

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

January 25, 2023

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 1:03 p.m.

Members present: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Members absent: Ms. Hill, Mr. Rice

New member introduction:

Mr. Aguilar, Nevada Secretary of State. He's excited to be here and look forward to representing the great state of Nevada.

Mr. Settelmeyer, Director for the Nevada Department of Conservation and Natural Resources. He had the pleasure of working on Tahoe issues with your executive director, and many of you in the capacity in the State Senate and State Assembly serving on the Interim Committee looking at Tahoe issues, and Marlette Lake. He looks forward to continuing those efforts and addressing resource concerns and issues.

Ms. Laine, El Dorado County Supervisor. Many may remember that she served the City of South Lake Tahoe for about ten years and was on the TRPA Governing Board from 2018 to 2020 and is glad to be back.

II. PLEDGE OF ALLEGIANCE

Ms. Aldean led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Ms. Gustafson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean said she provided her clerical edits to Ms. Ambler and moved approval of the December 14, 2022, minutes as amended.

**Voice vote- Motion carried.**

GOVERNING BOARD

January 25, 2023

V. TRPA CONSENT CALENDAR

1. December Financials
2. 2022 Audited Financial Statements
3. 2023 Watercraft Inspection Fee Schedule
4. Amendment to Plan Area Statement 146 (Emerald Bay) and Plan Area Statement 147 (Paradise Flat) to incorporate six (6) parcels into the boundary of the Paradise Flat Plan Area Statement, (currently located in the Emerald Bay Plan Area Statement), Assessor's Parcel Numbers: 017-041-017, -018, -025, -027, -029, -031 located in El Dorado County
5. Amendment to Plan Area Statement 100 (Truckee Marsh) and the Bijou/Al Tahoe Community Plan to incorporate one parcel into the boundary of the Bijou/Al Tahoe Community Plan as originally approved by the City of South Lake Tahoe, 2833 Lake Tahoe Boulevard, South Lake Tahoe, CA (currently located in the Truckee Marsh Plan Area Statement), Assessor's Parcel Number: 026-221-029
6. Resolution in Recognition of National Radon Action Month
7. Governing Board Committee Membership Appointments
8. APC Membership reappointment for the Carson City Lay Member, Kevin Hill and the City of South Lake Tahoe Lay Member, Susan Chandler

Ms. Aldean said the Operations and Governance Committee unanimously recommended approval of items one, two, and three. The budget is on track, all expenditures are within budget, and revenues are at or exceed projections. Davis Farr, Auditor Jeff Ball provided a presentation on the 2022 Audited Financial Statements. The auditor issued an unmodified report, meaning that the Agency is compliant with the Governmental Accounting Standards Board (GASB) accounting standards. One issue was identified regarding the untimely receipt of El Dorado County's TDA. TRPA staff will work more closely with El Dorado County staff to prevent this from happening in the future. Item three was the 2023 Watercraft Inspection Fee Schedule which had no proposed changes for this year. Although, there was a minor change on the sticker fee schedule confirming that the single decontamination fee was \$25 last year and will remain \$25 for the current season. Staff also noted a correction in the third to last, Whereas in the resolution, correcting the estimated funding for the Watercraft Inspection plan for the 2023 season which is actually \$2.38 million.

Board Comments & Questions

None.

Ms. Aldean said the Regional Plan Implementation Committee unanimously recommended approval of items four and five. Both items are amendments to plan area statements, and they are administrative in that they are to correct some inaccuracies that were previously undetected. There was one public comment on one of the amendments, but other than that, there was no public comment on either of these proposed amendments. Staff presented them in an effort to correct some inaccuracies in our mapping process.

Board Comments & Questions

None.

GOVERNING BOARD

January 25, 2023

Ms. Gustafson said items six, seven, and eight were not heard by any committee.

Board Comments & Questions

None.

Public Comments & Questions

None.

Mr. Hoenigman moved approval.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

Mr. Hoenigman made a motion to adjourn as the TRPA and convene as the TMPO.

**Motion carried.**

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Authorize Executive Director to submit an application to the California Department of Housing and Community Development's Higher Impact Transformative Allocation of the Regional Early Action Planning 2.0 (REAP 2.0) funding program

Mr. Gabor, Forest Service Lake Tahoe Basin Management Unit is present today as the TMPO Board representative.

Ms. Aldean said the Operations and Governance Committee unanimously recommended approval. The proposal will include funding for a more robust community engagement and capacity building. The committee discussed some of the visualization tools and innovative opportunities that the application will include such as citizen academies.

Mr. Hester thanked Mr. Hoenigman and Ms. Conrad-Saydah for assisting staff in putting together the application.

Board Comments & Questions

Ms. Gustafson said the Board received a written comment asking for this item to be pulled.

There were no further Board comments.

Public Comments & Questions

None.

Board Comments & Questions

Ms. Williamson moved approval.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson, Mr. Gabor

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

Ms. Williamson made a motion to adjourn as the TMPO and reconvene as the TRPA.

VII. ADMINISTRATIVE MATTERS

- A. Resolution recognizing former Governing Board member Jim Lawrence, Nevada Department of Conservation and Natural Resources Representative

Ms. Gustafson read the resolution into the record.

Board Comments & Questions

Ms. Aldean has known Mr. Lawrence in various capacities for a long time, he is a great guy and a wealth of knowledge. His commitment to his job, environment, and the improvement of the resources in Nevada is truly admirable. But rather than continuing to recite all of his various accomplishments, she wrote a short poem. "From road crew groupee to government gigs, your wealth of knowledge will be missed, but rest assured, as former chair, your carbon footprint will persist. For no one passes through this life without an imprint left behind, your faithful service to this Board has caused me now to redefine the crucial role we all must play as servants for the greater good. So, worry not that times have changed, for we will stand where you once stood. Don't ruminate on choices made, or push against life's whirling eddies, just thank the Lord you're alive and well unlike that big act, Tom Earl Petty."

Ms. Laine was disappointed when she heard the news, he was leaving this Governing body. She had the honor of serving with him for a couple of years and learned a lot. She was very much a rookie, but there were some great members that served on this Board, of which he was one of them. He's very honest, always does his homework, and ask hard questions. He gave her perspective of a person who knows Tahoe well but doesn't live here, and he saw some things differently than she did.

Mr. Hicks when he joined the Board, he didn't know anything about this Agency, at least, as to how it functioned. Mr. Lawrence was chairman of the Board at that time, and it was just amazing. He's a kind, gentle, knowledgeable man with great character. He always appreciated and learned from his comments and am going to miss him.

Mr. Settelmeyer said they worked together for many years. Mr. Lawrence always did a phenomenal job representing the State of Nevada whether it was on this Governing Board, or all the natural resource issues through time. You've seen me grow up a little bit from Conservation District member helping work on Tahoe issues in the Legislature. He's grateful for his kindness, generosity, and friendship. Thank you for everything you've done.

## GOVERNING BOARD

January 25, 2023

Mr. Hoenigman said Mr. Lawrence was one of the first people he met when he was appointed to the Board. He and Mr. Yeates gave him the rundown of what was going on and his head almost exploded. He appreciated that and all the guidance and advice that he gave. He was someone to look up to and to model on this Board.

Mr. Friedrich said "Whereas, Jim always asked thoughtful and tough questions, and whereas those questions are always asked respectfully and kindly, and whereas Jim's passion for the protection of Lake Tahoe, and its inhabitants is heartfelt and whereas Jim's love of live music and discussions thereof are always inspiring. Therefore, I dare say we will miss you dearly." Jim always asked probing, thoughtful, luminating questions. He too was sad to hear he was stepping down and will miss all of those conversations and getting to know each other. Regardless of the issues under discussion, he always was a genuine good person.

Ms. Faustinos said Mr. Lawrence was such a joy to work. He was a mentor with helping her through this process. There are big shoes to fill on the Environmental Improvement, Transportation, and Public Outreach Committee. She's going to go back and look at all the notes she took to emulate his thoroughness in the way he approached the work which they all aspired to.

Ms. Williamson said Mr. Lawrence always came prepared, he was always so thoughtful, and she always benefited from his encyclopedic knowledge. His dedication to the Lake, to Nevada is so apparent. Thank you for the public service you gave.

Ms. Conrad-Saydah said she admired Mr. Lawrence's candor, knowledge that they've all talked about, his enthusiasm and his care for the Lake and the communities. He's a true public servant, and he faithfully served the greater good rather than a political end. He also focused on moving sound science to action. He set an incredibly hard act to follow, especially for her on the Threshold Update Initiative Stakeholder Working Group.

Ms. Diss echoed what everyone else has said and thanked Mr. Lawrence for his dedication to Lake Tahoe and the State of Nevada. It's been a joy to work with him and see his smiling face. And he did do his homework and was always prepared. He took great care to balance all of the issues for not just the basin as a whole, but particularly for the Nevada side.

