these projects, plans, transportation initiatives, corridor management actions, and related implementation strategies function collectively under conditions of sustained use, peak visitation, wildfire evacuation demand, or past, present and foreseeable cumulative system expansion.

This report presents a chronology of corridor development and identifies key observations arising from that record. Among these:

- The corridor has evolved into a functionally integrated transportation and recreation access system through the incremental combination of segmented plans, projects, environmental reviews, and federally funded implementation phases.

- Project-level and segment-level approvals have contributed cumulatively to increased visitation, access, connectivity, visitor accommodation capacity, and overall system demand.
- Planning documents, transportation initiatives, and corridor management strategies anticipate continued expansion, increased integration, and future implementation activities.
- Environmental review has largely proceeded incrementally despite the corridor's increasingly interconnected system-wide operation.
- Critical system-level considerations—including combined environmental effects, evacuation capacity, transportation system performance, wildfire evacuation feasibility, and public safety implications—have not been evaluated at the scale at which the corridor now operates.

Under the National Environmental Policy Act, agencies are required to take a "hard look" at environmental consequences, including the cumulative effects of connected, related, and reasonably foreseeable actions.

The Tahoe Regional Planning Compact similarly requires that development within the Basin be evaluated in light of its combined effect on environmental thresholds, public safety, and regional conditions.

Taken together, the record raises a central question: Whether the environmental review conducted to date reflects the actual scale, interdependence, cumulative impact, and operational reality of the East Shore corridor system as it now exists and continues to evolve.

Federal courts, including the U.S. Supreme Court, have held that NEPA requires agencies to consider connected actions that are interdependent parts of a larger undertaking and lack independent utility (Kleppe v. Sierra Club, 427 U.S. 390 (1976)). The Ninth Circuit has applied this principle to require unified review where segmented projects function as part of an integrated system with cumulative effects that extend beyond individual project boundary.

Under NEPA's independent utility test, actions lack independent utility — and must therefore be reviewed together — when one project would not occur but for the others or when they function as interdependent parts of a single integrated system.

Federal courts have long held that NEPA requires agencies to take a "hard look" at the environmental consequences of their actions, including cumulative effects of connected, related, and reasonably foreseeable actions (see Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989)). Where projects function as part of an integrated system, courts have recognized that segmented review may not satisfy this obligation when individual actions are interdependent (see Kleppe v. Sierra Club, 427 U.S. 390 (1976), and cases applying the connected actions doctrine under 40 C.F.R. § 1508.25.

This principle was applied in Sierra Club v. Dombeck, 161 F. Supp. 2d 1052 (D. Ariz. 2001), where interdependent infrastructure components serving the same development were required to be analyzed together rather than segmented. In Sierra Club v. Dombeck, the court held that interdependent infrastructure components serving the same overall purpose must be analyzed in a single EIS where one action lacks independent utility apart from the others.

This obligation is reinforced by judicial application of NEPA's connected actions regulation, which requires a single EIS for interdependent actions that automatically trigger further development or lack independent utility within the same corridor system (see Sierra Club v. Dombeck, 161 F. Supp. 2d 1052 (D. Ariz. 2001)).

Ninth Circuit precedent further confirms that where linear corridor projects are geographically connected, functionally interdependent, and share cumulative effects on resources such as visitation, traffic, and evacuation capacity, segmented review may not satisfy NEPA's hard look require.

In addition, the record reflects that post-2021 conditions—including substantial increases in East Shore Trail usage, East Shore Express utilization, and Sand Harbor visitation—have materially altered corridor demand characteristics during peak periods, particularly during wildfire season months. These changes provide relevant context for evaluating whether prior environmental analysis continues to reflect current system conditions.

Under NEPA's connected actions doctrine (40 C.F.R. § 1508.25), actions that are interdependent, geographically connected, and lack independent utility must be reviewed in a single EIS. The East Shore Corridor projects meet this standard: each segment relies on the others for its full function and contributes to shared cumulative effects on traffic, visitation, shoreline resources, and evacuation capacity.

Active project implementation continues in 2026, with multiple segments advancing in NDOT right-of-way and Nevada State Parks areas. These near-term actions further integrate the corridor system prior to any comprehensive corridor-wide review.

A corridor-level EIS/EIR would evaluate the system as it now operates and as it is proposed to expand, ensuring compliance with NEPA cumulative impacts requirements and TRPA environmental thresholds, including those protecting public health and safety.

This document provides a chronological record of segmented actions and explains why a unified system-level review is warranted.

INTRODUCTION AND STATEMENT OF CONCERN

This document is prepared by the Tahoe Sierra Clean Air Coalition, a Nevada nonprofit organization, to provide a comprehensive and fact-based account of the development of transportation, recreation access, and mobility infrastructure along the Nevada State Route 28 and U.S. Highway 50 East Shore corridor of the Lake Tahoe Basin.

The foregoing section reflects the progressive expansion of capacity, including the 2026 projects identified above.

Article VII of the Tahoe Regional Planning Compact requires TRPA, when acting upon matters that have a significant effect on the environment, to prepare and consider a detailed Environmental Impact Statement before approving or carrying out a project. Article VII(b) further requires TRPA, before completing an EIS, to consult with and obtain comments from any Federal, State, or local agency having jurisdiction by law or special expertise regarding the environmental impact involved.

Over the course of more than a decade, a consistent pattern emerges from the public record. Multiple agencies—including the U.S. Forest Service, Nevada Department of Transportation, Tahoe Transportation District, Tahoe Regional Planning Agency, and

local jurisdictions—have incrementally planned, funded, and implemented what functions as a coordinated system of infrastructure within the East Shore corridor.

That system includes:

• Multi-use trail and bikeway development.

• Structured and distributed parking expansion.

• Transit system integration and behavioral-shift initiatives.

• Roadway modifications and intersection redesign.

• Shoreline access improvements.

Each component has been advanced through individual project and plan review and approvals, various planning documents, and funding mechanisms connected to Federal and State funds, typically evaluated within a defined and localized scope.

What is notably absent from the record is a single, cumulatively comprehensive EIS evaluating the cumulative environmental and public safety impacts of this system as it has been conceived, implemented, and expanded over time.

Instead, the available documentation reflects a sequence of environmental reviews conducted at the project level, often framed as discrete responses to localized conditions.

When viewed collectively and in chronological sequence, these actions present a materially different picture—one in which individual projects function as interdependent components of a broader system whose combined effects extend beyond the scope of any single analysis.

This observation arises directly from the agencies' own planning materials, project descriptions, and technical analyses, which consistently describe corridor improvements as elements of a coordinated, corridor-wide effort.

Under the National Environmental Policy Act, agencies are required to take a "hard look" at the environmental consequences of their actions, including the cumulative effects of related and reasonably foreseeable activities. Courts have recognized that this obligation may not be satisfied where the structure of review limits consideration of interdependent or connected actions.

This definition reflects a broad scope of review encompassing interrelated actions whose combined effects may influence regional environmental conditions.

The Tahoe Regional Planning Compact reinforces this obligation at the regional level. Article I establishes a mandate to achieve and maintain equilibrium between the region's natural endowment and human use, while Article V requires that planning consider the interrelated impacts of development, transportation, and environmental thresholds.

