

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

October 11, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry called the meeting to order at 9:34 a.m.

Members present: Mr. Alling, Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew (arr. 9:38 a.m.), Mr. Ferry, Ms. Ferris (zoom), Ms. Wydra (for Ms. Jacobsen, zoom), Ms. Moroles-O'Neil, Mr. Hitchcock (for Ms. Roverud), Ms. Stahler, Mr. Stephen (zoom), Mr. Teshara

Members absent: Mr. Hill, Mr. Letton, Ms. Simon, Mr. Smokey, Mr. Young

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Drake moved approval of the September 13, 2023 meeting minutes.
Ms. Chandler seconded the motion

Motion passed.

V. PUBLIC HEARINGS

[Agenda Item No. V.A. Threshold-Standards-Update](#)

TRPA Chief Science & Policy Advisor, Mr. Dan Segan presented the item.

Mr. Dan Segan, TRPA Chief Science and Policy Advisor, presented the item. He reminded the commissioners that the Bi-State Compact established the notion of threshold standards as environmental standards that serve as the guiding goals for TRPA. Everything that the agency

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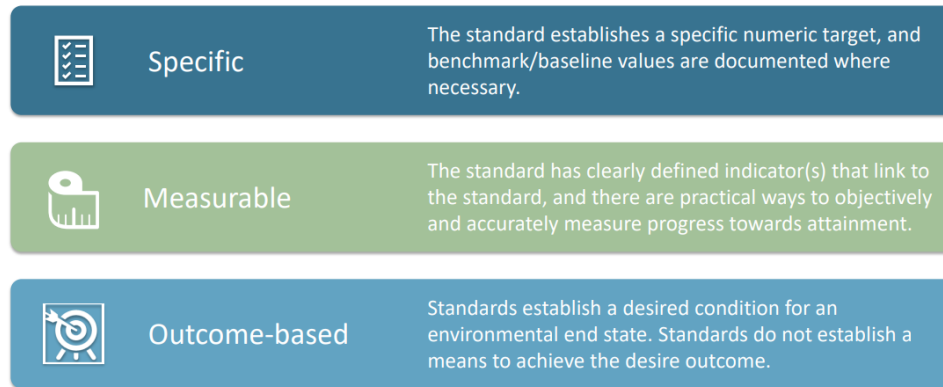
and the Environmental Improvement Program (EIP) partnership does is intended to attain and maintain these threshold standards. The vast majority of the approximately 150 standards were adopted over forty years ago, and the need to update them has been long recognized.

Mr. Segan said that people often ask how the standards are attained and maintained. Referring to slide 3, he explained that the Regional Plan establishes controls on development, and guiderails to prevent degradation and encourage attainment, and the Environmental Improvement Program provides for active restoration by the 80-100 EIP partners in the region.

Mr. Segan referred to slide 4 to provide background on where the proposals being presented today came from. First and foremost, the top box shows the TRPA groups, Governing Board, Advisory Planning Commission (APC), and the Threshold Update Initiative Stakeholders Working Group (TUISWG), that have a formal role in recommending approval or modification of changes to the threshold standards. Four years ago, the TRPA Governing Board asked the APC to establish TUISWG, a group of seven members that oversees and vets the entire process. The proposals themselves come from various EIP Working Groups that include subject matter experts. The three topics being discussed today came through the Tahoe Watershed Improvement Group (Stream Environment Zone standards), the Tahoe yellow cress Adaptive Management Working Group (Tahoe yellow cress standards), and the Aquatic Invasive Species Coordinating Committee (Aquatic Invasive Species standards). Each of those working groups are subgroups to the Tahoe Interagency Executive Steering Committee (TIE SC). Finally, the Tahoe Science Advisory Council (TSAC), not only serves on TUISWG, but also provides guidance throughout the process to ensure that everything we do aligns with, and incorporates, the best science.

Slide 5 illustrates an early phase of the threshold update process, where they worked with the Tahoe Science Advisory Council (TSAC) to develop a more holistic framework. During the initial review, the Science Council said the standards were a mix of things we should be doing, things we don't want people to be doing, and end-state goals. The Council advised that the threshold standards should be formally defined as end-state goals, which is basically what the Compact initially suggested. Mr. Segan explained that Compact defined threshold standards, and stated that a Regional Plan was needed to attain and maintain them, but the standards themselves were adopted prior to the Regional Plan. So many of the original standards contained guidance to the Governing Board and the APC about what they wanted to see in the Regional Plan itself. They never went back to create a more sensible framework to justify threshold standards as these end-state goals. One of the first actions of the threshold update process was to formally adopt this framework within the Regional Plan, and to say that in the future, all standards will be end-state goals.

Referring to slide 6, Mr. Segan said they had also agreed that all the threshold standards had to at least meet the three criteria of being specific, measurable, and outcome based.



Moving to slide 8, Mr. Segan said that the first category they looked at was Aquatic Invasive Species (AIS), where there are currently 7 standards. He said that 6 of those standards relate to the control of AIS, while the first relates to prevention. These efforts are focused on the control side of the program, since the one prevention standard (no new invasive species in the lake was deemed specific and measurable), while the control standards do not formally define a baseline or a way to measure those goals.

Mr. Segan said they had also looked at how the existing performance measures relate to the existing threshold standards, and there are two different sets of performance measures (inputs and outputs). Inputs are the actions they take, and outputs are the immediately quantifiable outcomes of those actions. Part of this process was aimed to ensure that everything we are tracking and reporting ultimately relates back to those long-term goals and thresholds. Another thing that is important is ensuring that we don't 'reinvent the wheel' in this process. The partnerships discussions have been ongoing, so we need to leverage the existing work. So in regard to the AIS update, they immediately referred to the AIS Action Agenda, which lays out the program for the next 20 years, and agreed to pull the standards and goals from there.

Mr. Segan reminded that the AIS Action Agenda prioritizes control work on aquatic invasive plants, because the methodologies are readily available. Ultimately they recommended two separate goals to be adopted as threshold standards. The first is that all known infestations of aquatic invasive plants in Lake Tahoe and associated tributaries and wetlands, are in the surveillance category. The surveillance category is defined as a site where two divers can pull every plant within a ten-hour work period. Mr. Segan said they avoid using the term eradication because it is extremely difficult to eradicate an infestation, they almost always require surveillance work. He added that there are separate standards inside the Tahoe Keys and outside the Tahoe Keys. This is a proposal to adopt two new threshold standards, each of which would be evaluated independently. The 'all known sites in surveillance' threshold is directed outside the Keys. The '75% reduction in Tahoe Keys' is directed inside the Tahoe Keys.