Ms. Gustafson said everybody has captured it. Mr. Lawrence always treated the public and fellow Board members with the absolute respect, even when he disagreed with us or them. He listened thoughtfully to every presentation, and asked incredible questions, and was such an example of a great Board member. She also had the pleasure of watching Jim volunteer, because in addition to all his other duties at the State, and TRPA, he was a special advisor to the Tahoe Fund Board. When they formed that organization, they weren't quite sure what they were doing, and what they were funding, and his wisdom and leadership on how to deploy private resources, to maximize the State and Federal funding was essential to their success. That's due to a large part of his advice and leadership.

### Public Comments & Questions

Ellie Waller would often call or email Mr. Lawrence when she was in need of information so she could provide meaningful comments to the Board for consideration.

Ann Nichols said hey 15 years, and as someone who objects to large scale development, you've always been good, never picked on her. She appreciated it. Thank you.

## GOVERNING BOARD

January 25, 2023

Carl Hasty, Tahoe Transportation District said he and Mr. Lawrence worked together with Mr. Lawrence at TRPA in the mid-nineties, maybe earlier than that. He appreciated working with him and all that he's done. He has a feeling that they'll see him again, somehow, he'll pop up in another life because he's still interested in Tahoe.

Dan Segan, TRPA staff and is the lead of the Threshold Update Initiative Stakeholder Working Group which Mr. Lawrence was a founding member of the Committee that oversees that. He thanked him for always being prepared for those meetings.

Lew Feldman said he and Mr. Lawrence have worked together for decades when he a planner and his role at NTRPA. Many folks may appreciate the incredible he did on the Bi-state Consultation committee bringing both States together to adopt the Regional Plan Update and continuing to be that bridge between Nevada and California. The work that he did through the years is certainly an inspiration to him, and everyone in the room. Personally, he's been a great friend and mentor, and has been honored to have the opportunity to work with him on matters in the state of Nevada and TRPA.

Ms. Regan said she's worked with Mr. Lawrence a long time and thanked him for his incredible service. Having been a former staff member the support that he provided, and when he did ask pointed questions, it was always appreciated that it was always very respectful of the staff. On behalf of the staff, how much they really appreciated that.

The Board made a motion to approve the resolution.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settlemeyer, Ms. Williamson

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

### VIII. PLANNING MATTERS

- A. Measuring What Matters: Thresholds and Monitoring Update Strategic Initiative *(continued from December)*

Mr. Segan provide the presentation.

Mr. Segan said threshold standards or environmentally or environmental threshold carrying capacities are something given to them by an act of Congress. It's often a confusing term, and they've been told in multiple peer reviews that they should not refer to them as environmental threshold carrying capacities because no one knows what they're talking about. Instead, they should refer to them as threshold standards.

Threshold Standards are something quite simple. They're the overall goals that drive this Agency and drive the partnership overall. They're established by the Bi-State Compact that started this Agency, and the Bi- State Compact puts it above all else and says that the Regional Plan that they develop the goal of that Regional Plan first and foremost, is to achieve and maintain those threshold standards and everything else that they do is motivated by that. So, they develop a Regional Plan, Code of Ordinances, and finally the findings that they make on every project. The question is are findings consistent with their long-term vision to the region as contained in those threshold standards?

## GOVERNING BOARD

January 25, 2023

They're not just TRPA goals, they've been adopted by the entire partnership, and they'll see them frequently referenced, both in funding documents from the two states, as well as by the Federal Government. This is the Lake Tahoe Restoration Act (LTRA) Priority list, and it's directing the people that are allocating the funds that they receive from the Federal Government through the LTRA, to direct those resources towards environmental gain towards the threshold standards. So, they're still relevant to everything that they do today.

So, why are we updating them? The reason is that the vast majority of the standards were adopted in 1982 and of not been modified since. As a result of that, they're a little bit odd with today's sort of values. They've got standards for the protection of the Canada Goose, which as many probably know, is more of a nuisance in our region than it is a species that you'd likely be working to protect. But they don't have any standards for reduction of wildfire risk in the region. Clearly the standards are out of step with where they are today.

The notion that the standards are out of step, and no longer grounded in the latest science, is something that's also come up in multiple peer reviews.

They've started on this initiative to update those threshold standards and they've got about a little over 140 of them today and are not trying to do the whole lot all at once. They're trying to take more manageable bites at this apple. The first round includes, just under 100 standards and 6 categories overall. They started that just about a year ago.

Highlighting a couple things that are a little bit different about this process compared to other processes that you'll hear. There are three aspects of that. There's a science component, so many of these standards are grounded in fairly complex science. They've had the Tahoe Science Advisory Council advising them the whole way. The standard set the path for the entire Environmental Improvement Program (EIP) partnership. That's almost 100 agencies, 100 partners region wide that are working towards them and have extensive involvement with them. Finally, there's the stakeholder working group to work with and then take it through committee, and finally reaches the Board.

The Stakeholder Working Group that he mentioned Mr. Lawrence was a part of has two representatives of the Governing board who met three times over the last two years. They've actually lost both members in the last two months. Newest Board members are Mr. Settelmeier and Ms. Conrad-Saydah.

When this initiative started, the goals of the Agency's that they were working towards were contained in Resolution 82-11. One of the first things they did with the Science Advisory Council was to go through the unintelligible paragraphs and identified where the actual goals lived in that.

What they distilled was that there were 13 goals contained there. If you want to start talking about changing your goals, you need to have a firm understanding and a grounding and what the goals are today and a reference system by which you can refer to those.

They converted whole blocks of text to these more manageable goals that they can refer to, and that they use today such as the goal under Fisheries F1, and they know that they're referring to that goal.

They also worked with the Science Advisory Council to look at some hard questions and design an entire framework through which they would manage information, and ultimately make decisions about what would be a threshold and how do they best manage towards that threshold. This

framework is called a results chain and involves putting information into three different categories. Inputs are the actions that they're doing. There are outputs from those which are the immediate things that you get as a result of that. For example, input is miles of street sweeping and the immediate output of that is all the sediment and nutrients that are pulled up from the street, and the reason that they're doing that is they're trying to preserve and maintain the clarity of the Lake. What they did as part of the system is they're going to divide up this world and say the things that they actually care about, the reasons and the motivations for why they're doing all these actions are the threshold standards. Those are the things that are driving the partnership. They've clarified for the first time what it is to be a threshold standard.

The results chain is not something new that they've invented for Tahoe. They're used by the United Nations, USAID World Health Organizations and funding agencies around the world trying to solve complex problems. The reason they're used by so many of these is that you often don't see immediate results from what you do. They don't sweep the street once and all of a sudden restore 40 feet of clarity in the Lake. There are long time lags here that make a valuation much more difficult than that. There needs to be this logical framework that allows you to connect those things that you do with the things that you want at the end of the day.

The benefits for them as a partnership are twofold. The Environmental Improvement Program consists of almost 100 organizations and by organizing information like this and cataloging why it is that each of these agencies are doing what they're doing and how much of it they're doing; they promote accountability both between the agencies within the partnership to the stakeholders, and ultimately to the Board as well, and the people that fund all this work. The second thing is that it promotes adaptive management. They talk a lot about adaptive management or database decision-making but what does that mean and how do you organize that information to promote learning. What they think is by organizing information in these results chain, so, they're tracking the immediate outputs of all of their options and ultimately their connection to the long-term goals that they can provide those frameworks. In the long term they can shift money to projects that are delivering higher return on investment and improve or discontinue funding the projects that are not delivering the expected results.

Beyond that, they worked at the Science Council to identify three things at threshold standards themselves needed to live up to. Already mentioned that they need to be outcome based and they need to live at the end of this food chain. The other two things that they needed to be are specific and measurable. Meaning that they have to be able to collectively be able to track progress towards those goals. They're not just going to have aspirational statements like they're here to keep Tahoe blue. What they want to do is to define what that means for all of us so, they have a common grounding in what it means, and can measure progress together.

They've applied this framework to the threshold system right now, and the bad news is not many of the current 150 thresholds lived up to the high criteria that they had. There are bright spots in that many of them were directed at outcomes, but they often weren't specific and measurable and are going through the process of improving all of those.

What they presented back in February of 2022, organized the new threshold standards into four broad categories: Watersheds and water quality, forest health, biodiversity, and air quality.

They put forward about 20 to 25 overall values and said based on these goals or value statements which they think collectively express the aspirations of their partnership, they're going to work to

develop threshold standards. These are the specific and measurable goals, and then they're also going to identify performance measures that will enable them to track progress and evaluate what they're doing. Depending on where you sit in the debate, either they are moving far too fast and making a lot of erratic changes, or they are plotting along incredibly slowly and not doing anything.

Next, Mr. Segan will go through what's happening behind the scenes. He'll use two of the value statements as examples for what's going on behind the scenes. Those two are deep Lake clarity which is what Tahoe is known for and nearshore algae.