The Compact defines a "project" as any activity that may substantially affect the land, water, air, or other natural resources of the region, including actions undertaken by public agencies.

This definition, as set forth in Article II of the Compact, reflects a broad scope of review encompassing interrelated actions whose combined effects may influence regional environmental conditions.

Under Article VI(j)(5) of the Compact, agency actions are subject to judicial review to determine whether they are supported by substantial evidence and carried out in a manner consistent with the requirements of the Compact.

Taken together, these principles underscore the importance of ensuring that the scope of environmental review corresponds to the functional scope of the action being evaluated.

The Bi-State Compact requires the adoption and monitoring of environmental threshold carrying capacities, which serve as enforceable standards governing environmental conditions within the Basin.

The TRPA Regional Plan and implementing ordinances are required to achieve and maintain these thresholds, including those related to transportation, air quality, and public health and safety.

These thresholds are not aspirational; they function as binding environmental standards that must be attained and maintained through implementation of the Regional Plan and associated regulatory actions.

WHY THIS MATTERS NOW

The development of the Nevada East Shore corridor has reached a point at which the increased scale, intensity, use under constrained conditions, and interdependence of infrastructure are no longer emerging conditions—they are established realities.

Over more than a decade, the corridor has transitioned from a series of identified transportation and access challenges into a fully functioning system that supports high

levels of resident, regional and international destination visitation density, integrates multiple modes of transportation, and continues to expand through ongoing planning and project implementation.

This transition has occurred incrementally. At each stage, individual projects and plans have been designed to address localized and / or segmented conditions. At the same time, each project has contributed to a broader pattern of increased capacity, albeit improved connectivity, and has significantly expanded use.

As a result, the corridor now operates at a scale that reflects the combined effect of these actions rather than any single segmented project.

This evolution has several practical implications. First, the level of use within the corridor is now sustained and significant. The East Shore is no longer a series of discrete destinations connected by a roadway—it functions as a continuous access corridor supporting millions of annual visits, with a constrained infrastructure struggling to facilitate and manage that use. Second, the system has become increasingly interdependent. Parking facilities, trail networks, transit services, and roadway improvements aim to operate together, influencing how visitors access, move through, and experience the corridor. Changes to one or cumulative component(s) affect the performance of others. Third, the physical constraints of the corridor remain unchanged. The East Shore continues to be defined by limited roadway capacity, constrained geometry, and environmental sensitivity associated with its shoreline location. These constraints shape system performance under both routine and peak conditions. Fourth, the corridor continues to evolve. Planning documents and funding initiatives anticipate

additional segments, further integration of transportation modes, and continued expansion of access.

In this context, the question of a cumulatively comprehensive environmental review is no longer prospective—it is immediate.

The record reflects a system that is actively operating and continuing to expand. Decisions made in the near term, including those related to additional trail segments, parking facilities, and transit integration—will further define how the corridor functions and the impact it may have on the environment.

Where infrastructure and use have reached this level of scale and integration, the timing of a comprehensive environmental review becomes critical.

Evaluation conducted after additional expansion may not fully capture conditions as they existed at earlier stages. Conversely, evaluation conducted at a system level before further expansion may provide a clearer understanding of how the corridor operates, including its cumulative impacts as a whole.

Public safety considerations underscore this timing.

As visitation increases and access improves, the number of people present within the corridor at any given time also increases. Under normal daily conditions, this already manifests as congestion or delay. Under emergency conditions, it becomes a question of system life safety performance under a currently constrained capacity.

These are not abstract considerations. They arise directly from the interaction of infrastructure, intensified use, and constraint within the corridor.

At the same time, public expectations have evolved. There is increasing recognition that large-scale infrastructure systems—particularly those affecting sensitive environments and high-use areas—should be evaluated in a manner that reflects their full scope and impact.

Within the Lake Tahoe Basin, this expectation is reinforced by the Tahoe Regional Planning Compact, which calls for coordinated planning and the maintenance of environmental thresholds across jurisdictions.

The convergence of these factors—system scale, continued expansion, physical constraints, and public expectation—creates a present moment in which the adequacy and scope of a comprehensive environmental review is both timely and consequential.

This timing is further influenced by the interaction between projected increased visitation and constrained evacuation capacity, particularly where system demand has increased beyond levels evaluated in earlier environmental documents.

FINDINGS

The following findings are derived from the chronological record of planning documents, environmental analyses, project materials, and agency reports associated with the development of the Nevada East Shore corridor.

These findings also reflect the progression of conditions over time, including increased visitation, expanded infrastructure, and evolving system integration, all of which inform whether prior environmental review continues to correspond to present-day system conditions.

They are presented to assist policymakers, agency staff, and the public in understanding the relationship between individual project and plan approvals and the broader system that has emerged over time, as well as the extent to which the scale of environmental review corresponds to the cumulative scale of that system.

They also provide context for evaluating whether the scope of environmental review has remained proportionate to the scale and operational reality of the corridor system as it has evolved over time.

1. The East Shore Corridor Has Been Developed as a Segmented System

The record demonstrates that while transportation, recreation access, and mobility projects along the East Shore system have not occurred in isolation however planning documents consistently describe corridor improvements in a segmented manner, as part of broader programmatic, or tiering efforts, to address regional mobility, visitor access, and environmental conditions. Regardless, segmented projects or plans involving trail development, parking expansion, transit integration, and roadway modifications are functionally interrelated and contribute to shared congestion, safety impacts, and enhanced direct and indirect shoreline access. Regardless of one's interpretation of these cumulative plans or projects, they remain void of a comprehensive EIS evaluating cumulatively considerable impacts and effects. As implemented, these components operate collectively as a connected system, with each element influencing the performance, use, and demand placed upon the others.

Each individual project in the East Shore Corridor lacks independent utility when viewed in context. The parking expansions are designed to support increased trail and

shoreline access. The trail segments depend on parking and transit connections to achieve their intended use. Transit improvements and roadway modifications are justified by the anticipated demand generated by new access points. None of these projects would have the same purpose, scale, or justification in the absence of the others. They function as interdependent components of a single, integrated corridor system rather than standalone actions with independent utility.

For instance, the proposed Sand Harbor to Thunderbird Lodge trail extension would have little independent purpose without the supporting parking expansions at Chimney Beach and the Spooner Transit Hub. Conversely, the new parking facilities and Spooner multi-modal hub are justified in large part by the anticipated increase in visitors enabled by expanded trail access. Roadway and intersection modifications at Spooner Summit are likewise designed to handle traffic generated by this interconnected recreation and transportation network. Under NEPA's independent utility test, projects that depend on one another for their justification, scale, or economic viability must be considered together rather than segmented.

2. Implementation Has Occurred Through Sequential, Project-Level Approvals

Each project has been evaluated within a defined geographic and functional scope, typically addressing localized conditions. Environmental review documents reflect this project-level framing.

While consistent with standard practice for discrete actions, the cumulative effect of these sequential approvals has been the incremental construction of a corridor-wide system whose functional scope extends beyond the boundaries of any single project.

This pattern reflects a structure of decision-making in which system-level outcomes emerge through a series of smaller actions, rather than through a single comprehensive evaluation.