They kept the Tahoe Keys separate from the rest of the lake in order to be consistent with the Action Agenda and the Tahoe Keys Control Methods Test. The 'all known sites in surveillance' category is obviously a higher standard than the '75% reduction in Tahoe Keys'. Ms. Susan Chandler said that the Control Methods Test has now completed two years. In the first year, in areas where herbicides were used, they were able to eradicate 90% of the weeds, and it was species-specific, so the 10% left were native species. She thinks the proposed threshold is

setting low expectations of what they will be able to do as far as eradicating species in the Keys by 2045, and that is sending a bad message to Keys homeowners who are spending a lot of money trying to do this properly. She said if word gets out about that, they will have a hard time getting membership in the Keys to vote to fund the third year of the Control Methods Test, because they will think this is just going to go on for the next 25 years.

Ms. Kim Caringer, TRPA Deputy Director and Chief Partnerships Officer, said she had been involved in the Tahoe Keys Control Methods Test Project for a few years. She explained that for the current Control Methods Test, the goal is to reduce the weed population to 75% and be able to maintain at that level. In the first year, the goal was to achieve a large knockback, and then see if that could be maintained over the next couple of years. The Keys is the largest infestation in the lake, so the goal was to bring all the satellite populations in the lake proper back into surveillance.

Ms. Jennifer Carr said that to her surveillance implies just looking at something, but clearly there is an active component here. She's not sure that the title of the proposed threshold fully espouses what that activity is. Mr. Segan said they had worked through that threshold more than most in terms of the semantics and what they call it. They originally called it eradication but thought that was misleading. He said that surveillance is the term used within the management framework. He said that divers visit each known infestation site each year. If weeds are noticed during that surveillance visit, they will actively remove them. The site stays in the surveillance category if the divers can remove all the plants in that monitoring visit. If they cannot, it moves out of that category, and back into an active treatment category. Mr. Segan said if there is a better way to capture that without the caveats and associated definitions they would be open to that suggestion.

Ms. Carr asked if there was a need for another threshold that sets a goal for the sites that have fallen out of surveillance, or haven't made it to surveillance. Where do they go if they've fallen out of surveillance and are not the Tahoe Keys? Who's tracking it and what metrics are being used. Mr. Segan said that in that instance the proposed threshold would be out of attainment. Right now that proposed threshold would be out of attainment because there are active infestations outside of the Tahoe Keys.

Ms. Carr asked what the interim goals are for getting to the vision for this threshold. Ms. Kim Caringer said that interim goals are laid out in the AIS action agenda. The action plan includes how much they want to increase as far as funding, and acres treated. Currently, there are sites in the surveillance category, and the goal is to have all sites in the surveillance. She added that they want active management with divers checking frequently, because the earlier they are detected, the earlier they can respond.

Mr. Segan said the other thing that came through this process is a revised version of the EIP performance measures used to track progress. One suggestion from project implementers was that they don't just focus on acres treated, because that doesn't describe the amount of work. The denser the infestation the more work it requires, but also the greater benefit of that work. So the old performance measures gave credit for doing light work over really large areas, as opposed to tackling the really hard stuff. So as we think about setting interim goals and how we track progress towards those interim goals, we're adding a second performance measure for the abundance reduced annually.

Mr. Alling asked if there was a specific time limit that sites would remain in the surveillance category. He sees potential for rampant growth of work effort to survey all the sites. Ms. Caringer said that as long there are plants in the lake they will conduct a lake wide surveillance every 3 to 5 years. She would assume that if they exceeded their goals and had very limited populations in one area of the lake they would use that to inform surveillance priorities.

Referring to slide 14, Mr. Ferry said the first proposed threshold standards says 'all known sites'. He asked what about unknown sites, which would be captured in that surveillance. Is that captured by the one prevention standard that says no new AIS, because it's not really a new AIS it's just a new site. Mr. Segan said they had talked about wording it as the entire main lake in the surveillance category. He said that technically, once any survey finds an infestation, it becomes a known site. Part of the discussion the team had was that they couldn't evaluate the standard objectively if it included unknown sites. If there was an infestation that they did not know about then they could not control it. The idea of the monitoring and surveillance program is to prevent that from happening, which is why they included 'acres surveyed' as one of the performance metrics, because that reflects the overall effort in getting to know the entire state of infestations around the lake. But in terms of implementation, it would include all sites known now, as well as any site identified going forward.

Ms. Moroles-O'Neil asked if the 3-5 year monitoring also looks at sites where there has not been a known infestation. How do you keep track of the unknown sites? Mr. Segan explained that the 3-5 year monitoring program includes 70 transects, the vast majority of which do not have aquatic invasive plants today. Obviously, 70 transects around the lake is not a huge amount, and that's why the monitoring program is augmented with the use of remote sensing, basically aerial pictures of the lake, used to identify areas we should visit. Ms. Caringer added that there are also citizen science programs such as the League to save Lake Tahoe's 'Eyes on the Lake' program, that complement the 3-5 year lake wide survey.

Mr. Drew said that having reviewed the report, he's a little confused. He said he doesn't see the proposed AIS threshold standards in the draft, align with what is being presented here. He said there are three proposed in the memo, and there's nothing about 'all known sites' in the surveillance category. There's also a bit of a disconnect between the proposed AIS thresholds and then the narrative that follows it in the memo. He asked if that was just an error in the memo, is the content being presented going to be the threshold standards? Mr. Segan said that the memo (page 27 of the packet) Mr. Drew refers to details three proposed AIS standards. The first is the one they're not touching, which is to prevent the introduction of new AIS. The second one is no active aquatic invasive species infestations in the lake. The definition of 'active' is that they are in the surveillance category. Mr. Segan apologized for representing it differently on the slide with the additional detail. It should say no active infestations in the lake. The final one, number 3, is the 75% reduction in abundance within the Tahoe Keys.

Mr. Ferry said the memo talks about how these standards are only focused on plants, and it seems to him that they're doing a disservice to have nothing on anything but plants. If it's just because there are no eradication or treatment methods, do we need a standard that says develop eradication methods for Asian Clams, for example? Ms. Caringer said that back in 2015, the science council developed an implementation plan to inform how they prioritize control. The plan went through all the different species, and where to implement resources to get the best

bang for your buck on gaining control. For the two plant species here now, there is still the opportunity to achieve those goals. For the other species it is less likely. That doesn't mean they won't be addressed. They are in the AIS Action Agenda, and will be prioritized as they get funding, and get more control on the plants. In the 20-year timeframe they're looking at, plants will be the priority. Mr. John Marshall added that thresholds are just one place to put policies regarding AIS, policy direction can also be included in the Regional Plan, or in the Code. Mr. Ferry said the thresholds are a preferred place because they include a feedback metric with the evaluation every four years. Mr. John Hester said the topic of feedback and performance measurement also came up at the Governing Board retreat. He said that one of the concepts they've been talking about internally is that there should be annual reporting across all of the actions – thresholds, goals and policies, code provisions, EIP projects etc. He added that they can measure how well they're doing on the policy, just as easily as they can a threshold. The Governing Board has requested more measurement and more regular reporting.