The University of California, Davis started measuring the clarity of Lake Tahoe in the late 1960s and documented a decline in in the Lake clarity that was alarming to many and codified environmental activism within the region. Some people say it led to the development of this Agency and a lot of its controls. In 2010 the two states got together with the Federal Government and created the Lake Tahoe Total Maximum Daily Load (TMDL) which is the science-based plan to restore the Lakes historic clarity to almost 100 feet of clarity.

The overall goal is not something they're revisiting as part of this process. They engaged with all of their partners; everyone is still firmly behind this overall goal of restoring the clarity. They switched immediately to the performance measures that they use to track the progress towards that. What they found is that they were using three performance measures that didn't really capture the suite of actions and investments that their partners were taking. Those were your private parcel BMPs, miles of roads decommissioned, and street sweeping. These are the things that are summarized in the summit at the at the end of each year to highlight their achievements. They found that those highlights of their achievement weren't counting everything that they were doing.

They are working with their partners, they identified what it was that they were doing that wasn't being captured and where they were inviting our money to realize these environmental gains. Harking back to a couple of minutes ago, the idea of this program is to provide transparency and accountability so someone can pull up the EIP Tracker at <https://www.laketahoeinfo.org/> to see where all the investments are made towards these overall goals. They are proposing a number of revisions to those performance measures that they think better track with what the partners are doing, and the latest science around how they are going to restore the clarity of the Lake. That's one case where they have a set standard that the partnership is still behind, but they think the way they're tracking it is not quite right.

The second example is the nearshore algae standards which the processes are quite different. There are three standards related to nearshore algae, so, they're supposed to attain phytoplankton primary productivity value observed in 1967 through 1971. Periphyton is the attached algae (slippery stuff) on the rocks. Finally, to support actions, to reduce the extent and distribution of algae in a nearshore.

One of the immediate problems that they uncovered is that the goal is to restore to the level of algae seen in 1967 and 1971. Even when they adopted this standard, they didn't know what that value was so, are they've never been able to say, are we there, or are we not there? This is one of the things they've highlighted throughout this process that there needs to be a specific and measurable goal, they're no longer just going to have standards like, get rid of algae.

But the fact that they didn't have a specific goal, it never stopped them from monitoring algae at the Lake. They've been monitoring the slime on the rocks since around the early 1980s. The universities did the first comprehensive assessment of that in 2015 and they repeated that the same analysis of

the long term trend in 2021. They've presented both those findings to the Board, and it was quite shocking. It may have been Mr. Lawrence who may have commented, are you saying there's been no change in algae over that entire period, because everyone that lives here knows that we have more algae right now. The measurement showed that there'd been no change over that 40 plus year period.

They did what they do when they are confronted with sort of a line of evidence that they can't quite relate to what they've observed in our experience here and what they're hearing from stakeholders within the community. There's been the headlines that there's algae all over Tahoe. They asked the Tahoe Science Advisory Council to convene a peer review of what they were doing with their monitoring program, and what they should be doing with the monitoring program. What that peer review highlighted is that there was a real difference between what they were monitoring and what people and stakeholders were experiencing within the Lake and region. There are two different algae communities that you might experience while you're wading in Tahoe's nearshore. There's the slime on the rocks which is the periphyton that they've measured for the better part of the last 40 years, and then they might have also noticed there's this filamentous or free floating algae that you sometimes encounter, which they have not had a long term monitoring program, and really don't know the extent of within the region. This peer review suggested is that what they needed was a comprehensive algae monitoring program in order to answer these questions.

The other thing that it suggested, and what they did on the heels of that peer review is they convened a second meeting of scientists, locally and throughout the world have seen similar things. And the similar things are, otherwise, generally clear and healthy lakes that have had this rise of greening nearshores. They called it blue waters, green bottoms in the scientific paper that came out of this workshop. Part of what that is reaching out, not only just to the scientists within our community, but trying to learn from the broader limnologists' or scientists that study lakes around the world and put our problems in this global context, of what others are seeing around the world.

For the first standard, staff will bring back the clarity standard and a revised monitoring framework. For the second one, they are not going to have an updated standard ready this year. They had an algae request for proposal which they are evaluating those right now and are expecting a reply to their second round of questions early next month. They hope to contract and then implement a new algae monitoring program this year. On the heels of that, in a couple of years, they'll summarize the data from that program and likely recommend a threshold standard consistent with that monitoring program.

They are doing a couple of different briefings to the Tahoe Interagency Executive Committee (TIE) that oversees the EIP in February and April of this year. They're hoping to pull together the final proposal after that April meeting, and then come back to the Board to work through the final details of that proposal and ultimately adopt changes to the threshold standards.

The initiative scope isn't just about these threshold standards. They said they were going to do three things; They're going to update those threshold standards, monitoring evaluation programs, and also how they report and adaptively manage towards those standards, and they are doing all of those.

Every four years they summarize all the information related to the threshold standards to present to the Board. The content of that presentation is often very much along these lines. Some thresholds standards are in attainment, and some are out of attainment, and some they just don't know. But that's really just scratching the surface. They're not worried just about what's happened, they want to know the impact of their actions on that and that's where they're trying to take this initiative.

Slide 39 from the 2015 threshold evaluation. This slide shows how lake clarity is tracking. The blue line is lake clarity and the orange dotted line at the time the TMDL was starting to be developed, the best scientists in the world thought we were going to continue to lose a foot and half of clarity a year absent additional action. This is starting to get at what's the overall impact of both the protections in the Regional Plan as well as all the projects implemented by EIP partners. You start to get an idea of maybe they aren't seeing clarity improvement yet overall, like they're all hoping but what they are seeing is an additional 15 feet of clarity from where they thought they were going to be 20 years ago and that's the focus of this effort. They're trying to organize information so that they can provide better information on how effective those actions have been.

It's not just actions in terms of the EIP partners, it's really, you know, everything within our code, the permitting conditions applied to projects, the compliance actions when they go out and do site visits, all of that is oriented around promoting threshold standard attainment. They're trying to ensure that what they've got on in the code and they've got in the permitting conditions are the right things and are delivering the results that everyone would expect.

Once a new threshold standard is delivered, the work isn't done. A little over one year ago, they made changes to the Vehicle Miles Traveled Threshold Standard and as part of that they laid out some benchmarks for progress with interim targets, where they'd like to see VMT over the next couple of years. They also established an advisory body to help them manage towards those. As a fail-safe, they also developed triggered management responses, which are if they're not hitting their milestones something is going to happen that's going to modify the system.

Over the past year, they've been meeting with that advisory body and developing the adaptive management framework that's going to allow them to not pull those management triggers. It will be done by organizing information about our goals, and then figuring out what's working and what's not working. They started to lay that out with the primary metrics of success such as are people walking and biking. It's one of the core strategies that they have to get people out of their cars. They measure the volume of people on our bike trails overall, and then can evaluate that.

The way that they've gone about designing the system with the partners is, there's sort of this first level of inquiry where, if they're seeing reduced bike and pedestrian traffic, they start to break that information down into three different areas. They look at different geographies within the region, and see if this is a localized problem, or is this a bigger problem? They also look at seasonality, is this a summer or winter problem? Finally, they look at user types, are these bikes, pedestrians, or both? Once they've gone through that exercise, they can better find tune the problem. Fine tune the problem or success, this can be used in both ways, allows them to better tailor the management response and identify explanatory variables for why they're seeing those trends.

They've also identified a suite of explanatory variables for each of these such as trail condition, safety of individual trails, has it been plowed out? Is it accessible? For each of those, they can work with individual partners to try to better understand the trends that they're seeing. Then develop those informed management responses that will be incorporated into their funding programs and things like the Regional Transportation Plan that ultimately allow them to refine those programs to deliver the overall goals that they've established.

Presentation can be found at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIIIA-Thresholds-and-Monitoring-Update.pdf>

Board Questions and Comments

Ms. Faustinos said it's a lot of information that deserves focused attention and she'll probably follow up with questions later.

Mr. Hester said at the Board retreat last May, they asked for detailed information on all of their six strategic initiatives. This was the last one, so, if any of the new Board members need information on the first five, please ask staff.

Ms. Gustafson said what's important is that they're looking at what the causes are and what their actions are that can affect any change, positive or negative, and making sure they're aware of that.

Public Comments & Questions

Ellie Waller said she's sat through many of these threshold meetings in the past and am always reminded about APC Commissioner Larsen saying we're going to have to wait 60 years to make sure that what they're doing is evaluated, reevaluated, and looked at it from a different perspective. Thank you for the presentation and look forward to reading volumes of data.