3. Environmental Review Has Not Been Conducted at the Scale of the System

The record does not identify a single environmental document evaluating the East Shore past, present and reasonably foreseeable corridor project or plans within a collective unified system.

Existing environmental analyses are limited to individual projects or segments and do not fully address how the combined effects of multiple projects influence corridor-wide conditions, including:

- Overall visitation and use.
- System capacity and circulation.
- Environmental impacts/effects across interconnected resources discussing all related TRPA threshold impacts.
- Public safety under peak or emergency conditions.

As a result, the scale of environmental review does not appear to correspond to the scale at which the corridor now functions.

This concern aligns with NEPA's connected actions doctrine, which mandates consideration in a single EIS of actions that are interdependent or that automatically trigger further development within the same corridor system. Ninth Circuit precedent reinforces that agencies may not evade comprehensive analysis by dividing functionally

related components into separate reviews when their combined operation produces system-wide impacts.

The independent utility test asks whether each component of the corridor would have taken place in the absence of the others; where projects lack such utility and depend on one another for their justification, they constitute connected actions requiring comprehensive review.

Courts have held that actions lacking independent utility and functioning as part of an integrated corridor system must be reviewed comprehensively to satisfy NEPA (Sierra Club v. Dombeck, 161 F. Supp. 2d 1052 (D. Ariz. 2001); Native Ecosystems Council v. Dombeck, 304 F.3d 886 (9th Cir. 2002)). U.S. Circuit Courts have consistently held that agencies may not avoid comprehensive review by dividing a larger undertaking into smaller components where the actions are functionally or economically related and lack independent utility (see, e.g., Sierra Club v. Dombeck precedents and connected actions analyses under NEPA regulations).

The court in Sierra Club v. Dombeck further emphasized that tiering to earlier environmental documents is only permissible when those documents adequately address the cumulative and connected effects of the full proposed action; otherwise, a new comprehensive analysis is required.

This principle reinforces the need to evaluate the East Shore corridor’s interdependent components—trails, parking, transit, and roadway modifications—within a unified framework.

TRPA's Environmental Threshold Carrying Capacities similarly require consideration of cumulative and system-wide effects on public health and safety, including transportation system performance and wildfire evacuation capacity under the Tahoe Regional Planning Compact.

This principle reinforces the need to evaluate the East Shore corridor's interdependent components—trails, parking, transit, and roadway modifications—within a unified framework.

See also Friends of Southeast's Future v. Morrison, 153 F.3d 1059 (9th Cir. 1998) (connected actions doctrine applied to interdependent road and timber projects); California v. Block, 690 F.2d 753 (9th Cir. 1982) (requiring comprehensive analysis of related forest plan components).

In circumstances where actions are functionally interdependent and contribute to a broader system, the absence of a system-level evaluation may limit the ability to fully assess cumulative consequences / impacts / effects in a single analytical framework.

This limitation is further reflected in environmental analyses for corridor segments that do not consistently incorporate interrelated projects or define the system-level boundaries necessary to evaluate cumulative impacts at the scale at which the corridor operates.

4. Corridor Improvements Have Increased Access and Capacity Over Time

Projects implemented along the East Shore corridor have consistently expanded access to shoreline areas and increased the capacity to accommodate visitors.

Parking facilities have increased off-highway vehicle accommodation, albeit professing to reduce highway shoulder parking. Trail segments have extended direct population increase access to previously less accessible areas including direct shoreline access.

While these improvements may address specific constraints, they also contribute to a broader and sustained increase in corridor utilization.

The justification for additional parking facilities is frequently framed in terms of reducing unsafe shoulder parking and improving localized traffic and pedestrian safety conditions along the East Shore corridor. However, the record also reflects that the cumulative effect of expanded parking capacity, destination access improvements, multimodal transportation infrastructure, transit integration, and recreation corridor expansion is to facilitate and support substantially increased visitation and intensified corridor use over time.

In this context, reductions in informal roadside parking do not necessarily equate to reductions in overall vehicle presence, transportation demand, or cumulative corridor loading. Rather, the relocation of vehicles from roadway shoulders into structured parking facilities may simply redistribute, accommodate, and normalize higher levels of visitation within the corridor system.

Similarly, transportation demand management strategies, transit integration, and multimodal improvements may influence how visitors move within the corridor without necessarily reducing the total number of visitors, vehicles, or evacuation-related transportation demand entering the East Shore system as a whole.

As a result, the assumption that additional parking infrastructure and transportation management initiatives inherently reduce cumulative corridor impacts may not fully account for the extent to which those same improvements simultaneously expand recreation access, increase visitor accommodation capacity, and facilitate continued growth in overall corridor use.

Where infrastructure improvements both respond to and induce increased demand, evaluation of corridor conditions based solely upon localized reductions in shoulder parking or isolated traffic improvements may not fully reflect the broader system-wide effects associated with intensified visitation, transportation loading, and evacuation demand throughout the East Shore corridor.

This relationship between incremental infrastructure improvements and system-wide capacity expansion reflects a pattern in which localized solutions collectively influence overall demand and use.

5. Planning Documents Anticipate Continued Expansion and Integration

Planning and funding documents associated with the corridor indicate that development is ongoing.

Regional transportation initiatives and corridor management plans identify future projects, continued infrastructure investment, and increasing integration of transportation modes.

These materials reflect a long-term trajectory in which the corridor continues to evolve as a coordinated and interdependent system, rather than as a finite series of discrete improvements. This without a cumulatively comprehensive EIS.

6. System-Level Impacts Arise from the Interaction of Individual Projects

The interaction of multiple infrastructure components—including parking, trails, transit, and roadway improvements—creates conditions that extend beyond the effects of any single project.

These interactions influence:

• how visitors access and move through the corridor.
• how congestion is distributed across locations.
• how environmental resources are used and affected.
• how the corridor performs under varying levels of demand.

Such effects are characteristic of cumulative impacts arising from the combined influence of multiple actions over time.

Where system behavior is shaped by these interactions, evaluation limited to individual components may not fully capture the resulting conditions, impacts and effects.

7. Public Safety and Evacuation Capacity Are System-Level Considerations

The East Shore corridor is characterized by limited roadway capacity, constrained geometry, and restricted evacuation routes. At the same time, infrastructure improvements like the international destination East Shore Trail have contributed to new significant and substantial increased visitation and sustained levels of use. This

combination creates conditions in which public safety—particularly evacuation under emergency scenarios—is dependent on the capacity and performance of the system as a whole. Project-level analyses may address localized safety conditions, but do not fully evaluate corridor-wide system performance under peak or emergency conditions. Where safety outcomes and environmental impacts /effects depend on system-wide behavior, analysis at a corresponding system wide scale is necessary to fully understand those conditions. This condition is further reflected in formal requests by regional organizations for a comprehensive, basin-wide wildfire evacuation capacity and timing analysis, recognizing that evacuation performance is inherently corridor- and system-dependent rather than project-specific. This system-level condition is further illustrated by ongoing consideration of intersection design at the highly controversial Spooner Summit (US 50/SR 28) round about interchange, where substantive community comments and questions and have been raised as part of the record regarding East Shore corridor evacuation capacity / throughput form both Washoe and Douglas Tahoe, including contraflow compatibility, and corridor-wide performance under emergency conditions.