Referring to the first proposed threshold standard, Mr. Drew said he thinks they need to consider how it is written. He knows it is a carryover from what was there previously, but to him 'prevent the introduction' is the active wording in the document. The threshold standard should be 'no new aquatic invasives'. Referring to the second proposed threshold standard, Mr. Drew said there is a lot in there. He wonders if they might want to break that out into two.

Ms. Carr agreed with Mr. Drew's comments on rewording, and added that the challenge that the first proposed threshold brings, is that we have now failed because we have the New Zealand Mud Snail. She asked at what point does that standard come back into attainment. What constitutes achievement when we have had a new AIS species come into play, and when does 'new' expire?

To Mr. Ferry's point regarding non-plant species, Mr. Carr said it may not be ripe for a threshold yet, but she does think they want to memorialize it somewhere, so they don't lose track of the importance of that. She said they could also potentially charge the Tahoe Science Advisory Council (TSAC) with helping with a threshold for the non-plant species, and perhaps seeing how it connects to other water quality issues. She said TSAC had talked a bit about how all of these thresholds are not single things. They need a better conceptual model as to how each is connected.

Ms. Stahler said she thinks AIS is a little bit misleading if it's just going to focus on plants. She would prefer the threshold to be specific and say aquatic invasive plants, because if one of the standards is no new introductions, it makes you think that includes non-plants as well. While she thinks that would be clearer, she would not promote that idea because she's more for the idea of including other invasive species. She said the Nevada Division of State Lands (NDSL) worked really closely with TRPA to implement bottom barriers in Sand Harbor for the treatment of Asian Clams, so she does think there are some treatment methods out there. They're currently monitoring the effectiveness of that treatment and it's showing to be pretty effective. She thinks it's important to include them as a threshold because it helps to show the continuity of projects, the funding, the effort, and how it all helps to contribute towards threshold attainment. Mr. Segan said one of the active conversations in the Threshold Update Initiative Stakeholder Working Group (TUISWG) is about what to do with things that they're working on, that are not ripe for specific and measurable target setting. They also agreed that the threshold standards should be potentially achievable, not just setting things that pie in the sky.

Mr. Segan agreed that other than the first prevention one, the thresholds for AIS are focused on plants. This is also something the AIS coordinating committee have wrestled with because the EIP performance measures that feed up to this, specifically include work for things like clams - acknowledge that they're still trying to do work on them and identify control measures that work, but are not quite ready to set a target that they could objectively evaluate, and that they think they can achieve. One suggestion from the science council was that they have an overall statement of intent to capture all the things they're trying to do, like reduce ALL invasive species within the lake, whether or not there is a viable control measure today. Part of that discussion is around where that should live within our system, as John Marshall mentioned earlier. Mr. Ferry said he thinks there should be some concrete place to point to things like, "we don't want the known invasive species to expand, we want to develop eradication methods to eliminate them". He thinks those things are incredibly important to the public, to the lake, and to all of us.

Ms. Chandler said she would like to see both number two and three of the proposed AIS threshold standards reworded. Number two reads like they've given up on the Tahoe Keys and she thinks that sends a very bad message. Number two should also have a timeline attached, and she thinks that they could have a threshold met sooner than 2045 - that's just too far in the future.

Mr. Drake said he thinks it's important to the ecological integrity of the lake that the threshold gets set as the future condition that we need to achieve, even if we know that we're not in compliance with, or in attainment of that. He thinks it's important that the public sees report cards and threshold evaluation reports coming out, showing that we're not there yet. He thinks it is important to signal to the public that it isn't just plants. He understands that there's been less work done in that area, and that it's a lower priority in the grand scheme of things. But thresholds are there to set the end state that we need to achieve. He said it's okay to set some thresholds that are ambitious but important, even if we're not completely clear on how we're getting there yet.

Mr. Alling said he completely agreed with Mr. Drake. He thinks it would be good to reword the proposed AIS threshold standard number two, to remove the word plant and replace it with species – so, no active aquatic and invasive species infestations in Lake Tahoe.

Mr. Marshall reminded the members to keep in mind how thresholds work. The original threshold included a threshold study report, that describes the intent to some extent, and why one number was chosen over another number. We all wish it was more descriptive than it is at times, but that background didn't get put into the thresholds because thresholds become regulatory language. And what you don't want to do is create an unachievable outcome that all of a sudden becomes something that you're obligated to obtain. That can then be used by a variety of interests to drive spending prioritization. He advised they be careful of the unintended consequences of setting a threshold that doesn't have the smart criteria behind it. Just keep in mind that 5 years after we adopt this language, how it might be implemented or utilized by a variety of different stakeholders. He added that is not a reason to not do something that is appropriate, but just to consider any unintended consequences, and what that might set the agency up for, when they are doing a regional plan amendments. Because every time we amend the code and the regional plan, we have to make findings that the code and regional plan attain and maintain thresholds. And if we don't have a program on Asian clams to say, here's how

we're going to attain and maintain thresholds, then our regional plan is unacceptable. We can explain it's just not achievable at the moment, but that has real consequences. Mr. Marshall said the members need to figure out how that works in their discussions about what our objectives should be, and where those objectives should live.

Mr. Teshara thanked Mr. Marshall for the clarification. However, he thinks the members who are commenting on this have raised an issue that will come up when they are on pilgrimages for funding, and somebody is going to ask, "do you have a plan for that part?". He thinks the recent discovery of New Zealand Mud Snails is going to highlight that. He asked if there is something between a threshold standard, and not having adequate answers for some of the questions that came up in this forum. Is there something in between that they could write up. Maybe it doesn't live in the thresholds, but it needs to live somewhere significant.

Mr. Hester said that he and Mr. Segan were recently chatting about what is a threshold, what is a goal in the regional plan, and referring back to the Governing Board request to know how those pieces work together and see it measured and reported on. So that's what they're working on – the need to capture it somewhere in that system. Ms. Caringer said she thinks it will help to show all of the interim goals that lead up to the thresholds. Currently a lot of them are in the AIS Action Agenda. She said in the next presentation they will show the interim goals and the overall picture.