Doug Flaherty had a couple of observances. We always come off with certain perceptions, with something like this is presented. What he heard is that there's 150 thresholds that were not measured, that is a failure, of a group that's been around for 50 years. An average person would say "What the heck have you been doing since then"? Not happy to hear about that. The other thing is, why would this body advocate additional height, density, and coverage increases, knowing that 150 thresholds have not been measured? How could they even think about going forward with that until this new program is in place and there are some measurements? Once again, it goes back to the inability of the TRPA to keep the basin in equilibrium because you have not compiled a cumulative impact analysis since the 2012 TRPA Regional Plan changes. He applauds all the hard work that's going to go into this, it should have happened 20 years ago.

Mr. Segan clarified for the record that if he did say that they are not measuring the status of 150 standards, he misspoke. There are 150 standards overall. In the last threshold evaluation, they were able to make status and determination findings for over a 130 of those. The vast majority of those have data.

B. Amendments to Douglas County's South Shore Area Plan to Allow Religious Assemblies as a Permitted Use in the Tahoe Mixed-Use Zone

TRPA staff Mr. Stock and Ms. Moroles-O'Neil, Douglas County provided the presentation.

Mr. Stock said the South Shore Area Plan covers the portion of Douglas County from the Lake shore to Lower Kingsbury, and from the California Stateline to Burke Creek, which is about where the UPS store is. Included in this area plan is the Kingsbury Town Center. This area plan amendment proposes changing Religious Assemblies from a special use to an allowed use in the Tahoe Mixed-Use Zone along Lower Kingsbury in that town center. This amendment would eliminate the requirement for Hearings Officer review of Religious Assembly uses. This amendment will bring the South Shore Area Plan in conformance with Federal Land Use Law.

A text amendment applying this change to the Douglas County Code was already adopted on

## GOVERNING BOARD

January 25, 2023

September 1, 2022, but still requires TRPA Governing Board approval. Both the Advisory Planning Commission and the Regional Plan Implementation Committee unanimously recommended approval of this proposed amendment.

Ms. Moroles-O'Neil said Douglas County staff is recommending approval for a zoning modification in the Tahoe Mixed-Use (TMU) Zoning District. Currently Religious Assemblies require a special use permit and they believe that it is imperative that they eliminate the need for this special use permit.

In November 2021, a synagogue located in the TMU zoning was required to get a special use permit in order to hold their religious assemblies. While staff was processing the application, it became apparent that the definition of Religious Assembly and membership organizations were very similar. Both of these definitions promote the interest of its respective group, and both are consistent with the zones use.

Staff also discovered that based on the definitions, religious assemblies use is consistent with the Tahoe Mixed-Use Zoning District which specifically allows public service use.

Religious Assemblies are required to obtain a special use permit while membership organizations are permitted as an allowed use in the Tahoe Mixed-Use Zoning District.

This amendment would eliminate any perception of discrimination based on the Federal Law of RLUIPA, The Religious Land Use and Institutionalized Persons Act. Staff believes that it is imperative that they stay consistent with area plan regulations and Federal Law.

PowerPoint can be found at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIIIB-Douglas-County-South-Shore-Area-Plan-Amendment.pdf>

### Board Comments & Questions

Ms. Aldean said the Regional Plan Implementation Committee unanimously recommended approval.

Ms. Faustinos asked if there would need to be similar changes to other area plans.

Mr. Marshall said the uniqueness here is it was brought in as a result of what Douglas County was doing, and how they were looking at their special use findings. plus having to go to a hearing on different matters. That is a good point and would need to do a little checking.

### Public Comments & Questions

Ellie Waller, Douglas County/Carson Valley resident said she through all the hearings on this. It is the right thing to do. As her personal opinion, sitting through these, it became a parking issue, it had nothing to do with religious assembly.

Lew Feldman on behalf of the Jewish Community Center, Chabad at Lake Tahoe said just down the block the Kingsbury General Improvement District leases space in the building owned by the Synagogue. KGID has a meeting room that accommodates up to 100 persons, and it was stunning to learn that a small and the first Jewish congregation in Douglas County was required to obtain a special use permit for public assembly of 25 people in the same building that a governmental institution can hold public assembly without the need for a special use permit. The Religious Land Use and

## GOVERNING BOARD

January 25, 2023

Institutionalized Persons Act of 2000 (RLUIPA) addressed this some time ago. It is unlawful under Federal law and civil rights, to discriminate, to have a higher bar for religious assemblies than non-religious assemblies. He thanked Douglas County and TRPA staff for bringing this forward to correct what is clearly discriminatory zoning and make it consistent with a Federal law.

### Board Comments & Questions

Mr. Settelmeyer made a motion to approve the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Area Plan amendment as described in the staff summary.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

Mr. Hoenigman made a motion to adopt Ordinance 2023-\_\_\_, amending Ordinance 2013-05, to amend the Douglas County South Shore Area Plan as shown in Attachment C.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

- C. Retroactive permit for the Lily Lake Multi-use Trail, TRPA File Number EIPC2021-0011, Environmental Improvement Program Project number 03.02.02.0082

Ms. Regan said the Environmental Improvement, Transportation, & Public Outreach Committee had a very thorough discussion of this item earlier today. There have been some developments based on the extensive public outreach that they got around this item at the committee level, that Ms. Friedman will be sharing. Fallen Leaf is a special place in our region. TRPA has had Board retreats at the Stanford Camp at Fallen Leaf Lake. She is one of the few people who went down in a submarine to about 150 feet into Fallen Leaf Lake and see the historic trees that Dr. Kleppe has studied. They recognize the very sensitive nature of this and think that they have a good solution for you.

TRPA staff Ms. Friedman provided the presentation.

Ms. Friedman said TRPA is recommending that the Governing Board approve a permit for the Lily Lake Trail. This item was heard at the Environmental Improvement Transportation, & Public Outreach Committee this morning and as a result of public input and discussion, they made some revisions to the draft permit.

Permit additions include Special Condition Number 4: The Lake Tahoe Basin Management Unit shall continue to monitor trail use on the Lily Lake Trail and add usage monitoring to the Church and Clark Trails. Monitoring shall continue for two years. The monitoring will inform future actions that may be appropriate on this network of trails, including, but not limited to upgrading the unauthorized trails and improved signage within the region. Special Condition Number 5: States that TRPA and the LTBMU

## GOVERNING BOARD

January 25, 2023

staff shall do a joint site inspection in the spring of 2023 to identify any erosion or other environmental issues within the trail and develop the appropriate correction measures. LTBMU shall implement any improvements identified to the trail in 2023, and members of the public will be invited to that field meeting. Special Condition Number 6: The Lake Tahoe Basin Management Unit shall maintain the trail throughout the lifespan of the project.

They felt that those conditions were important additions to the permit and will help strengthen the project and ensure that through its lifespan it continues to meet the Forest Service trail design standards.

The Lily Lake Trail was constructed in 2019 and completed in 2021 and did not receive a TRPA permit at that time. It was identified that it should, have, and through the subsequent slides they will identify the actions that we are taking with Forest Service to ensure that it doesn't happen again.

The Lily Lake Trail is an Environmental Improvement Program project that improves recreation by building and enhancing the trail network in the Tahoe Basin and improves recreation access for all users.

It also implements the recreation, air quality, and transportation thresholds primarily by providing a network of trails that are accessible to all users with less reliance on the automobile. Between 2011 and 2013, the Forest Service prepared the Fallen Leaf Lake Trails Access and Travel Management Plan Environmental Assessment. The EA was the first time the Forest Service took a strategic approach to trail planning and environmental improvements in the Fallen Leaf Lake area. Slide 2 shows the geographic area that the EA covered with the area that is outlined in black. It is along the South Shore of Lake Tahoe and includes Fallen Leaf Lake as a predominant feature within that area, and the Lily Lake Trail is along the southern area of Fallen Leaf Lake. This planning area is located in El Dorado County, California, in South Lake Tahoe, and the community of Meyers. The trail does not go into Desolation Wilderness and is only approved for non-motorized recreation; therefore, E-Bikes and dirt bikes are not allowed on this trail.

The EA designated the trail as a hiker, pedestrian trail, but it does not prohibit other uses on the trail, such as biking, or equestrian pack and saddle. Trail designations provide the design standards by which the trail should be built by but does not prohibit other uses on the trail unless that is explicitly stated.

The Forest Service circulated a public scoping document for the EA in 2011 and received public comments to help shape the proposed action and alternatives to that proposed action. The draft was released in 2012 and they received public comments on the proposed action. In addition, there were various public meetings throughout that process. In 2013, the Forest Service issued a finding of no significant effect, based on the analysis done in the EA and issued a decision notice to implement Alternative Four in that EA which constructed the Lily Lake Trail.