These evacuation performance concerns are particularly relevant given ongoing design and construction activities in the corridor during 2025–2026.

A detailed technical evaluation prepared by the Tahoe East Shore Alliance *(Byren, 2025)* highlights fundamental concerns with the proposed Spooner Junction roundabout design, noting that “a traditional roundabout is incompatible with contraflow operations recommended by emergency management officials, potentially reducing evacuation flow capacity by approximately 33% compared to the existing configuration.”

A comprehensive wildfire evacuation analysis prepared by the Tahoe East Shore Alliance *(Byren, October 2023)* modeled a Caldor-like wildfire scenario and concluded that “even in the most optimistic case, we conclude that the condition of the national forest, existing fire management policies, staging of emergency equipment, evacuation timelines, and traffic flow conditions prevalent at the time of the Caldor wildfire are insufficient to prevent a disaster similar to Paradise and Lahaina.” The study further found that “reducing the number of available egress lanes from three to two as a result of a ‘road diet’ would reduce the lives that could be saved by approximately 25%.” These findings underscore the critical need for system-wide evaluation of evacuation performance under emergency conditions.

8. Changed Conditions and New Information Are Material to Ongoing Evaluation

Since the initial phases of corridor development, conditions have evolved in ways that are both measurable and significant.

These include increased visitation, expanded infrastructure, and changes in transportation strategies and technology.

Such developments may affect assumptions underlying earlier analyses and are relevant to the continuing evaluation of environmental impacts.

Where conditions materially change over time, the relationship between prior analysis and current system behavior becomes an important consideration.

Recent monitoring data further indicate that East Shore Trail usage has increased substantially since 2021, along with continued high visitation levels at Sand Harbor

State Park, reflecting a material increase in corridor demand not fully evaluated in earlier environmental analyses and directly affecting wildfire evacuation capacity from both Washoe and Douglas Tahoe.

9. The Record Raises Substantial Questions Regarding the Scope of Environmental Review

Taken together, the record reflects:

- A coordinated system of infrastructure and access.
- Incremental segmented and tiered implementation through multiple projects.
- Increasing pace and scale and complexity of corridor use.
- The absence of a comprehensive environmental analysis evaluating cumulative impacts / effects from these factors collectively.
- These conditions raise substantial questions regarding whether the adequacy of the environmental reviews conducted to date reflects the full scope of past, present, and reasonably foreseeable impacts from corridor development.

10. Consideration of a Comprehensive, System-Level Environmental Review May Be Warranted

Where a corridor has evolved into a functionally integrated system, and where its impacts extend beyond the boundaries of individual projects, a system-level evaluation may provide a more complete understanding of environmental and public safety implications.

Such an evaluation would allow for consideration of:

- Cumulative environmental effects.
- System capacity and performance.
- Interactions between infrastructure components.
- The relationship between access, use, and environmental thresholds.
- And, incorporation of recent and ongoing planning initiatives, including the USFS Tahoe Basin Trail Plan, and related corridor expansion programs, to ensure that cumulative effects reflect reasonably foreseeable future actions.

The record presented in this report provides a basis for considering whether such an approach would be appropriate.

Courts have recognized that where projects along a linear corridor are geographically connected, functionally interdependent, and contribute to shared cumulative effects on resources such as traffic, visitation, and evacuation capacity, a system-level evaluation better satisfies NEPA's hard look requirement.

These additions are concise, cite landmark authority relevant to your chronology of segmented trail/parking/transit/roadway actions, and strengthen the call for a corridor-wide EIS without any advocacy or threat of litigation. They directly support your demonstration of interdependent implementation over time.

In circumstances where ongoing implementation continues to shape system conditions, the timing of such evaluation may influence the range of alternatives and the extent to which system-wide effects can be meaningfully assessed.

Supreme Court precedent underscores that the determination of whether a comprehensive EIS is required involves weighing the interrelationship among proposed

actions and practical considerations of feasibility, with technical judgments properly left to the informed discretion of the responsible agencies while ensuring cumulative impacts of related actions are meaningfully addressed (Kleppe v. Sierra Club, 427 U.S. 390 (1976)).

FRAMEWORK FOR REVIEW

This document proceeds from a straightforward premise: that the adequacy of environmental review is most reliably assessed by examining the record as it developed over time.

This report presents a chronological account of planning, environmental review, and project implementation within the East Shore corridor. Each phase is described based on contemporaneous documentation, allowing the progression from initial planning concepts to an operational system to be observed directly.

In doing so, the document is guided by several well-established principles repeatedly recognized in federal courts:

First, environmental review must consider the entirety of an agency's action, including connected and cumulative components. Where multiple actions are interdependent, their environmental consequences may warrant evaluation in a combined framework.

Second, the structure of environmental review should not obscure cumulative effects. Where a larger undertaking is advanced through multiple component actions, evaluation limited to individual segments may not fully capture system-level consequences.

Third, environmental review is an ongoing obligation. Where new information or changed conditions arise, agencies must consider whether prior analysis continues to reflect the current scope and impact of the action.

The TRPA Regional Plan framework includes monitoring, evaluation, and reporting requirements designed to assess progress toward threshold attainment and to incorporate new information over time.

This framework contemplates ongoing reassessment of where conditions materially change, including where increased use or system demand alters the assumptions underlying prior environmental review.

Where monitoring identifies changes in system conditions, including increased demand or altered performance characteristics, the planning framework anticipates corresponding evaluation and response.

The TRPA Code of Ordinances further recognizes cumulative effects through requirements for tracking and accounting of development and environmental impacts at a regional scale.

This framework reflects an expectation that individual actions will be evaluated not only independently, but in terms of their contribution to cumulative system conditions.

This cumulative accounting framework reflects an expectation that individual project approvals will be evaluated in light of their contribution to basin-wide environmental conditions and threshold attainment.

These principles are not applied here as conclusions. They serve as interpretive tools for understanding the relationship between the record and the system that has emerged.

CHRONOLOGICAL DEVELOPMENT OF THE EAST SHORE CORRIDOR SYSTEM

I. Early System Framing and Regional Mobility Objectives

The development of the East Shore corridor is grounded in broader regional transportation objectives that frame mobility as a system-level consideration rather than a series of isolated improvements.

The 2017 Linking Tahoe Transit Master Plan establishes this conceptual foundation. It identifies approximately 24 million annual visitors and nearly 80 million trips within the Basin, describing transportation not only as a response to demand, but as a mechanism for shaping future patterns of movement, access, and land use.

Within this framework, transit is characterized as a “vehicle for change,” reflecting an intent to influence how individuals’ access and move through the region.

This framing is significant because it places transportation infrastructure within a broader system of behavioral, environmental, and economic interactions. Improvements to one component—such as shoreline access—necessarily influence conditions across the system as a whole.

In practical terms, this establishes that transportation, recreation access, and land use are interdependent and not readily evaluated in isolation.

II. Identification of the East Shore Corridor as a System

By the early 2010s, agencies had identified the Nevada East Shore as a corridor requiring coordinated intervention.

Planning materials consistently describe SR 28 as one of the most heavily used and environmentally sensitive segments of the Basin's transportation network. The corridor is characterized by high visitation levels, constrained roadway geometry, and direct adjacency to sensitive shoreline resources.

