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Declaration of Tiffany Good

I, Tiffany Good, declare as follows:

1. The following is a response to the affidavit of Kevin Agan dated March 30, 2026, in support of the request for reconsideration of the TRPA Governing Board's denial of the Appeal on the Moody transfer and pier project, TRPA File Number ERSP2023-1834; Appeal File Number ADMIN2025-0016.

2. I was employed by TRPA during the period relevant to this declaration, and in that capacity, I regularly processed planning applications and interacted with applicants and members of the public regarding development and permitting matters. Although I handled many such matters during that time, I have a general recollection of the events described below. This declaration is based on my present recollection and, where helpful, on review of records maintained by TRPA. To the best of my knowledge and recollection, the following statements are true and correct.

3. I worked in the following positions for TRPA:

Associate Planner - Permitting and Compliance 2015

Associate Planner - Long Range Planning early 2016 through August 2016

Senior Planner - Permitting and Compliance August 2016 through July 2019

Principal Planner - July 2019 through March 2026

In my role as senior planner, I primarily worked on shoreline projects and participated in the development of the shoreline plan. I was then in charge of implementing the adopted shoreline plan and that led to my role as principal planner.

4. Mr. Agan provided a timeline in his affidavit, and the following paragraphs respond to each event.

5. On or about September 20, 2021, Mr. Agan states that he had a conversation with me regarding "an appropriate TRPA entitlement transfer application to officially confirm eligibility and subsequently apply for a conversion and permit for a new pier structure." This is not an accurate reflection of discussions that took place in 2021 as I recall them. The removal and banking of the boat ramp on the Tahoe Cove Marina HOA property had been acknowledged in June of 2021. When I processed that application for the boat ramp banking project, Mr. Agan did not tell me (or anyone else on TRPA staff that I am aware of) that there was a planned pier project on the Moody property that was somehow related to the boat ramp banking. I do not recall ever being aware of any contract between the HOA and Mr. Moody. I do not recall that Mr. Agan approached me in September of 2021 to "confirm eligibility" because he wanted to apply for a transfer of the banked boat ramp as a pier to the Moody parcel where

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he wished to bank the pier. I had already explained to Mr. Agan that a pier could not be transferred and banked, and the transfer application must be accompanied by a pier application on the receiving parcel.

6. Mr. Agan asserts that the transfer application was "accepted" by TRPA on September 30, 2021. This is not an accurate description. I told Mr. Agan that he could not make an application to transfer and bank a pier. There was not an application form at TRPA for transferring and banking a pier, but my recollection is that Mr. Agan was able to convince a planner on duty to accept an application, and because there is existing form, the application was labeled "SSTR." TRPA did not "accept" applications as they were submitted. Rather, it *received* the application and assigned it a number. I responded on December 13, 2021 with an email reminding Mr. Agan that we had discussed this issue, and a transfer and banking process was not available. At that time, I reminded Mr. Agan that an application for a pier project on a receiving parcel was required, and I found the "SSTR" application to be incomplete.

7. Mr. Agan responded with a message on December 20, 2021, where he argued that I should process the application "consistent with other TRPA transfer processes." While there are commodities, such as coverage and residential units of use, that can be transferred and banked, I had explained that the 2018 Shoreline Plan did not provide such a transfer and banking process for piers.

8. Mr. Agan states that TRPA "provided" a "plan of action" and then changed the plan. I do not recall ever providing a "plan of action" to Mr. Agan other than letting him know that an application for the pier project was required for a transfer. In the early stages of implementing the 2018 Shoreline Plan, some provisions of the Code evolved somewhat, but there was never any variation in the way TRPA staff viewed the question of whether a pier could be transferred and banked without a proposed project on the receiving parcel. It was not allowed, and to my knowledge was never allowed. This interpretation never wavered, and I would not have led Mr. Agan to believe that he could apply to transfer and bank a pier. Mr. Agan claims that such a transfer had been allowed for "decades" based on his experience. The 2018 Shoreline Plan was less than 3 years old, and I do not recall any time that it was ever interpreted to allow for the transfer and banking of piers.

9. On May 24, 2023, Mr. Agan provided photos to me and asked that I identify the acceptable location from which to prepare a scenic analysis for a property located at 181 Yellowjacket Road. While at TRPA I received similar messages several times per week. Potential applicants and/or their consultants request that a photo be selected for future scenic analysis. These requests often came in well before an application was submitted, and the selection of a photograph did not constitute any type of application review, and the only thing it "approved" was the use of a scenic vantage point in the event that an application was ever submitted for a particular site.