The EA looked a suite of actions to meet the purpose and need that was identified, which was to provide a planned system of a shared use interconnected environmentally sustainable trails to serve the entire spectrum of non-motorized recreation users. As part of the analysis, the Forest Service looked at the existing network of trails within that area, and that included 23.7 miles of authorized trails and 21.5 miles of unauthorized trails. The unauthorized trails are typically those that are user-created, are not sustainably built, and do not meet Forest Service trail guidelines and don't have any signage incorporated to help orient people, and those are all the elements that an authorized trail

would have incorporated into it. The proposed action looked at those trails and then made recommendations, including adopting and or upgrading 9.3 miles of trails, decommissioning 12.4 miles of trails, reconstruction of 5.7 miles of trails, and then new construction of 12.1 miles of trails. The Lily Lake Trail was considered new construction and will point out that almost all of the trail improvements within that decision notice have been implemented to date with the exception of one and a half miles of trails that have yet to be decommissioned. In addition, to these trail projects, the plan also includes other improvements, such as new parking, improvements to existing trailheads, such as best management practices to control stormwater runoff, and new and improved wayfinding signage to help the users navigate the connected trail system.

Slide 4 shows the approximate route of the Lily Lake Trail. Again, it's on the south southern end of Fallen Leaf Lake. This trail was an important missing link in the trail network in the region. It connects to two existing trail heads on the lower section of the trail, the existing Glen Alpine Trail Head, that is accessed from Fallen Leaf Lake Road, and Glen Alpine Road, and provides access to a variety of hiking trails, including Desolation Wilderness. Then on the upper end the trail accesses the Angora Lakes Trailhead, which has a parking lot. Both of these parking lots and trails have support facilities such as restrooms and paved parking areas. This trail also accesses other trail networks within the region as well as a variety of roadways. It allows users to access this area through those trail networks, so they don't have to get in their car to get to this area or they can park once and access these variety of recreational resources by hiking or biking and supporting the park once initiative that is important to the goals of the Environmental Improvement program.

The project was constructed between 2019 and 2021. TRPA and Forest Service staff did a site visit to inspect the trail. They were able to walk a significant alignment of the trail when it was actively under construction. TRPA staff found that the trail was compliant with the EA as well as TRPA regulations for construction of these types of trails. They also found that the alignment was appropriate.

What they did realize at that time was that the trail construction should have received a permit from TRPA. This was an oversight amongst the agencies. It was thought that the construction of this trail fell under the existing Memorandum of Understanding that TRPA has with the Forest Service. After looking at that closer, they realized it wasn't the case because the trail exceeded 1,000 linear feet in low land capability district.

Since then, they've been working closely with the Forest Service to determine the best way to remedy that situation, which is why they're asking for a retroactive permit, as well as how they can improve the process moving forward. They've also had multiple meetings and communication with stakeholders, including the Fallen Leaf Lake Basin Protection Coalition, where they were able to answer their questions and hear their concerns about this trail and engage with them on how they can be a part of planning processes in the future at Fallen Leaf and adjacent area.

The trail was built by the Tahoe Area Mountain Biking Association (TAMBA) in coordination with the Forest Service. TAMBA is a volunteer-driven non-profit organization dedicated to the stewardship of sustainable multi-use trails, and preserving access for mountain bikers through advocacy, education, and responsible trail use. The Forest Service relies on these partnerships with organizations such as TAMBA to help build their capacity to not only build trails, but also maintain existing trails, and provide education and outreach to encourage trail stewardship.

Slide 8 shows a segment of the trail that is a little more technical, and it is pretty close to the Glen Alpine Trail Head. The picture on the right is a less technical section, more in the middle of the trail.

When they were analyzing the Lily Lake Trail, they looked at other trails that have been developed and planned within the Lake Tahoe Basin to see how it compared to those and make sure it was consistent and found that it was.

Slide 9 shows the Van Sickle Bi-State Park Trail which is a multi-use trail located in Stateline, Nevada casino core. That trail allows hikers and bikers that also traverses some steep technical terrain. On the right, is map of the Tunnel Creek Alternative Trail which the Governing Board approved in November of 2011. This is a similar trail that traverses sensitive habitat including steep land and some stream environment zone but were able to approve that with resource protection measures in place and sustainable trail building practices.

TAMBA installs trail monitors on a variety of trails throughout the region in order to collect data on trails use. This data helps inform where they should focus their efforts on trail maintenance, trailhead improvements, and education and outreach. They use monitors called Traffics which is the industry standard for collecting this type of data and used all over the world. TRPA and its partners use the monitors on both unpaved trails in the Forest and the paved trails that are in the urban environment.

Slide 5 shows the Lily Lake Trail in addition to two other popular trails close by which are the Corral Trail and the Christmas Valley Trail. The maximum use for the Lily Lake Trail for mountain bikers was 26 persons, and the average was about 20 persons, which right now is significantly less than some other trails in the region. It's important to point out that this data is collecting data on bikers only. The Traffics devices were programmed to only pick up on metal and would only catch a hiker if they were carrying metal such as a shovel or something.

Slide 13 shows one of the iconic views that you see when you are accessing the Lily Lake Trail. This is Forest Service and TAMBA staff out in the field planning the trail to pick the most appropriate alignment that protects the environment while providing a high quality recreation experience.

The project required a permit because it did not fall under the existing Memorandum of Understanding that TRPA has with the Forest Service. It was 1999 the last time this section of the MOU was updated and is prime time to take a look at the language that is contained within the MOU and provide an update to it. Right now, TRPA and the Forest Service are working to update the Recreation section of the MOU so, it is clear when a project requires a permit from TRPA and when it falls under the MOU and expand upon that language to improve upon the coordination that they have and the communication around trail and recreation projects.

Another important initiative that is currently occurring that will help with trail planning and trail care is the Tahoe Regional Trail Strategy. A coalition of Tahoe and Truckee partners are currently developing the regional trail strategy to provide a connected and accessible trail network that spans land managed by numerous agencies and will link Tahoe's back country, front country, and urban trail system. This trail strategy will provide a guiding vision for a regional trail network that will be used by land managers, public agencies, and nonprofits to plan, build, fund, manage, and maintain trails in the Tahoe Basin. It will also provide a mapped inventory of regional trails and trail heads and provide a connectivity analysis to show where there are gaps and the trail network, and that will help all partners to plan the priority trails over the next 5 to 10 years. It is important that these partners come together and prioritize the trails that will be implemented to achieve that mission of the improving trail access and building trails that make that connection in the trail network to access the variety of trails.

## GOVERNING BOARD

January 25, 2023

These priority EIP projects will be included in the EIP Tracker which is a great resource for land managers, public agencies, as well as the public, because it is one place where they can house information about planning, implementation, funding, and update as needed.

Mr. Gabor, Forest Service said during the earlier presentation, their Forest Supervisor was here and did some follow-up to Ms. Friedman. He wanted to share some of the comments he heard earlier. Signage and use on the Church Trail and Clark Trail were being discussed earlier today. Monitoring for bike and hiking use on those trails as well as other trails in the region, monitoring for erosion on that trail which was an interesting point and am hoping that they'll be able to spend some time with some of the members that spoke to that out there in the field looking at those issues. As well as some of the concerns about the Forest Service not having a multi-use trail designation, and the first he heard of that was when he was working with some Washington office folks that they actually don't have that as an agency, and they're trying to rectify that for the entire Agency. They just have hiking or biking, or equestrian, or a specific motorized use. It's a bit archaic, and the Agency is looking to address it.

He also heard a comment about the trail approaching up to three feet or more in locations, and they have a designated 12 to 18 inch width, he believes, on that trail, and that's something they'll be taking a look at as well to see if there's opportunities to make some corrections to that because that does help with speed control on the trail.

As well as a concern about whether or not the Lake Tahoe Basin Management Unit is charged with protecting the water quality of the various lakes in the region. That's why he came here, specifically for water quality and implementing their project. It's near and dear to him that they do take that to heart to protect the water quality. He's been doing many projects over the last 15 years to put in BMPS and do work on that. When he hears concerns about that, he wants to understand those and take those to heart and figure out what they can do better moving forward.

During the break between this morning's meeting and now, he had the opportunity to speak with Ms. Friedman and Ms. Regan to see what they could do additionally as an Agency and partners to take into consideration some of those comments. Ms. Friedman mentioned some of those that are going to be in the permit, so that they can make sure that there's follow on those.

Presentation can be found at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIIIC-Lily-Lake-Multi-Use-Trail-Project.pdf>

### Board Comments & Questions

Ms. Faustinos reported out from the Environmental Improvement, Transportation, and Public Outreach Committee meeting this morning. The public participation was amazing and extended her appreciation to TRPA and Forest Service staff for listening well and making some significant amendments to the permit which will give some comfort and assurances to the public that these matters will be appropriately addressed. They heard about an hour's worth of testimony, some people in support, but out flanked significantly by the people that had concerns. The committee, as a whole, approved moving this to the Board unanimously.

Ms. Aldean appreciated the efforts to address some of the concerns that were expressed earlier today. A couple of points to reiterate, it's unfortunate this slipped through the cracks and feels that people were a little bit disenchanted. If you look at the responses to public comments, the intention, even though she understands that all non-wilderness trails are authorized to permit use by bicyclists,

there was an intimation, at least in the response to the public comments, that this trail wasn't suitable for anything but hikers and pedestrians. She thinks that's why some people were little disillusioned and surprised by the fact that it was being improved, at least in part, to accommodate bicycles. In addition, there is a concern about there being two standards: One for the agency partners and another for the general public.