Project documentation reflects millions of annual vehicle trips and over one million recreational visitors, underscoring the corridor's dual role as both a transportation route and a destination.

At this stage, the corridor is explicitly framed as a system problem involving:

- Transportation capacity.
- Recreation access.
- Environmental protection.
- Visitor experience.

This multi-dimensional characterization is important. It reflects an understanding that the issues presented by the corridor arise from the interaction of these factors, rather than from any single condition.

III. Initial Environmental Review and Its Context

The 2014 Joint Environmental Assessment for the North Demonstration Bikeway Project represents the first formal NEPA review associated with the modern East Shore trail system.

In the absence of such analysis, conclusions regarding the absence of significant impact may rely on generalized assumptions rather than evaluation of system performance under the conditions most relevant to public safety.

The TRPA regulatory framework requires evaluation of how individual projects affect attainment and maintenance of environmental thresholds, including cumulative effects across the region.

Where multiple projects influence system performance, their combined effect on threshold attainment and maintenance becomes a central consideration under the Compact and implementing regulations.

That analysis evaluated a defined segment between Incline Village and Sand Harbor, addressing localized impacts related to traffic, parking, and recreation access, while identifying related projects within the corridor.

At the time it was prepared, the Environmental Assessment reflected the scope of the project as it was then understood.

However, subsequent development has expanded beyond that initial scope. Additional projects, increased visitation, expanded access points, and evolving transportation strategies have altered the context in which the corridor operates.

The record further reflects that environmental review conducted in connection with subsequent planning actions did not include detailed analysis of evacuation performance, roadway capacity under emergency conditions, or corridor-wide traffic flow dynamics. Available documentation indicates that key analytical components—such as

evacuation timing, traffic modeling, and cross-jurisdictional system behavior—were not evaluated using quantitative or scenario-based methodologies.

In this setting, the relationship between the original scope of analysis and current system conditions becomes relevant.

Where subsequent actions expand the scale or interdependence of infrastructure, the extent to which earlier analysis continues to reflect present conditions may warrant consideration.

Courts have recognized that reliance on analysis that does not account for materially changed circumstances may limit the ability to fully evaluate environmental consequences in light of current conditions.

IV. Transition from Planning to Incremental Implementation

Following the initial Environmental Assessment, development within the corridor proceeded through a series of individual projects.

Parking facilities were constructed to address safety concerns associated with roadside parking and pedestrian exposure. Trail segments were developed to provide alternative modes of access. Transit facilities and programs were introduced to support shifts in travel behavior.

For example, the Chimney Beach project identifies a localized condition—shoulder parking contributing to pedestrian activity along the highway—and proposes a corresponding solution involving structured parking, pedestrian crossings, and improved access.

Similarly, the North Parking Project seeks to relocate vehicles from the roadway to off-highway facilities, connect users to the East Shore Trail, and formalize transit connections.

Each of these projects is framed as a discrete response to a specific condition. At the same time, each explicitly contributes to broader corridor objectives, including congestion reduction, safety improvement, and enhanced access.

This dual characterization—localized purpose within a broader system—becomes a defining feature of the corridor's development.

As implementation progresses, the cumulative effect of these individual actions begins to shape system-level conditions, including increased access, expanded capacity, and evolving patterns of use.

V. System Integration and Continuing Expansion

As additional projects were implemented, the corridor evolved into an increasingly integrated system.

Trail segments connect one another and to parking facilities. Parking facilities connect to transit stops. Transit programs are designed to influence travel behavior while supporting access to high-demand recreation areas.

The Spooner project illustrates this integration, combining a transit hub, parking facility, and watercraft inspection station into a single multi-functional site.

At this stage, the corridor is no longer defined primarily by individual projects, but by the relationships among those projects and the way they function collectively.

As integration increases, the scale at which environmental consequences arise also expands. Effects are no longer limited to individual project footprints but reflect the combined operation of the system.

Where system performance is shaped by the interaction of multiple components, evaluation limited to individual segments may not fully capture resulting conditions, particularly under sustained or peak demand.

VI. Cumulative Development of the East Shore Corridor System

As the record progresses beyond initial project implementation, the East Shore corridor begins to exhibit characteristics more consistent with a unified system than with a collection of segmented projects.

At this point, this collective transition is not defined by a single decision or document. Rather, it emerges through the cumulative effect of multiple planning efforts, funding initiatives, and project approvals which, when viewed together and in sequence, reflect a consistent trajectory of system expansion.

Individual projects continue to be described in localized terms—addressing safety, access, or visitor experience. At the same time, each project contributes incrementally to broader outcomes, including increased accessibility, expanded recreational capacity, and greater integration of transportation modes.

For example:

- Parking projects reduce roadside hazards while increasing total visitor accommodation capacity.

- Trail segments provide non-vehicular alternatives while expanding access to previously less accessible shoreline areas.
- Transit improvements influence travel behavior while facilitating increased overall system throughput.

These interactions are inherent to the way the corridor has been planned and implemented.

When considered individually, each project reflects a bounded set of impacts. When considered collectively, these actions describe a system in which access, capacity, and use are mutually reinforcing.

It is in this context that cumulative impact becomes a function not only of aggregation, but of interaction.

Under NEPA, cumulative impacts arise from the combined effects of past, present, and reasonably foreseeable future actions. This framework recognizes that environmental consequences may result from the way actions operate together over time, rather than from any single action in isolation.

The record of the East Shore corridor reflects this type of interaction.

VII. The Progressive Expansion of Capacity and Access

A defining characteristic of the corridor’s development is the progressive expansion of capacity.

Parking infrastructure increases the number of vehicles that can be accommodated off highway. Trail development extends the range of accessible shoreline areas. Transit

initiatives increase system throughput and facilitate movement within constrained segments. Roadway and intersection improvements enhance circulation.

Current examples include the 2026 North Parking Project (adding ~38 spaces), Chimney Beach parking and crossing improvements, and the Spooner multi-use facility, each contributing to further system capacity.

Each of these actions addresses a specific constraint. At the same time, each contributes to an overall increase in the system's ability to support higher levels of use.

This relationship between capacity improvements and increased utilization is well recognized in transportation planning. Reductions in friction within a system, whether through expanded access, improved circulation, or increased accommodation—may result in increased demand over time.

Planning documents associated with the East Shore corridor reflect this dynamic. They emphasize both the need to manage visitor experience and the implementation of improvements that facilitate access to high-demand areas.

This dual condition—managing demand while increasing capacity—reflects a system in which demand is both a constraint and an outcome.

From an environmental review perspective, this relationship raises the question of whether the cumulative effect of these capacity-enhancing actions has been evaluated at the scale at which they operate collectively.

VIII. Segmentation and the Structure of Environmental Review

The structure of environmental review for the East Shore corridor closely parallels the structure of segmented project and plan implementation.

Additional active projects in 2026, such as the North Parking expansion, Chimney Beach facilities, and Spooner Transit Hub, demonstrate the continued incremental advancement of the integrated corridor system.

Each project is evaluated through its own environmental document, with a defined geographic scope and a corresponding set of impacts. This approach is consistent with standard practice for discrete actions.