10. The remaining timeline in Mr. Agan's affidavit relates to the application that was finally submitted for a pier project on the Moody parcel, and the denial by TRPA staff, and Brandy McMahon handled the processing of the application.

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11. Mr. Agan states that he "consistently relied on the guidance and representations provided by Ms. Good and related agency staff." Based on my review of the affidavit and the request for reconsideration, this is not true. During the processing of the permit for removal of the boat ramp, I was not told that there was an overarching plan to transfer the pier to the Moody property, and I explained that any transfer of the pier would require an application on the receiving parcel. Often when a boat ramp is banked, the applicant has a buyer for the pier right, but I was unaware of any contract or specific plans for the pier.

12. After the boat ramp was banked, Mr. Agan began to ask that TRPA staff interpret the Shoreline Plan to allow him to transfer the pier and bank it. I recall spending significant time going over the Code with him, reviewing the pier conversion provisions. Mr. Agan was frustrated that he could not accomplish what he wished to accomplish, but I do not recall that TRPA staff gave him any reason to believe that it was possible under the Code.

13. The request for reconsideration states that "[i]t was made clear that this permit would likely be accepted particularly due to the fact that it was coupled with a remediation effort." Between the time the boat ramp banking permit was issued until the application was submitted for the pier on the Moody parcel, I do not recall it being communicated to me that there was a "remediation effort" that include application for a pier on the Moody parcel. I do not recall being aware of a contract between Moody and the HOA.

14. The request for reconsideration also states as follows: "If TRPA staff followed their established protocol, they could have made an eligibility determination early on in this sequence, as they do for other entitlements, and Applicant would not have been pressured to purchase the boatramp/pier entitlement from Lakeside Cove Resort based upon TRPA staff's inconsistency." There are several inaccuracies in this statement. While I was working for TRPA, the "established protocol" is that TRPA staff does *not* review eligibility until an application, or a pre-application has been formally submitted. There was no application for a pier on the Moody parcel until December of 2023. I am not aware of how or why Mr. Mood would have been "pressured to purchase the boatramp/pier entitlement."

15. TRPA staff does not advise on private agreements. In all my time at TRPA I understood this to be the case, and in this case, I do not recall even being aware there was a private agreement.

16. Mr. Agan closes his affidavit with several statements. One is as follows: "Based on my 30 plus years of experience working with this agency, TRPA staff directly led us to believe that this project was not only feasible but a direct benefit and a win-win for the Tahoe shoreline." I do not recall that Mr. Agan told me, or anyone else I am aware of, that there was a "win-win" proposal that included removal of the boat ramp and an associated pier project on the Moody parcel. The banking permit (ERSP2020-1413) was, as far as I understood it, a standalone project, and the permit includes the following statement: "The permittee understands that this permit is not a conceptual approval of any future projects." I was unaware that there was a specific plan for the banked pier right.

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17. The next statement by Mr. Agan speaks to his disappointment that the eligibility determination "should have been a part of the initial inquiry into the ability for the Moody Property to receive their entitlement, conversion and ultimately their pier." In 2021 and 2022 Mr. Agan persisted in requests to be allowed to transfer and bank the pier on the Moody parcel without submitting a pier application and going through a review for eligibility. There was no review of eligibility for a pier on the Moody parcel because Mr. Agan and/or Mr. Moody refused to submit an application or a pre-application. With Mr. Agan's 30 years of experience, I feel confident that he knows that a project is not reviewed for eligibility until an application is submitted.

18. Mr. Agan's final statement reads as follows: "It is irresponsible and unconscionable that the TRPA would allow an applicant to invest so much time, incur such great costs and ultimately deny the application due to ambiguities and gaps in the TRPA Code, especially when there is an established process that can filter and screen regulatory obstacles at the outset." The application was not denied "due to ambiguities and gaps in the TRPA Code." Mr. Agan expressed his frustration and disagreement with staff for two years, arguing that they should allow the transfer and banking. The Code was not ambiguous, and my impression was that Mr. Agan simply did not want to be prevented from accomplishing what he wished to accomplish. If a pier application had been submitted after the boat ramp banking permit was acknowledged, then the lack of eligibility would have been known in late 2021 or early 2022.

Date: April 15, 2026

Signed by:
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Tiffany Good