Mr. Drew said that given the conversation they just had, he doesn't know how threshold standards one and two, as proposed, are practical. The reality of no new aquatic invasive species would be great, but we just had one happen, and it seems inevitable that it will happen again. So what are we trying to do with the standard? Because if the standard we want to achieve is no new aquatic invasive species, that's great. But if we know that we don't have total control of that. Given the size of the lake and the volume of water and the areas, it's likely there are active aquatic invasive plants somewhere in the lake. Unless we can scan the entirety of the lake on a regular basis, he doesn't know how we achieve threshold one or two. He personally would want that to be what we what they're aiming for but he's sure how they do that.

Mr. Marshall offered a water quality example. He said we have water quality standards that say, 'achieve clarity of a certain level by a certain date'. That drives a lot of programs and there's a lot that we don't have the ability to control. And so we have to react to that. Just because there are things out of our control, such as climate change, we don't necessarily throw our hands up at a threshold that is pretty ambitious. We may be in non-attainment, and that drives efforts to be focused on those areas. Mr. Marshall said he sees goal number one, which is an existing policy, as different than how they might want to frame a new goal. It may be that they want to take a serious look at some of those thresholds that present very challenging objectives, and consider whether the criteria is placed in the in the right location.

Mr. Alling said he thinks that's exactly the reason why all species need to be included, because this is going to be a difficult, challenging objective. It's going to take a long time. And leaving out the other species is not the correct way forward. Exactly how it's done can be determined, but he thinks it important they are included. He said he understands the concern about how other agencies or stakeholders may respond to something like that, because it is so difficult, and it may be used against us. But to maintain the ecological integrity of the lake it's important to have these other species included.

As chair of TUISWG, Ms. Carr suggested they convene a meeting to talk about this threshold and continue this discussion.

Mr. Segan responded that as Mr. Marshall had previously mentioned, in order to change the regional plan, they need to make findings that say it's sufficient to attain and maintain all thresholds. There is a number of non-native species in the lake; mysis shrimp, crayfish, kokanee, for example. If they include ALL species, it will mean they have to make findings that they have a reasonable plan to achieve that. He said the difference for the top two is that they actually do have plans to achieve them. And yes, the first one maybe didn't work, and maybe we need more outreach to non-motorized craft or anglers to beef up that program, and prevent an additional species. But that still is the goal. They have a plan in place and are looking to beef that up.

Mr. Segan said the same was true for number two, no active plant infestations. That is the plan laid out in the Action Agenda today. That Action Agenda is not fully funded, but if/when that's fully funded, the intent is to achieve that goal, and hopefully maintain it long term. To his mind, that separates the things we actually know and have a plan to do, from the things that we are still working on and still trying to figure out. We know what the end goal should be, but we're still trying to figure out the strategy to get to that end goal. Some of that is science, some of it is funding, some of it is other things, but we're still working that through. It's the intent that once we develop that, then it moves to this threshold category. The open question that Ms. Carr raised for TUISWG is, where do those things land, in advance of us being ready to establish that specific, measurable end target.

Mr. Segan added that we put out a threshold evaluation report every four years, and other agencies don't always look highly upon it, because it will often say, 'out of attainment again'. So his fear is that if we say something like 'no invasives in the lake', we just set ourselves up for report that comes back every 4 years with 'still invasives in the lake'. Part of the idea is to be as specific as possible to identify we're making progress, and separating out those individual goals to where we can say, "we've achieved our first goal, but we haven't achieved our second".

Mr. Teshara suggested that there seems to be direction from the commission that staff go back and work on some of the issues that have been raised. He added that Ms. Carr's suggestion for a TUISWG meeting seems appropriate. That would allow them to conclude this part of the discussion and move on to the next items.

Mr. Ferry agreed with Mr. Segan, but added but we don't want to set thresholds up just so the report looks good and it's easy to attain them. He said he knows that's not what is being suggested, but thinks we need to be careful of the perception when we say things like, 'we don't want to set too lofty of a goal so that we're always out of attainment'. Mr. Segan agreed that was not what he meant, and expanded that there are four threshold proposals today. At least three of those will be out of attainment for the near future, and one is on the margins. So these are aspirational goals intended to drive additional management for the betterment of the region. The distinction he was drawing was where our plans stand relative to achieving those thresholds, because all four before you today have reliable plans that if implemented will achieve those standards.

Mr. Hester said that if you look at planning legislation across the board, and then you look at TRPA's, he knows of no others that have thresholds. A threshold is defined as an environmental carrying capacity standard. That makes them special and a lot more important than goals. We need to make sure that they are closer to really important standards that if you don't attain them, it means there is a failure of the system. We have a lot of stuff that isn't going to create failures of the system that we call thresholds, so we probably need to define those, and give them a special place above the goals and policies of the Regional Plan.

Moving to the Stream Environment Zone (SEZ) section, Mr. Segan acknowledged SEZs is a bit of a weird term that is unique to Tahoe. It is more than just wetlands and riparian areas, and includes anything that's influenced by water, either subsurface or on the surface. There are four current thresholds that relate to SEZs. The first is to preserve existing naturally functioning SEZ. The second is to restore 25% of disturbed, developed, or subdivided SEZ. The third is to restore all disturbed SEZ in undeveloped, unsubdivided areas, and the fourth is to attain a 5% increase in total functioning area of SEZ.

Mr. Segan said they believe the development controls in the Regional Plan provide broad protection against degradation SEZ within our region. He said that the second threshold has been the primary focus of the threshold evaluation and partnerships efforts, and we are likely to attain that target this year. So it's a big milestone for the region. For the third threshold has been identified, we've never had a good map of those, so it's never been possible to determine status determination. The fourth has already been attained.

A peer review from the 2015 threshold evaluation said, "In summary, the present approach to evaluating the condition and the improvement in SEZ's is an overly blunt instrument with no apparent scientific basis beyond "more is better." The science has truly advanced in the last 40+ years", and basically says our approach to implementing or improving SEZ amounts to little more than measuring the amount of SEZ within the region. That's not something we didn't know already, the 2012 SEZ roadmap previously identified this shortcoming.

In order to address that, TRPA and other partners applied to the EPA for a Healthy Watersheds grant in 2017. They convened a Technical Advisory Committee and began to work through the issue of just counting SEZ, while ignoring the quality of the SEZ. As part of the process, they developed a rating system that would be uniquely appropriate for the context here in Tahoe. The ratings system includes up to 9 different, measurable parameters that were assessed for all SEZs within our region. Each of the individual metrics gets a score, and that is aggregated up to a score that reflects the condition and function of each SEZ. The entire score of all SEZs is totaled, then multiplied by the area of SEZ to arrive at an overall score that captures both the quantity and quality of SEZs. All that information is available on the SEZ dashboard.