She appreciated the change or the additions to the special conditions but wanted to suggest a few changes. Under Special Condition Number 4 where it says the monitoring will inform future actions that may be appropriate on a network of trails, including but not limited to the upgrading, she suggested inserting "or eliminating unauthorized trails." She doesn't think in every case, they're going to want to upgrade and improve trails that have been created without authorization. Then adding "restricting usage on certain authorized trails", and then "improved signage." The reason she added the additional restriction at the discretion of the US Forest Service of usage on certain authorized trails is because on page 8 of the EA, the response to public comment says as described in the EA, "Certain trails in the project area would restrict specific uses to protect resources and user experiences. Restriction would be accomplished with informal signage and monitored over time for effectiveness and user compliance." That is consistent with what they are discussing here today. "If monitoring indicates ineffectiveness or noncompliance, then additional measures, such as establishment of a forest order could be used to create trail closures for specific uses and thereby make the closures enforceable." She doesn't want to foreclose the opportunity to do that, if it's necessary, because they really don't know at this point, what the future holds. In paragraph 6, where it says the "Lake Tahoe Basin Management Unit shall maintain the trail throughout the lifespan of the trail." She suggested adding "to protect the environment and the safety of users."

Suggested edits would read "The monitoring will inform future actions and may be appropriate on the network of trails including but not limited to upgrading or eliminating unauthorized trails, restricting use on authorized trails, and improved signage." The second one would read "The Lake Tahoe Basin Management Unit shall maintain the trail throughout the lifespan of the trail to protect the environment and the safety of users."

Mr. Gabor said those all seem fine to the Forest Service.

Ms. Friedman agreed that the additional language is appropriate and will adjust the permit accordingly.

Ms. Williamson asked for the word "eliminating", should they use the word "decommissioning" because it's in the EA.

Ms. Aldean said she actually had "decommission" in parentheses.

Mr. Marshall asked the Forest Service representatives if there a difference in their terminology between "decommissioning and eliminating".

Mr. Gabor said there's even differences in decommissioning alone.

Ms. Aldean said she's assuming that in order for something to be decommissioned it would have had to have been commissioned, and is why she used the term eliminating, because these are unauthorized trails and not commissioned.

Mr. Marshall said he would prefer to stay with eliminating because it has a common understanding.

Ms. Laine asked Ms. Aldean for clarification on the language "Restricting use on authorized trails."

Ms. Aldean said read a segment out of the EA where the Forest Service reserves the right for monitoring. Paraphrasing it states "If monitoring indicated ineffectiveness or non-compliance with the rules that are established for the use of that trail, then additional measures such as establishment of a forest order could be used to create trail closures for specific uses, and thereby make the closures enforceable."

Ms. Laine said when this first came out, there was a lot of concern specifically by the residents that reside in that area, either part-time or full-time that the Forest Service must have done this on purpose. How did they get away with this? It was mentioned that the 1999 MOU language is going to be looked at jointly to ensure that this doesn't happen again. But the language paraphrased that if the trail exceeds 1,000 linear feet and or is low capability land.

Ms. Friedman said it's if it exceeds 1,000 linear feet in low capability land. If the entire trail was in high land capability, it would be exempt.

Ms. Laine asked what part would be made clearer.

Ms. Friedman said maybe that wasn't the correct way to phrase it. When you read the MOU, it's clear but they weren't referencing that section of the MOU during planning of this trail. The type of language that they're replacing that with in the MOU includes that the trail has the appropriate NEPA and includes that they hold quarterly meetings with the Forest Service to review all of their projects including recreation projects and determine how the project should be implemented and if it needs a permit. They've already been having those quarterly meetings to review all types of projects and continually speaks with Mr. Gabor on the variety of projects they work on. It's better language that more properly reflects the collaborative relationship that they have with the Forest Service. It will result in projects that are planned and implemented better than a restriction based on linear feet. In the MOU, reroutes of trails are completely exempt and trails on higher capability are also exempt which is why a lot of trail projects within the region fall under the MOU. This one slid through the cracks because of those reasons.

Ms. Conrad-Saydah said they had a good discussion at the committee meeting this morning. She thanked the TRPA and Forest Service staff to adopt all the comments and improve this outcome.

#### Public Comments & Questions

John Kleppe, 42 year resident of Fallen Leaf Lake is also speaking today with Ruth Rich, President of the Fallen Leaf Lake Protection. Fallen Leaf is a microcosm of Lake Tahoe. It's smaller but it has a lake, it has sediment issues and pressures from recreation. They're the biggest entry to Desolation Valley. They have summer, winter, and boating. Sediment from Fallen Leaf considered to effect Tahoe, but it does. Taylor Creek becomes the fifth worst contributor to the sediment loading. In part of his research, they took a core of the sediment all the way down to the ice age that created Fallen Leaf, Cascade, and Emerald Bay and one foot in 115,000 years ago. If you want sediment records, that's great to do but it showed a real acceleration and the papers been published in 2018 that maybe Fallen Leaf has maybe reached a threshold of what they do on the steep slopes going into it. This kind of construction is not the way to do it on any slope especially one going in to Fallen Leaf Lake or Lake

Tahoe.

Ruth Rich, President of the Fallen Leaf Lake Protection said some of what came back after the committee meeting this morning addresses bits and pieces, but they still feel strongly that an Environmental Assessment is important. One of the reasons for that is the lands that were lumped into the EA that was done for the trail network on the Angora side or the Tahoe Valley side of Angora Ridge also included one trail on the Fallen Leaf side, is her understanding. If you average out what the data is going to show, it's going to be very heavily weighted towards a non-watershed trajectory of erosion into marshes or wetlands where any erosion in Fallen Leaf is going directly into the lake.

That's significant and the suggestion to do a joint site inspection in the spring of this year is not a bad one at all. She doesn't know that it's going to give them enough information, and so Ms. Aldean's suggestion, that some permission is included in these new additions of you can't decommission, restrict use, etc, if this is going to move forward today, that might need to be part of this very strong language about. They're going to figure it out and if it becomes an issue, what are the measurement standards, what is the threshold, and what are they going to do about that? She doesn't know if more needs to be added into this, but if it's going to move forward today, that's a really strong and important argument. With the addition of Number 4, Monitoring Trail use on Lily Lake and adding monitoring on the Church Trail and the Clark Trails, if you've ever been out there and hiked those trails those trails are also on that horseshoe and the south end of Fallen Leaf, and the Clark Trail, which takes off behind her cabin is in terrible shape if you're not a sure footed, capable, nimble person, and to have bikes going up or down that which was part of the reason for the suggestion to do commission it years ago, it would be bad. She believes the community would like to see language around that.

Both the Church and Clark Trail are not okay mountain bike trails. That's important for the environment, it's not because it's going through private property. The same is true with the Church Trail, which at the Fallen Leaf end originates on private property. But it's because those trails are either hiked or on very, very sensitive, and unstable slopes, particularly the Clark Trail. Adding something to protect those two trails, they must be labeled as non-mountain biking trails for the safety piece alone.

This doesn't necessarily address the looping situation, and they're fully prepared to worry about that until it becomes the next topic. But they are grateful that they will be part of the conversation. The pressure on the road, the safety, all the things are still there, and again that takes her back to a real EA is the better way to go but if you're going to move forward in this construct, it needs a little more teeth in it. The Achilles heel, is mixed-use trails, that needs to be figured out, because where can people hike in Tahoe anymore? Because mountain biking is awesome, right? And it is the thing and they're working towards this connectivity, though this trail only connects for very specific group of people to a very specific end, it's not a multi-user trail, biking level wise. But figuring out where the hikers are supposed to hike is important in this changing map.

Morgan Steele, Executive Director with the Tahoe Room Trail Association said their organization since 1981 has worked in the Tahoe Basin to build a world-class trail system. They have over half a million users, and they're always trying to find the balance between the users and protecting the landscape. There's a lot of challenges for our trail system right now. There's a lack of infrastructure and major issues with transit. The Tahoe Rim Trail has nine major trailheads, and only two have public transit to them. There are tree mortality issues, climate change impacts, fire closures, parking issues and on top of all that there's a huge increase in the number of users of our trail systems.

## GOVERNING BOARD

January 25, 2023

They have a growing population center in Northern Nevada and California within driving distance of our trails, we have a huge increase in interest in trails so there's a lot there. One of the reasons why there are so supportive of the Lily Lake Trail, and this project, and would really hope that you approve this retroactive permit is because the Lily Lake Trail exemplifies all of the great things that our trail system has going for it. In addition, to these iconic views, incredible places, they do have these passionate trail advocates in our network here, and their partners at the Forest Service and TAMBA have really committed to building world-class trails. If you've been out on that trail and seen the construction, it is high quality, and something that you can really be proud of in this area.