With multiple projects scheduled for construction in 2026, the need for system-level review prior to further commitments is both timely and necessary to protect Nevada's interests in NDOT-managed infrastructure, Nevada State Parks resources, and public safety along the East Shore.

However, where multiple actions are:

- Geographically connected along a continuous corridor.
- Functionally interdependent through shared infrastructure and objectives.
- Temporally related through sequential implementation.
- Programmatically linked through tiering coordinated planning and funding.

The adequacy of project-level review depends on whether the relationships, including impacts among those actions, have been meaningfully considered.

Where evaluation is structured in a manner that limits consideration to individual components, the combined effects of those components may not be fully addressed within a single analytical framework.

As corridor integration increases, this issue becomes increasingly relevant where individual actions collectively produce corridor-wide operational and environmental effects not readily attributable to any single segment in isolation.

The NDOT objection record identifies the US 50 East Shore Corridor Management Plan and the SR 28 East Shore Multi-Use Path as connected corridor actions advanced through multiple agencies and funding mechanisms. It further identifies the 2019 SR-28 Shared Use Path EA/FONSI as potentially outdated in light of subsequent East Shore Trail usage, East Shore Express usage, Sand Harbor visitation, and other post-2019 corridor data. This reinforces the need to evaluate whether later implementation continues to rely on earlier analysis that no longer reflects present condition.

The TRPA Rules of Procedure allow for tiering of environmental review, whereby later analyses rely on earlier programmatic documents.

Where tiering is used, subsequent environmental review must remain valid in light of current conditions and may require supplemental analysis where earlier assumptions no longer reflect system-level impacts.

Federal courts have addressed this issue in the context of connected and cumulative actions.

Where actions are interdependent parts of a larger undertaking, their environmental consequences may warrant consideration together. Similarly, where the structure of review divides a larger system into smaller components, the resulting analysis may not fully capture system-level effects.

More recent decisions reaffirm that environmental review must correspond to the actual scope of agency action and must remain responsive to evolving conditions and interdependencies.

These principles are directly relevant to the East Shore corridor.

The record reflects a pattern in which multiple connected actions contribute to the development of a unified system, while environmental review has largely proceeded at the level of individual components.

In such circumstances, the relationship between the structure of review and the scope of the system becomes a relevant consideration.

This pattern is also reflected in environmental assessments prepared for related corridor segments, including the Sand Harbor to Spooner segment, where analysis has been conducted at a project-specific level without full evaluation of cumulative corridor-wide effects.

Available review materials indicate that cumulative impacts analysis did not fully incorporate related transportation, recreation, and access projects within the Basin, nor did it consistently define the spatial boundaries necessary to evaluate system-level effects.

Where cumulative effects are addressed without incorporating interrelated projects or without establishing an appropriate system boundary, the resulting analysis may not fully reflect how individual actions contribute to corridor-wide conditions.

In the absence of such analysis, conclusions regarding the absence of significant impact may rely on generalized assumptions rather than evaluation of system performance under the conditions most relevant to public safety.

IX. TRPA Compact Obligations and Regional Planning Context

The Tahoe Regional Planning Compact provides an additional framework for evaluating the development of the East Shore corridor.

The Compact establishes a mandate to maintain equilibrium between the Basin's natural environment and human use. This mandate applies on a regional scale and is implemented through environmental thresholds and coordinated planning requirements.

Article I recognizes the interconnected nature of environmental resources and human activity. Article V requires that planning consider the cumulative effects of development, transportation, and environmental conditions.

The Tahoe Regional Planning Compact defines environmental threshold carrying capacities to include standards necessary to maintain public health and safety within the region.

In this context, transportation system performance, including evacuation capacity under emergency conditions—is not solely a planning consideration, but a core component of the Compact's environmental and public safety mandate.

These provisions reflect an understanding that environmental impacts within the Basin arise from the interaction of multiple factors, including:

• Transportation infrastructure.

• Recreation access.

• Land use patterns.

• Visitor behavior.

The development of the East Shore corridor intersects with each of these domains.

It influences how individuals access the shoreline, how they move within the corridor, and how the corridor performs under both routine and peak conditions.

Where development affects multiple interrelated systems, the scale of evaluation may correspond to the scale at which those systems operate.

In this context, the absence of a comprehensive, system-level environmental review presents a question not only of federal environmental review, but of regional planning consistency under the Compact.

X. Public Safety and Evacuation Considerations

Among the most consequential aspects of corridor development is its relationship to public safety, particularly in the context of emergency evacuation.

The East Shore corridor is characterized by:

• Limited on the record roadway capacity.

• On the record constrained geometry.

• On the record restricted and non-redundant evacuation routes.

At the same time, infrastructure improvements have contributed to increased visitation and sustained levels of use within the corridor.

Projects such as parking expansion, trail development, and transit integration are intended to improve access and reduce localized congestion. However, they also contribute to an increase in the number of individuals present within the corridor at any given time.

NDOT administrative record objection letters have provided a useful definition of a comprehensive wildfire evacuation analysis: a roadway evacuation capacity timing analysis using best available data and technology to determine how long it would take to evacuate residents and visitors under no-notice wildfire scenarios and 95th-percentile red flag weather conditions. This definition is useful because it focuses the issue on measurable system performance rather than the mere existence of evacuation plans.

The **Spooner project** illustrates the complexity of these interactions. By integrating a transit hub, parking facility, and inspection station at a critical junction, it addresses specific operational needs while also influencing circulation patterns within a constrained segment of the corridor.

As a current and highly relevant example of this system-level interaction the proposed **Spooner Summit (US 50/SR 28) interchange** remains under active consideration. As reflected in technical review materials and agency correspondence, the roundabout design is highly controversial due to its potential effect on reduced wildfire evacuation performance. These concerns are especially critical because the East Shore Corridor has limited redundant egress routes. Any reduction in throughput at key chokepoints

such as Spooner Summit directly affects corridor-wide evacuation times for both residents and visitors under no-notice wildfire scenarios.

Specifically, available analysis indicates that conventional roundabout configurations are incompatible with contraflow operations and may reduce evacuation throughput relative to existing conditions, including the potential reduction of available egress capacity by approximately one-third under emergency scenarios.

Because Spooner Summit functions as a principal control point within the broader East Shore evacuation network, changes affecting throughput at that location may influence corridor-wide evacuation performance beyond the immediate project footprint.

Under simultaneous evacuation demand, intersection designs that rely on circulating flow and yield control may experience saturation effects that limit throughput and create corridor-wide bottlenecks, particularly where no-notice evacuation conditions require maximum outbound capacity.

These concerns arise not from routine traffic operations but arise primarily under simultaneous no-notice evacuation conditions where intersection control becomes a primary determinant of corridor-wide flow. Under such conditions, intersection designs that rely on yielding and circulating flow may experience saturation effects that limit throughput and create system-wide bottlenecks.

The consideration of such design alternatives within a constrained evacuation corridor further illustrates that system performance is influenced not only by roadway segments, but by critical control points whose operation may define overall evacuation capacity.

From a system perspective, the interaction between:

• Increased access.

• Increased use.

• Constrained evacuation capacity.

This becomes central to understanding corridor performance.