Mr. Segan explained that all of the SEZ information was compiled onto a single spreadsheet that also contained assumptions about the relative effectiveness of restoration project on the individual SEZs. Numerous partners identified projects that they thought were essential for pushing forward the state and quality of SEZ within our region. Those were compiled into a single composite project, which established what we are proposing as the new goal for stream environment zones.

In terms of where that goal stands today, Mr. Segan said they believe they're at about 79% of regional SEZ function and extent, and the goal is to move that up to 88% through implementing the identified projects. Mr. Segan said this is the second iteration of setting a restoration target for SEZs within our region, and the reason the partnership thought it was important is that we're about to achieve the first goal that we set for ourselves. Admittedly, that goal was set over 40 years ago, but as a partnership, we realized the work wasn't done and that there's a lot of there's a lot of potential benefit from continuing restoration of SEZs. This is an opportunity to go back and say we're about to hit the first target, so let's now establish a new more aggressive target because we realize more is possible and there's a lot more in the works. This is how the system is intended to work, whereby once you've achieved a target, you take a step back and you look at where we stand today. Is our work done and should we be moving on to something else, or is there more to be done? Collectively they agreed there was more to be done, so let's establish a new target and see if we can achieve that. That's the proposal before you today.

Mr. Ferry said that as he understands it, going from 79% to 88% can be achieved in two ways. One would be increasing quality, and the second would be increasing quantity of SEZ. Mr. Segan confirmed that's correct. Mr. Ferry asked if the group had considered using California Rapid Assessment Method (CRAM), the established standard for evaluating a SEZ statewide, when they decided upon TRPA's custom method? Mr. Segan said they did look at CRAM, and said the overall protocol is based in CRAM, but adds a couple individual elements and a different rating scale. As you would imagine there are a lot more degraded wetlands around California, so looking at Tahoe overall, it all just looks amazing. Part of what they wanted to do through this rating system was provide some differentiation that could be used for prioritizing individual projects. So the rating is a bit stricter than CRAM in terms of the categories, but for the most part it's the same metrics.

Ms. Carr asked if the new proposed threshold still promotes project level goals. In some respects she wouldn't want a small project with smaller water quality benefit to be bypassed because it won't move the needle very much.

Ms. Carr added that if the proposed threshold is adopted, the old threshold won't be there anymore, but we can't lose the opportunity to celebrate that the threshold was achieved.

Responding to the 'which projects count' aspect, Mr. Segan said it wasn't just scientists who criticized the old system for ignoring quality, it was also project implementers. At the time of the threshold evaluation, TRPA as an agency made determinations that said, was your project restoration or not, so by acreage, two thirds of the work (such as tree thinning) that had been done was kicked out of that assessment.

So they developed a new EIP performance measure, enhancement, that includes all sorts of projects that were not previously counted towards the overall threshold standard. The consensus was that by defining this hard line between restoration and everything else, and only counting restoration towards the threshold standard, they were discouraging those types of projects. The intent of the new standard is that it's a more holistic assessment, so that no matter how small in terms of the functional gain, it's counted in this system.

Mr. Drew asked what region-specific criteria were added to CRAM. Mr. Segan said that SEZ is a broader term than CRAM so there was a bit of an issue in terms of the systems covered by each.

One example would be fish passage because we're also trying to do stream segments within ours, so that was identified as core to the function. Mr. Drew asked if position in the landscape or connectivity to stream channels factoring into the functional benefit of restoring SEZ A versus B, versus C. Mr. Segan said it's not within this framework. Mr. Segan added that there are no individual projects baked into this. The way that the target works is that any project implemented is counted towards achieving it, and it doesn't require any individual project.

Mr. Ferry asked if one threshold with everything wrapped in is enough. Mr. Segan said that two years ago they had proposed to break it out into two separate things, treating meadows separately from stream systems. They'd also proposed to get rid of SEZ as a term because it's unique to us. Through the process, both of those were voted down. Mr. Segan said he is comfortable that the metrics that they use to rate the condition of the SEZ adequately capture all the individual benefits of the SEZ, and that they provide a framework for discussion of where we're lagging and, where you may want to prioritize if we notice things like biodiversity declines as a result of climate change, for example.

Mr. Drew said one of the challenges with SEZs was that they essentially had one tool to try and address dozens of issues, problems, challenges, and types of resources. So they had to have all of these threshold standards, and they weren't very valuable because they all kind of said the same thing - more area is better. He thinks that in creating a new monitoring and assessment approach, they now have a whole toolbox to address these different issues. All of these but one, are approaches that are used in California or other places, so they didn't just randomly create new ones from scratch. The one they had to create is for ditches and gullies, because it is a nuance to Tahoe, but has such a dramatic impact on what we define as SEZs. We now have the necessary tools to adequately evaluate the variety of types of resources we have, that we call SEZs, and put all that into one score. Even though there's one threshold, it now actually accomplishes far more than the five thresholds we had before.

Mr. Alling asked about the Habitat Fragmentation indicator and said with the description it is percent developed. He said there are also other types of fragmentation aside from just development within an SEZ. For example, if there's an annual vegetation management process, you can fragment the habitat that way. He asked if that was also looked at. Mr. Segan said he did not believe so.

Mr. Teshara said that since Mr. Drew had a lot of involvement in this process, and had a very fine answer to the most recent question, it seems to him that this is on the right track. He expects that when the SEZ threshold comes back to the APC for recommendation, it will look very similar to what we saw today. Mr. Ferry agreed, and added that he thinks it will be important that the evaluation report show not just a number, like 84%, but to have the background data so people can use the information meaningfully and to inform management action.

Mr. Drew said this system allows them to go back and pull out what got them to a certain number, what projects led to that, and which factors played into it. In the past, they've only been able to say, we did these projects and we added this much acreage. Moving forward, and what's really meaningful to land managers, they will look at three things, 1) the creation of new SEZs that didn't previously exist, 2) the enhancement or uplift of an existing SEZ or, 3) increasing the size of an SEZ. In some cases, it's possible to do all three. The Y is a good example, where

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you could remove that parking lot, remove that building, and deliver functional uplift to bring what was there previously back to life. You can also go to a place where work has been done in the past, but it doesn't have a lot of function right now, and restore or repair vegetation or create aquatic habitat. You may not change the footprint at all, but you've given it functional uplift, and there's value in that. Mr. Drew said the levers available to land managers, private projects, and agencies have grown tremendously. There are lots of ways we can get from 79% to 88%, where in the past there was only one way.