In addition, those organizations have committed to sustaining these trail systems, not only do they build them, but they go out and put in thousands of hours every year into maintaining them. Also, the Lily Lake Trail is a multi-use trail, just like the Tahoe Rim Trail. The designed use for the Tahoe Rim Trail is for hikers, for most of it, but it is also managed in their trail management objectives for hikers, bikers and equestrians. When they design and build trails, they keep all of those users in mind which is also reflected in the Lily Lake Trail. The trail also provides loop options which is huge for them. Several of the Tahoe Rim Trail sections are only accessible if you drive two cars instead of a shuttle. This trail provides you an option to not have to do that. It connects to well-established trailheads on both ends. There's already a parking lot there with bathrooms, huge pluses. Those are big things for the Rim Trail they're working on trying to get bathrooms in a lot of different locations. That's a big impact. With this, they also are avoiding having folks park in neighborhoods. Lastly, they're spreading users out, which is a huge benefit, they have over half a million users on the Tahoe Rim Trail, they need to find more options for folks. Unfortunately, they're not going to reduce the number of people coming to Tahoe.

Ellie Waller said just an administrative clean up, the US Forest Service representative didn't provide his name.

For the record, the US Forest Service representative is Mike Gabor.

Patrick Parcel, South Lake Tahoe resident and is representing the South Lake Tahoe Running Club. This is a club that he started in 2013 to try and bring runners together in the South Lake Tahoe region. They meet weekly all summer long over in the Tahoe Mountain area, and when they first started their options were very limited as far as where they could go. Now, they have so many options and it's a huge reason why they live here and why people recreate here is ability to leave your backyard, not get in the car and go and recreate on multi-use trails. He lives on the south side of Angora Ridge, and he used to drive over to Glen Alpine Falls Trailhead, where Lily Lake terminates, and going to Desolation Wilderness from there because there was no other option for him to get there.

Now that the Lily Lake Trail exists, he's able to leave his backyard, hop right over the hill, going on no roads into the Desolation Wilderness. He also mountain bikes, but when he's running sometimes, he doesn't want to come across bikers. In that case, there are hundreds of miles of trails he can access and not have to worry about seeing any bikers. The unique thing with Lily Lake is that it's outside the wilderness and can provide this neat experience that you can't get on any other trails for mountain bikers in the Tahoe Basin. It's a unique piece of infrastructure, that hope that you all support and understand why this retroactive permit is so important. Finally, living in this area, they've all seen the increase in traffic and people coming in. The answer is not to try and restrict one use or another on a single trail, it's to have a holistic vision for how they can reduce parking and congestion issues at these trailheads. Looking at things like microtransit, having permit systems at the trail heads those are going to be the solutions that impact everyone on a much broader scale. They don't want to be sending any

## GOVERNING BOARD

January 25, 2023

more people than they have to back into this sensitive watershed. He wouldn't want to live back there and see lines of cars there, it's a concern if there's wildfire or anything like that. Definitely understand the concerns but feels there are solutions that do not involve restricting non-motorized access to one user group or another. There are always going to be user conflicts, but it can't be putting one group against another. It's not a technology issue, it's a people issue, and they need to work on the culture of trail etiquette and the basin and not alienate one another.

Andrew Bray, Executive Director with TAMBA, head coach of a local youth mountain bike team, and on the advisory board with the league that the team works with which brings in about 500 to 600 kids into Tahoe and adjacent communities and about 200 to 300 coaches. The Lily Lake Trail is an amazing piece of work that took a lot of years with design, public input construction to get to the point that they are now. Unfortunately, the permit was overlooked as part of that process, but all the other steps were done professionally and in a sustainable manner. He would like to invite everybody if you haven't had the chance to check it out and admire the workmanship.

He worked for about 33 years in the Lake Tahoe area on public lands and has been responsible for a lot of land management erosion control, vegetation management and things like that. This trail is one of the jewels in our crown for a lot of different things that Tahoe has to offer. It provides access to all members of our community to get to see the iconic Tahoe views. It allows people to ride out to the lake. There have been some questions raised or concerns about the ability for people to safely do a loop in that area. He lives in that adjacent community and ride that trail will fairly well. He travels loops down Lily Lake, out Fallen Leaf Road, in Fallen Leaf Road, back up Lily Lake on his mountain bike, and ride the trail uphill and downhill. He's almost 60 years old, and rides a cross country bike. He can do it on that but is not saying it's an easy trail, but in amongst the trails, and there were some examples that Ms. Friedman shared earlier, it's actually probably less technical than quite a few of them. There's been a lot of really good things that have been done a couple of things that this trail also checks the box on, is that it offers parking at each end, yes, it's bit of a fight to get it, but it offers parking, bathrooms, and decent opportunities for trash. Those are things that they are trying to implement in so many more areas around the Lake. This trail checks the boxes with that too.

TAMBA supports the proposed initiative and permit. They would be happy to work with the Forest Service and local homeowners to answer questions, address concerns, and do what it takes to show that this is a functional multi-user trail with people biking, hiking, and camping. He hasn't seen horses but knows that a good steady horse could ride that trail. But those folks are able to enjoy it, and he's not had any issues of conflict brought to his attention. There are certainly areas in the Tahoe Basin where conflict happens, and they work with those folks with education, advocacy, and trail stewardship. He's works with the youth through the mountain biking to encourage that generation to own that next step.

Meghan Kelly, Civil Engineer, Nevada top of Conservation District commenting to today as a private citizen and a user of the Lily Lake Trail and also from a civil engineering perspective who works primarily on stream restoration projects in sensitive lands. This trail is a marvel and it's definitely not a water quality concern despite its presence in sensitive lands. It was built really well. She's biked it many times and even hiked it with my seven year old triplets and haven't seen any evidence of erosion or issues that would affect Fallen Leaf Lake or Lake Tahoe. If you haven't been on the trail, she highly recommends doing so. It makes you feel like you're maybe a tourist in your own town, maybe in the Italian Dolomites, hiking hut to hut, it's truly spectacular views. She's brought both local friends and visitors there, and they're very impressed. It enables you to start at the Tahoe Mountain trails, like previous people have said or the Angora Lakes Trail Head and get to an area that you typically have to

## GOVERNING BOARD

January 25, 2023

drive on a very narrow road that isn't in great shape. You can now access these areas by foot or bike, and not have to drive on the sensitive Fallen Leaf Lake Road. She finds that there's very little user conflict. Because of the nature of the trail, it's quite slow to bike on and not any real biker or hiker conflicts. In fact, when she's only seen one or two people back there while using it. She supported permitting this trail as both a user, a restoration engineer, environmentalist and a 17 year Tahoe resident.

Doug Flaherty said it happened kind of quick, but there's a slide presentation there that went kind of fast, but he believes he saw a Whitebark pine which was put on the threatened list a couple of weeks ago. Maybe there's a similar tree, but maybe the Forest Service can look at that slide tell them if that was a Whitebark pine that was adjacent to the trail. If it was a Whitebark pine, then that would be new information where they could file a public objection under the National Environmental Policy Act (NEPA) for a supplemental EA. He's not saying they do that, but if that's a Whitebark pine, he requested this body to give them a month to talk with the Forest Service about that situation.

Cumulative impacts result from the tyranny of incremental impact of small decisions when added to other past, present, reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts result from individually minor but collectively significant actions taking place over a period of time. The pro-growth TRPA and pro developer TRPA and its partners continue to be active participants in the tyranny of incremental impacts, void of adequate environmental analysis, to protect all that is Lake Tahoe. The EA that was performed, covering a fairly large area, was one of those incremental impacts, and the fact that this all got pushed through without the valid permit, continues to validate his claim that they need to take a hard cumulative impact look at many things in the basin, including how many unauthorized miles of trails there, what's being done about it, and how the new trails impact the continued use of the unauthorized trails. They should shut all the unauthorized trails down until and maybe hold back on the decisions to approve some of these with this new trail study. He's mainly concerned about the Whitebark pine.

Ms. Williamson said they really appreciated all of this good public comment. Much of the Board was listening during committee, and there was a lot of written public comment as well that she has read every word of. If you'd like to use your public comment time to say if you support or oppose the trail in the interest of time, if you want to abbreviate your comments, know that the Board has heard. If you've made substantive comments on this today or in writing that they have paid attention to that.

Chris McNamara said since Lily Lake Trail was built, he's never used Fallen Leaf Lake Road because there is such a better way to get there. He doesn't need to park a car out there which he has to imagine if you've seen some of the creative parking around the overflow at Glen Alpine Trailhead has to be the biggest concern in all this. He loves Tahoe's inclusive nature, other than wilderness, where it's just hikers and horses, we have this multi-use culture of inclusivity. He's aware of maybe only one section of trail on the East Shore that's non wilderness that has excluded a user group and would love to keep that type of inclusivity going in Tahoe. Anyone who's been to an area where they've chosen not to embrace that philosophy, it gets ugly, really quick and it's no fun for anyone. It often involves a lot less trail access and a lot more litigation. He's so happy that in Tahoe they have not gone there yet and hopes that they continue that.