Project-level analyses may address localized safety considerations. However, system-wide performance, particularly under emergency conditions, is determined by the interaction of all components operating together.

In circumstances where safety outcomes depend on system behavior rather than isolated components, evaluation at a corresponding scale may be necessary to fully understand those conditions.

XI. Synthesis of Observations

Taken together, the record presents a consistent and coherent progression:

• Initial identification of transportation and access challenges.

• Development of corridor-level planning frameworks.

• Implementation through project-level environmental review.

• Incremental expansion of infrastructure and access.

• Increasing system integration and interdependence.

• Continued development and future planning.

At each stage, decisions are made within a defined scope. At the same time, those decisions contribute to outcomes that extend beyond that scope.

The resulting corridor is not merely the sum of individual projects. It functions as a critical integrated system in which infrastructure, access, and user behavior are interdependent.

The central observation that emerges is straightforward:

The East Shore corridor now operates as a unified system, while environmental review has largely been conducted at the level of segmented and often tiered individual components.

This observation does not resolve questions of adequacy or compliance. It does, however, identify a divergence between the scale at which the corridor functions and the scale at which it has been evaluated.

Where such a divergence exists, the relationship between system behavior and the scope of environmental review becomes a relevant consideration.

Where new information materially alters the scale and intensity of system use, the relationship between prior analysis and current conditions becomes central to understanding whether the full scope of environmental impacts has been evaluated.

XII. Convergence of Planning, Implementation, and System Function

The TRPA, NDOT and TTDD record reflects a progression that is both incremental and cumulative.

What began as a series of identified transportation and access challenges has, over time, developed into a coordinated system of infrastructure, mobility planning, and visitor access along the Nevada East Shore corridor.

This progression did not result from a single defining action. It emerged through the interaction of multiple planning efforts, environmental analyses, and project-level approvals, each addressing a portion of the corridor and each contributing incrementally to its present configuration.

At earlier stages, the distinction between individual projects and system-wide effects may have been less pronounced. As implementation has continued, that distinction has become increasingly difficult to maintain.

The corridor now functions in a manner that reflects:

• Continuous physical connectivity across multiple project segments.
• Operational integration between parking, trail, and transit components.
• Shared dependence on constrained roadway infrastructure.
• Common reliance on sustained and high levels of visitation.

These characteristics are reflected in the agencies' own descriptions of corridor conditions, project purposes, and system objectives.

In this context, the relevant consideration is no longer limited to whether individual projects have been evaluated, but whether the environmental consequences of the system formed by those projects have been evaluated at a corresponding scale.

XIII. The Relationship Between Analysis and Impact

Environmental review is fundamentally an exercise in scale.

A project-level analysis may be sufficient where impacts are limited in scope and largely independent. As the scale of action expands—through geographic reach, functional

interdependence, or cumulative effect, the scale of analysis may correspondingly require adjustment.

The East Shore corridor reflects a condition in which the scale of action has evolved over time.

What was initially evaluated as a discrete project has become part of a continuous corridor system. What were once segmented projects and plans now function as interrelated components of a broader network. Impacts that may have been localized at earlier stages now operate at a system-wide level through interaction and repetition.

The question remains as to whether those segmented project and plan analyses continue to reflect present conditions.

Where the scope of effects changes over time, the relationship between prior analysis and current system behavior becomes a relevant consideration in assessing whether the full range of environmental consequences has been evaluated.

This is consistent with the principle that agencies may not use tiering or segmentation to avoid evaluating the full scope of a connected corridor system whose components lack independent utility and produce significant cumulative effects on shared resources such as transportation capacity and public safety.

In practical terms, the scale of present-day corridor function may now exceed the scale of the analyses upon which continuing implementation has relied.

XIV. Cumulative Effects as a Function of System Behavior

Cumulative impacts are often described as the aggregation of individual effects. In practice, they are more accurately understood as a function of system behavior.

Within the East Shore corridor, individual projects influence one another in ways that extend beyond their immediate boundaries.

Increased parking capacity supports greater visitation. Expanded trail infrastructure distributes visitation across a broader geographic area. Transit improvements facilitate movement within the corridor while also supporting increased overall use.

These interactions create conditions that are not attributable to any single project, but rather to the system as a whole.

In such circumstances, evaluation of cumulative impacts becomes inseparable from evaluation of system behavior.

The record reflects a system designed to improve access, increase mobility, and accommodate sustained levels of visitation, operating within a physically constrained and environmentally sensitive setting.

Where these conditions intersect, cumulative effects arise as a product of how the system functions, rather than as isolated outcomes of individual actions.

XV. Public Safety, Capacity, and System Limits

System behavior is most clearly revealed under conditions of stress, including peak demand and emergency scenarios.

The East Shore corridor is characterized by limited evacuation routes, constrained roadway geometry, and minimal redundancy in egress options.

At the same time, infrastructure improvements have contributed to sustained increases in visitation and use.

This combination—constrained capacity and increasing demand—creates conditions in which system performance becomes central to public safety.

Project-level analyses may address localized safety issues. However, the performance of the corridor under system-wide conditions, particularly during emergency evacuation, is determined by the interaction of all components operating together.

Where safety outcomes depend on system-wide performance, evaluation at a comparable scale may be necessary to fully understand those conditions.

XVI. Regional Planning Obligations Under the Tahoe Compact

The Tahoe Regional Planning Compact provides a regional framework for evaluating these conditions.

The Compact establishes a mandate to maintain equilibrium between environmental resources and human use within the Basin. This mandate is implemented through environmental thresholds and coordinated planning requirements that recognize the interconnected nature of development and infrastructure.

The East Shore corridor intersects multiple planning domains:

• Transportation infrastructure.

• Recreation access.

• Visitor management.

• Land use intensity.

These domains are interdependent. Changes in one influence conditions in others.

Article VII of the Compact is independently important because it is not limited to ordinary project review. It requires an interdisciplinary approach, consideration of alternatives, mitigation, irreversible and irretrievable commitments of resources, and growth-inducing impacts before TRPA approves or carries out a project with significant environmental effect. This supports the need for a corridor-level EIS where individual actions collectively function as one integrated transportation and recreation system.

The TRPA Code of Ordinances provides for preparation of Environmental Impact Statements where project effects may be significant, including consideration of cumulative and system-level impacts.

The Code further provides that the determination of whether an EIS is required is based on evaluation of potential significant effects, including cumulative impacts and effects on environmental thresholds.

Where infrastructure development contributes to changes in use patterns, and where those changes affect environmental thresholds or system performance, the scale of evaluation may correspond to the scale of impact.

The record presented here reflects a circumstance in which this relationship warrants consideration.

XVII. The Role of Continuing Review

Environmental review is not static. It is an ongoing process that responds to new information and evolving conditions.

The development of the East Shore corridor has occurred over more than a decade, during which conditions have changed in ways that are both measurable and material:

- Increased visitation.
- Expanded infrastructure.
- Deeper system integration.
- Evolving planning objectives.

As these conditions change, the relationship between prior analysis and current system behavior becomes increasingly important.

Where new information presents a materially different picture of impacts, the adequacy of earlier analysis may warrant reassessment.

This principle reflects the continuing nature of environmental review and its relationship to real-world conditions.