Ms. Carr encouraged Mr. Alling to have a conversation with staff to follow up his habitat fragmentation idea.

Moving over to the Tahoe Yellow Cress threshold, Mr. Segan said the current standard is to maintain a minimum of 26 Tahoe Yellow Cress (TYC) population sites in Tahoe. Referring to the chart on slide 28, Mr. Segan said they were doing well in 2011 and 2015, but then not doing well in 2019, and that might run contrary to what you've heard from the TRPA, the U.S. Fish and Wildlife service, the USFS, and others, who have celebrated that TYC is a conservation success overall. So what's going on there? Why are we saying TYC is out of attainment when everyone else is celebrating a big conservation success. Mr. Segan said part of that is because of the dynamics of the species, and the number of population sites that it occupies relative to the level of our lake. The blue line on the graph on slide 30 shows the lake level in an individual year, and the yellow bars show the number of occupied TYC population sites. The yellow bars go up when the blue line goes down, showing that when the lake level is lower in an individual calendar year, there are more sites available for TYC to be present. This has been known for at least 15 or 20 years, and is included in both the older and the updated conservation strategy for the species. The reason that we have had a static goal for TYC is that we adopted our standard in 1981, when there was relatively little known about the species.

Mr. Segan said the current goal is not consistent with how the species is managed today, so the proposed standard aims to align the goal with our understanding of the species today. The species management strategy establishes individual targets for occupied sites, based on the lake level itself.

Lake Level (feet of elevation)	Occupied survey sites
Low (<6,225)	35
Transition (6,225- 6,227)	26
High (>6,227)	20

Mr. Teshara asked Mr. Segan if they had consulted with other agencies that previously had a different opinion of whether it was to be celebrated or not. Mr. Segan said the development of this threshold went through the adaptive management committee that work that addresses TYC, and the general consensus was, that even at low lake levels we're having more and more occupied population sites, because the management has been effective. Several people

commented against the threshold evaluation saying we're out of attainment because it reflects poorly on an overall conservation success. Mr. Teshara said that conservation success was defined under a different set of criteria than the current threshold. Mr. Segan agreed and said that the criteria for success as defined in the conservation strategy includes all the information gathered to date. The current threshold criteria was developed with only three years of information, and is now considered unrealistic at high lake levels, and not ambitious enough at low lake levels.

Public Comment

Mr. Doug Flaherty congratulated those APC members who were willing to boldly speak up on protecting the lake with regards to including non-plant species. He is really concerned about the way staff sometimes attempts to manipulate these meetings. Nothing shocks him nowadays about some of the things that are happening at TRPA, but he was quite concerned when it was mentioned that, heavens no, we shouldn't create an unachievable outcome. That comment is in favor of your protecting your process, not in favor of protecting the lake. If staff can't provide the aggressive leadership to ensure the lake is protected, even if they know that it may be unattainable, that is your job to call this out. You're here to protect the lake, you're not here to protect yourselves and your process. He said things have gotten really skewed in the way TRPA handles these processes. He closed with additional thanks to the members who were bold enough to speak up and requested that they please do not let staff eradicate the main priority which is to protect the lake.

This item was for information only.

VI. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester provided an update on what Governing Board actions have been taking on recent APC recommendations. At their last meeting, the APC recommended the process improvements presented by Arlo Stockham and staff. The Governing Board approved all except for fees, historic review, broadening the charger definition, and pier expansion and modification clarification. The fees item will return later this month and the other items will follow a little later.

For upcoming topics, next month the Tahoe Living Working Group will present an item on height, density, coverage, and parking.

B. General Counsel

Mr. Marshall provided a couple of litigation updates. Firstly, regarding the Harrosh vs TRPA case which has to do with a landowner who got a permit for a pier, and the neighbor then challenged that permit. One of the claims in that litigation was that TRPA's process of delegation is inconsistent with the Compact's directive. This project was delegated to the Hearing's Officer, who made all the findings and issued the permit. The permit was then appealed, and the

Governing Board did not vote to overturn the decision, so the appeal was effectively denied. Harrosh is claiming that in their frame of what the Compact says, all projects must be heard and approved by the Governing Board.

Mr. Marshall said they recently received an order from the Eastern District Federal Court in California, asking all parties file a brief on whether or not the states, as the two compacting parties, are required to be named as parties to any case that interprets the compact. He said there's some case law that talks about how compacts are contracts, and when you sue under a contract, you have to have all the parties to the contract. And by analogizing to that line, the question was posed, are the states necessary parties. There's an abstract part of that around civil procedure, but the practical impact of that is that the states, if they're added, will usually claim their eleventh amendment immunity. So if they're necessary parties, and can't be named, then the lawsuit is dismissed. So what that means, is that any challenge that really involves that interpretation of the compact, which a lot of our litigation does, can be subject to dismissal for lack of naming the two states as necessary and indispensable parties.

Mr. Marshall said the court issued a recent order that TRPA helped draft, requesting that the states give their thoughts on the judge's orders, whether or not they are necessary and indispensable parties. They're in the middle of that briefing and should see what the states have to say in a week or so. He added that at no time has any past court, when we've had litigation that directly involves the meaning of the compact, dismissed the case for lack of naming the individual states as parties. He said you could see how that might be required when there's a compact over water allocation. For example, the Colorado River Compact where the state has the proprietary interest in that compact, so in that instance, it's probably a necessary thing to have all the states present if their interests could be affected by a reallocation. Our compact is more of a land use regulatory planning compact. In that case the interests are a little vaguer as to specifically what the state's interest in that litigation might be in a proprietary sense.

The next issue is a 'takings' case, now before the Supreme Court, called the Sheets vs El Dorado County case. In this case a legislative fee was enacted to help with generating funds for improvements necessitated by development. It was a legislative fee, so not an individual impact fee associated with a particular project. Certain zones are designated in the county and a Traffic Impact Mitigation (TIM) fee may apply. For example, if a subdivision is approved, as part of that approval and development the developer must build improvements like traffic lights, lane expansions, etc, in order for that subdivision to go in.

Referring to constitutional history, and the Nollan and Dolan cases that talk about rough proportionality of fees and impact to an exaction that a local government would take. So like fees, it's an exaction for the privilege, or the right, to develop property in a particular way. California courts have not applied the Nollan Dolan analysis to legislative fees, so the question before the Supreme Court is whether or not the California lower courts, which have basically said that does not apply, have made a correct application of the Nollan Dolan analysis. Mr. Marshall said if they overturn the case, it's going to become more difficult to do these kind of legislative impact fees. There will need to be a much tighter connection between the actual impact of the project, and the fee assessed.

The last case Mr. Marshall talked about comes from the Nevada Division of State Land's (NDSL) effort to assess and update their permit fees for buoys and piers in Lake Tahoe. There was some

legislation that said go ahead and update the fee. Instead of the legislature setting a particular fee, it was delegated to NDSL to set a fee. NDSL conducted a rigorous process to update fees, and fees were increased (\$30 for a buoy increased to \$250, \$150 for a pier increased to \$750). Those fees were challenged. They were upheld at the trial court level, and the supreme court recently issued a decision essentially agreeing with the state that there was a lower standard for review of regulations as opposed to agency action. So a specific permit is reviewed under an arbitrary and capricious standard of review, and for regulatory decisions it's a little lower standard of review, saying is it a reasonable interpretation of the law. So the fees were upheld.

There was a footnote that recognized the rigorous process the state went through, and that the fees were reasonable in and of themselves. Ms. Stahler added that the NDSL appreciated the findings and recognition as a reflection on the agency's efforts and said that the Deputy Attorney Generals were very appreciative for the clarification on the review of regulations.

Mr. Marshall added that TRPA, under the compact, has its own standard of review, which is a little different to what the Nevada Supreme Court will now apply. He said they're all pretty deferential, but there's even an additional level of deference when the body is acting in a quasi-legislative capacity as opposed to quasi-adjudicatory.

Agenda Item No. VI.B

[Review of Compact Open Meeting Law and Conflict of Interest Requirements](#)

TRPA General Counsel, Mr. John Marshall, presented the item. He began with the compact, and what it requires. The compact is a federal law that both states enacted as individual state laws, and then was approved by Congress. It's the first place we look to as to what our legal requirements are. Article III(d) of the compact says all meetings shall be open to the public, to the extent required by the law of the State of California or the State of Nevada, which ever imposes the greater requirement, applicable to local governments at the time such meeting is held.

In California, there are two different open meeting laws, one for state agencies and one for local agencies. When the framers of the compact looked at this, they thought TRPA was more like a local land use planning entity than a state level agency, and so they wanted more the laws that really regulated local governments than statewide agencies. That forced the agency to look at both the Brown Act, which in California applies to local agencies, and the Nevada Open Meeting Law, which is the one law that applies to both state and local governments.

Essentially these open meeting laws are pretty similar in their basic requirements. Nevada Open Meeting Law is a little stricter in terms of its use for closed or executive sessions. So the determination was made to follow the Open Meeting Law of Nevada. The intent of the Nevada Nevada OML is that public bodies take action and conduct deliberations openly. The Open Meeting Law applies to public bodies, for TRPA that's almost every committee or entity identified in the compact. So the APC, the Governing Board, and any subcommittees that contain at least two members of either the APC or the Governing Board. Even if it's an informal committee, if its composed of two or more members of a public body that are bringing recommendations forward, not just a one-way information briefing, that becomes a public body.

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Mr. Marshall continued that Open Meeting Law applies to meetings of public bodies. A meeting is when there's a quorum of the body that will take deliberation towards an item. You don't want to miss whether a gathering is a meeting or not, so it is always best to air on the side of caution and assume that almost every time a majority of the APC gets together it is basically going to be a meeting.

It has to be a majority, but it is possible to create a majority by accident, particularly through emails, where you could start by circulating an email from one member sends to another member, then that member forwards to another member and all of a sudden you're into a serial meeting, or a walking forum. Mr. Marshall said he wanted to focus on emails, texts, and telephone calls, and advised members that they really need to be careful. They need to limit, and to pay attention to any communication that starts to spread beyond a small group. He advised that to be safe, they should stop at one - don't forward communication and be careful when you see that communication has been forwarded.

Referring to exceptions, Mr. Marshall said social functions are not meetings. There's no deliberation or action, so a holiday party, or a training session are not meetings, even though it meets the first test of a quorum of members. By Nevada Open Meeting law, attorney-client closed sessions are also not considered meetings.

Mr. Marshall said Open Meeting Law requirements demand that they have to provide notice and an agenda of what's going to happen. The Nevada OML requires 3 days' notice, while the Compact requires 7 calendar days. In addition, they must provide locations of where the notice was posted, contact information and an agenda. The agenda should describe clearly and completely what will be talked about so that anyone with an interest in the subject matter can come and listen and participate.

Referring to where notice is posted, Mr. Marshall said physical notice must still be provided, but notice is mainly provided online. Meetings must be able to be attended by a range of the concerned public. And so you have to make reasonable efforts to assist and accommodate those with physical disabilities desiring to attend. You must make a reasonable efforts such that the meeting location is adequate for a reasonable number of people to attend. For example, you can't have one chair out in the audience with a lot of people interested in seeing what's happening. You need to be careful about providing alternative viewing locations. You can do that, but you still have to have some capacity for people to observe what's going on. You must also make copies of the agenda, notice, and supplemental materials available to the public.

Closed sessions in Nevada can be undertaken only in a very limited number of circumstances. Mr. Marshall said the only point relevant to the APC is the non-meeting session for legal advice. So if, for example, if they ever need to take a closed session in the middle of a meeting and it's not agendized, we can do that under Nevada law because it's a non-meeting. You couldn't do it in California because you have to agendize those things.

Public comment is really important to the business of government. It allows the public to have direct input to decision makers or people making recommendations. That means you must provide an opportunity for public comment, and it must be meaningful. Essentially under the Nevada Open Meeting Law, you have to provide the ability to comment - once generally, and prior to any action being taken. So there's different ways you can do that. You can provide a

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public comment notice at the beginning of the meeting, or at the end, or at each individual action item. You don't have to provide a public comment period for informational items, we often do, but you don't have to do that.

As far as restrictions on public comment, Mr. Marshall said you can have reasonable time, place, and manner restrictions. So that means 3 min per person instead of an hour or unlimited. It means that you can limit the total time of public comment. But what you can't do is limit public comment based on the content of the speaker. Even if it's objectionable, you can't limit that kind of public comment. So if it's defamatory, highly controversial, or highly confrontational, generally you have to sit appropriately and hear that public comment. If the comment is such that it can be construed as disruptive, which includes highly inflammatory speech, then it can be shut down, but generally it has to be pretty bad before you get to that point. Mr. Ferry asked if that included hate speech. Mr. Marshall said yes. It becomes difficult to determine if it's getting disruptive or not. It's almost better to hear those comments than risk the potential remedies associated with a violation of Open Meeting Law.