XVII-A. Ongoing Implementation and Irreversible Commitment of Resources

The record reflects that development of the East Shore corridor is ongoing. Additional segments, including the proposed extension between Sand Harbor State Park and Thunderbird Lodge, are currently under consideration and advancement. This reflects the practical importance of aligning future decisions with a full understanding of how the corridor operates as a whole.

Additional active projects in 2026, such as the North Parking expansion, Chimney Beach facilities, and Spooner Transit Hub, demonstrate the continued incremental advancement of the integrated corridor system.

This phase represents more than a continuation of prior segments. It reflects the extension of an already integrated system into areas that remain among the most physically constrained and environmentally sensitive within the corridor.

As with earlier phases, proposed actions are framed in terms of localized benefits, including improved access, enhanced recreation opportunities, and incremental safety improvements. At the same time, these actions would further expand the operational footprint of the corridor system, increasing connectivity, access, and anticipated use.

In this context, the timing of additional implementation becomes a relevant consideration.

Where a system has developed incrementally, and where cumulative effects have not been evaluated at a system-wide scale, continued project-level approvals may result in further commitment of physical, financial, and environmental resources before the full scope of impacts is understood.

Once infrastructure is constructed and patterns of use are established, the practical ability to revisit underlying assumptions, consider alternatives, or avoid system-level impacts may be reduced.

This dynamic is particularly relevant where phased implementation progressively establishes operational conditions that later environmental review may treat as existing baseline realities rather than avoidable consequences of earlier decisions.

The East Shore corridor presents circumstances in which this relationship is particularly relevant:

• The system is already operating at a high level of use.
• The physical environment is constrained.
• System components are interdependent.
• Continued expansion is planned and foreseeable.

Under these conditions, additional segments—particularly those extending access into less-developed areas—may influence system performance in ways that are not readily reversible.

This observation does not prescribe a specific outcome. It reflects the relationship between the timing of implementation and the timing of comprehensive evaluation.

This ongoing implementation is further supported by long-term planning frameworks, capital investment strategies, and phased project delivery mechanisms that collectively reinforce the continuation and expansion of the corridor system.

Where evaluation follows implementation, the range of alternatives may be narrowed, and the ability to fully assess cumulative consequences correspondingly limited.

Where connected actions have progressed incrementally, the adequacy of prior review is measured by whether their combined effects have been meaningfully evaluated before further commitments are made.

Additional Sand Harbor to Thunderbird Segment Focus

The proposed extension of the East Shore Trail between Sand Harbor State Park and the Thunderbird Lodge area represents a continuation of the corridor system into one of its most constrained and environmentally sensitive segments.

This portion of the corridor is defined by limited roadway geometry, direct shoreline adjacency, and high seasonal visitation.

The proposed segment would connect existing infrastructure, creating a more continuous shoreline route and further integrating parking, trail access, and transit-supported movement.

As with earlier phases, the project is described in terms of localized benefits. At the same time, its function within the broader corridor is evident.

By extending continuity of the system, the segment would:

• Increase connectivity
• Facilitate additional access
• Influence patterns of use across adjacent segments

In practical terms, it would function as part of the existing system rather than as an independent facility.

In this setting, the relationship between additional construction and comprehensive evaluation becomes particularly relevant.

The corridor is already operating as an integrated system under sustained demand. The proposed extension would further embed that system within a constrained environment.

Where additional segments are advanced prior to a system-level evaluation of cumulative conditions, including capacity, environmental interaction, and performance under peak or emergency scenarios, the resulting conditions may be shaped in ways that are not readily revisited.

This reflects the practical importance of aligning future decisions with a full understanding of how the corridor operates as a whole.

XVIII. Concluding Observations

This document has presented a chronological account of the development of the East Shore corridor based on publicly available materials. The record reflects:

• A coordinated, multi-agency effort to improve transportation and recreation access

• Incremental implementation through a sequence of projects

• The emergence of a functionally integrated and regionally significant system

• The absence of a single, comprehensive environmental review evaluating the cumulative effects of that system

These observations are derived from the record.

With multiple projects scheduled for construction in 2026, a comprehensive system-level review prior to further commitments would be timely and prudent. Such a review would ensure that cumulative environmental, transportation system, and public safety impacts — particularly wildfire evacuation capacity — are thoroughly evaluated in accordance with NEPA and the Tahoe Regional Planning Compact, thereby supporting informed agency decision-making that protects the long-term integrity of NDOT-managed infrastructure, Nevada State Parks resources, and public safety for residents and visitors along the East Shore corridor.

At the same time, they give rise to a central and practical question: Whether the environmental review conducted to date reflects the full scale, interdependence, and cumulative impact of the East Shore corridor as a unified system.

Where such a question arises, established principles of environmental review suggest that further evaluation at a corresponding scale may be appropriate.

This consideration is particularly consequential where remaining segments will define how the corridor functions within its most constrained and environmentally sensitive areas.

The purpose of this document is to present the information necessary for that question to be considered in a clear, structured, and informed manner.

NEPA’s cumulative impacts analysis requires agencies to evaluate the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes them. This obligation is particularly relevant where multiple segmented projects along the same corridor

collectively increase visitation, traffic loading, and demands on public safety infrastructure.

The Compact also requires that the EIS process include consultation with agencies having jurisdiction or special expertise and that agency comments accompany the project through review. In the East Shore context, this requirement underscores the need for a coordinated TRPA/NEPA process rather than continued reliance on isolated project-level reviews.

Where connected actions have progressed incrementally, the adequacy of environmental review turns on whether their combined effects have been evaluated in their totality rather than in isolation.

Where the practical effect of sequential approvals is to define system-wide conditions prior to comprehensive evaluation, the timing of that review may determine whether the full range of environmental consequences has been meaningfully assessed.

Established NEPA jurisprudence supports evaluating the full scope of system-level effects where incremental actions have produced an integrated corridor whose combined impacts extend beyond any single project boundary. Courts applying the “hard look” standard have required agencies to consider whether prior segmented analyses continue to reflect current conditions and reasonably foreseeable future actions, particularly where new information or changed circumstances materially alter the environmental baseline.

Ninth Circuit precedent confirms that where multiple agencies advance geographically connected and functionally interdependent components of a linear corridor over time,

the resulting system-level impacts must be evaluated comprehensively rather than through continued segmentation (*Native Ecosystems Council v. Dombeck*, 304 F.3d 886 (9th Cir. 2002).

This issue becomes increasingly significant where continuing implementation proceeds in reliance upon environmental analyses prepared under materially different corridor conditions.

This principle is particularly applicable where, as here, multiple agencies have advanced interdependent components of a single corridor system over many years through segmented approvals.

A corridor-wide joint TRPA/NEPA EIS would provide the comprehensive, system-level analysis required to evaluate the East Shore corridor as it now operates and as it is proposed to expand.

The Tahoe Regional Planning Compact (Article VII) and NEPA both require that environmental review correspond to the actual scale and interdependence of the proposed actions. Where segmented reviews have produced an integrated corridor system without a corresponding system-level analysis, a joint TRPA/NEPA corridor-wide EIS is the appropriate mechanism to fulfill these obligations and protect public safety, environmental thresholds, and the long-term equilibrium mandated by the Compact.

Respectfully Submitted,

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