Mr. Ferry asked if an agency could create a policy on hate speech, where they could cut those off sooner. Mr. Marshall said that's a developing area of the law. He would say they need to be looking to whether the meeting is substantially disrupted by the speech. If it is, first amendment law allows the public agency to cut that comment off. But where that line is, is difficult to say. As government decision makers, and government employees and officials, we have to listen to a wide perspective of views, even when it is problematic to listen. Additionally, the speaker may be anonymous. You can ask for a name on a sign-up sheet for example, but you cannot deny someone the ability to speak based on identification. We have had an issue with people signing on remotely using obscene names. You do not have to read out those names, but do need to look if there is another way to identify that speaker with some other character, so that if they raise their hand to speak, they can be identified and called on.

Mr. Teshara said, all that being said, there is some new language that the Chair reads at the beginning of the meeting, that prohibit certain types of speech. He said he sees that more agencies are doing that in response to some people pushing the limits. Ms. Carr clarified that the agenda language does not restrict the content of public comments, it just states that staff will not have to repeat obscene names to call on people. Mr. Ferry asked if a hearing body can leave the room during inflammatory or hate speech, so that the speech can continue, but they're not present at the table to hear it. Mr. Marshall said he would need to look into that, but they would face a problem with loss of your quorum.

The issue being raised is do public servants need to subject themselves to hate speech, for example. The balance is at what point do those individual members sensitivities overcome their governmental role and obligation to allow people their First Amendment rights in this manner.

Mr. Alling asked if the Chair can suspend the meeting. Mr. Marshall said yes, but if it is done to deny a person their first amendment rights it becomes problematic. He added that this is a developing area of the law because of some of the coarseness that has entered our public dialogue. Ms. Moroles-O'Neil asked if a board member or chair could offer someone more than three minutes. Mr. Marshall said yes, but you have to be consistent. If it's a one-off it becomes difficult. Our general legal advice is that everyone gets exactly the same time.

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Moving to teleconferencing and video conferencing meetings and participation, Mr. Marshall highlighted the TRPA Rules of Procedure 2.16 for the Governing Board. He said they may want to work with APC chair and vice chair to see if they want to make changes for the APC.

According to the current rules, members can now participate remotely from any location. The Governing Board capped themselves at members attending remotely 5 times per year because they still want to encourage in person participation. Substantive items are subject to a roll call vote. This is particularly important at the Governing Board level where there is a vote count that must be satisfied like a dual majority. We also have to provide the public with an opportunity to participate remotely. Mr. Ferry said El Dorado County have added some caveat language to their agenda to cover things like power outages or internet failures.

Referring to what happens if there is an Open Meeting Law violation, Mr. Marshall said the basic remedy is that the action taken can be voided. So the consequences are severe. Under the open meeting law for state agencies, a member of the public can request an investigation by the state Attorney General, who can then direct the local government to take some action. So for example, they may need to undo the action, then provide sufficient notice (if that was the issue) and then retake the action.

Mr. Ferry asked if there was any potential for legal action against commissioners as individuals. Mr. Marshall said he believes that both state laws include potential civil and criminal penalties associated with deliberate violations of the open meeting law. Mr. Marshall said he would argue that those rules are not applicable to TRPA, but if it turned out that they were acting in a deliberate fashion to circumvent open meeting laws, the probable action would be to recommend that the governing board remove the commissioner.

Moving to ethics, Mr. Marshall said ethics are really conflicts of interest. Under the compact, the conflicts of interest are directed at economic interests. So there are disclosure requirements and then the basic requirement that you can't act on an item that can be perceived as contrary, or gives the appearance of a conflict of interest.

Generally the APC deals with quasi-legislative action, so broad policy, or specific rules, that would rarely single out your particular interests. If your interest is diffuse or common with other members of the public, then it's not a distinct enough issue to preclude you from a regulation, even though it might have an impact on your economic interest. For example, many of you own property in the Tahoe Basin, and there may be an action on allocations that you would take on a legislative basis, that affects those interests. If it's shared by many members and the public at large, then you can still participate, it's not concrete enough of an impact on you. However, if for example, we were to look at a zoning amendment that looks specifically at Mr. Drake's business location, that says no alcohol sales allowed, that would be such a specific enactment that Mr. Drake would recuse himself.

Mr. Marshall continued that there is another body of law that they are concerned about that's outside the compact that is basically constitutional due process protections. That really comes into focus when you're acting in a quasi-adjudicative fashion, which APC does not do very often. That's when you would be applying particular facts to a permit issuance location. It will happen when making a recommendation on certification for an EIS on a particular project.

[Quorum lost – informational item continues]

Moving to ex parte contacts, Mr. Marshall explained that these are when you are contacted, or you contact, a member of the public outside of the meeting. It could be another agency, but it is someone who's not a member of TRPA. In quasi-legislative matters, we want to encourage ex parte contacts. That means you're going out to the public, soliciting input or they're contacting you and it's a good thing. We want you to do that and therefore you don't need to disclose ex parte contacts in quasi-legislative matters, which is 99% of what you all do.

However, for quasi-adjudicative matters, our code, and rules of procedure and compact, require disclosure. You don't have to abstain necessarily, but you need to disclose prior to taking any action. Mr. Marshall explained that adjudicative basically derives from an adjudication. It is another way to say quasi-judicial and it's when there's an application of law to specific factual circumstance. So when a permit application comes forward, that's a quasi-adjudicative act because you're looking at specific application of rules to the facts of a specific request. Quasi-legislative action is the making up of the rules in the first place. So you're acting more like a legislator than a judge.

- C. APC Member Reports
None.

VII. PUBLIC COMMENT

Mr. Doug Flaherty said he always enjoyed Mr. Marshall's information on open meeting law. He said he was not aware of any regulation that required council to brief the APC on open meeting law, and expressed concern that we were missing a significant number of members during the general meeting, which means that they missed this briefing, which is of paramount importance, as far as transparency in government.

What concerned him more was that one person dropped out just before the ethics and quasi-legislative discussion was happening. He wanted to go on record to say if there was a requirement that this information be shared with the APC by TRPA Counsel, that members receive a packet that explains the content and the slides presented by Mr. Marshall. Furthermore, he asked if this was a requirement, will there be another briefing for those members that missed it. Mr. Marshall responded that there is no requirement for the open meeting law briefing, but TRPA will provide the handout to all APC members.

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Respectfully Submitted,

Tracy Campbell

Tracy Campbell
Clerk to the Advisory Planning Commission

The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above-mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or virtualmeetinghelp@trpa.gov.

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