Jonathon Gurish said he also made comments to the committee this morning and won't repeat his concerns about the water quality. He's appreciative of the concessions that the staff have made in the permit, they go along ways. The posture that this permit is in right now, is that the trail is already built,

and you are now being asked to approve a permit within inadequate environmental review. Why not put off and deny the permit and wait the year to get the monitoring data, and then you have the information necessary to evaluate whether, in fact, this trail is impacting water quality.

Peggy Laughlin said she also appreciated some of the concessions made on the permit and made her comments about safety and deviations from the trail plan. The main points she'd like to clarify is that the Board will vote based on accurate and truthful evidence, and that there are stipulations in the permit, as even as written now and modified, that she believes do not justify approval, in fact, doesn't believe the Board can approve this trail based on existing misrepresentation. She'd like to go to the statements made in several parts of the report of TRPA that say that the trail was approved in 2013 by the decision noticed as a multi-use trail, and reading from the decision notice in 2013 states that the on page 30, first of all, the trails surrounding referred to AN 4 and 8, bicycle uses in frequent on trails AN 4 and 8, because those trails designed use, hiker, pedestrian trail, and as such are not well suited for bicycle traffic. None of the alternatives in this project proposed to change the allowed or designed use of trails, AN 4 or 8 and for or 8. The proposed trail, AN 5 would be managed consistent with a AN 4 and 8. This means the trail was approved as a hiker, pedestrian trail. It goes on to say, construction and management of trail AN 5 is a hiker, pedestrian trail is consistent with this direction and has surveyed and evaluated for potential impacts, for all resources areas and no significant impacts will occur to any resources as a result of the project or alternative.

Therefore, what this means is it was evaluated and assessed for environmental impact, based on construction as a hiker, pedestrian trail. It was authorized as such not to exceed 2 feet in width and with the resulting effects being analyzed as a hiking trail, not bicycle use. The report that's states on page one that the trails are multi-approved, and on page 97, are incorrect in the report. The Board is going to be voting on a report and a recommendation that does not truthfully say that a multi-use trail was approved. A multi-use trail was not approved, a hiker, pedestrian was, and therefore, she requested that the Board not approve a retroactive permit, because those findings are not factual, and the no significant impact is based on a completely different trail design. Those standards were not followed, and the trail became much larger, bigger, and unsafe for many users because of the conflict of use.

Jeff Campen said he addressed the committee this morning and am happy to hear that there are considerations for changes in the approach. He supported what Mr. Gurish stated to your Board. Clearly this trail was built in error, not having to permit, but thinks they're moving forward to a resolution. He doesn't think that there should be a rush to judgment, there's no reason to approve or deny the permit today. You can delay it, the trail has been in an existence, so there's no harm on that front, and it's certainly not going hurt the Forest Service or TRPA to delay this until there is sufficient monitoring information.

He clarified some information that they put forward this morning, and representations made by the Forest Service about additional trails that were approved on the Angora Ridge area in the decision notice of 2013. Their response to the committee at that time by the Forest Service was those other four trails did not fall within the MOU. He takes issue with that, and thinks the Board needs to look into those four trails seriously. The information he has on page 157 of the 2013 EA shows clearly that those four trails are new construction and specifically designated bicycle. Those four trails were approved, and they have been built. They are not rerouting, there are not any other considerations but new construction. Finally, he suggested that they hear what TRPA is trying to do in terms of regional trail planning and dispersing, and what the Forest Service is trying to do with this. They have to re realize that at some point, they're going to be up against the wall in terms of the ability of this

## GOVERNING BOARD

January 25, 2023

new trail to absorb the population and use increases. Yes, there are services at both ends of the trail heads, but they're inadequate right now, they don't get serviced regularly or appropriately. The bathrooms are generally a mess, especially down at Lily Lake, because of the people going into Desolation Wilderness. They're going the right way, and if they have a little more time, they can make informed decisions on this trail.

David Orr, TAMBA Board member and passionate mountain biker, hiker and a resident of South Lake Tahoe. He supports the Lily Lake Trail and the retroactive permit. He's both hiked and biked this trail many times. He often hikes it with his children and the design of the trail has prevented any major user conflicts. It's technical features, and all the switchbacks that it has really does create a slow speed situation. He's always able to yield to uphill traffic when he's on a bike coming down that trail. As a hiker, he's never had a bad interaction with any other mount biker on the trail. This is anecdotal at best, but it is a difficult trail to get out of control on.

Elise Fett, Architect and Engineer in North Tahoe. In general, it's been proven that nature is good for human health and trails are necessary. This trail has already been built, so, if it's in place, it seems that we need to stabilize it and approve it. We need to take care of letting people get into nature. We keep talking about more and more mental health issues in our country and yet we don't provide enough access for people to get out there and to enjoy it. She won't repeat comments about improving transit for people to get there. She's an avid mountain bike rider and of course, that makes her want to have more trails in this area. What concerns her is that there is a gentleman who she respects his point regarding sediment. She puts in BMPs for homes here all the time. She also sees the incredible amount of erosion and the mess that's created by the road system here, 90 percent of the contamination to the Lake is from these roads. They need to get public transit. They also need to get people off the roads and doing something other than driving around the Lake and mountain bike riding is a great opportunity for them to see the Lake without being on a road. It's much safer, and the Incline Trail here has an even, odd day, and walkers go on the even and the bikers go on the odd, and it works great.

There is so much more damage happening to the Lake because TRPA has not stopped and regulated the use fertilizers in the basin. It was recommended by stock in 2012. So, you're concerned about the sediment coming down from one trail when you haven't taken care of saying no more nutrients in this basin, it is killing our Lake. There are neurotoxins and cyanobacteria blooms and you're complaining about one little trail that is good for human. There are people who are getting ALS/Lou Gehrig's and Parkinson's from the toxic water in South Lake Tahoe. Please focus on the huge picture that needs to be resolved, which is keeping our water clean and it's not just the sediment that happens naturally with the erosion from the Lake, an erosion from streams when there's a big flood.

Amanda Patton, mother of a 7 and 10 year old and resident of South Lake Tahoe. She and her husband spend summer evenings riding Lily Lake and swimming in Fallen Leaf. It's one of the most magical places on the planet and it should be protected. They are in full support of that trail being there and the permit being issued. Blaming the inherent problems of just humans living in wild spaces, water pollution, trash and increased traffic on one recreational population, such as mountain bikers is really unreasonable. The most alarming issue she has with this discussion is just the access to public land. It feels like it is more of a debate of public lands, versus private homeowners. In effect, by being adjacent to these public lands, homeowners are converting the public parcels into their own private backyards, and that to her feels unlawful and wrong. Using environmental reasons to cover those not wanting traffic in your private areas, understanding the traffic's horrible but it's not right. Most importantly, though, just access in public lands is imperative because it teaches the next generation

GOVERNING BOARD

January 25, 2023

about protecting our wild spaces.

Wyatt Patton, Hi, I'm Wyatt and I'm 10, and I love to mountain bike. I really care about Lily Lake, and I hope you do not take it away.

Avery Patton, Hi, I'm Avery and I'm 7, and I really love biking and when I grow up, I want to do Lily Lake.

Denise Davis said this morning and afternoon, citizens have expressed concerns regarding parking. This is reminiscent of concerns voiced by citizens during permitting and planning of the East Shore Trail at the North Shore. Those concerns were brushed aside at that time, and the project moved forward. Several years since the completion of the East Shore Trail parking problems continued to plague the neighborhoods near the trail. The success of the East Shore Trail proves a point made this morning. If you build it, they will come. Plan for increased use. Please listen to these concerns and avoid creating another unintended consequence of shortsightedness and hurry.

Board Comments & Questions

Ms. Aldean asked a question of Mr. Gabor, Forest Service in response to a recommendation from Ms. Rich of having to do with the Church and Clark Trails. She's assuming they are classified as authorized trails, since they have a name.

Mr. Gabor, Forest Service said yes for the portions on Forest Service land.

Ms. Aldean said then they would be covered under Paragraph 4, where the Forest Service would retain the right to upgrade or eliminate unauthorized trails and restrict uses on authorized trails.

Mr. Gabor said that's correct.

Ms. Aldean asked if hiking on those two trails because of their current condition is deemed inappropriate, the Forest Service could restrict it to hikers and pedestrians only.

Mr. Gabor said yes, and the private landowners also have that right to do that. Working in cooperation with them in the community they could come up with a decision such as that to restrict bikes on those routes.

Mr. Hoenigman made a motion to approve the required findings including a finding of no significant effect as shown in Attachment A.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

Mr. Hoenigman made a motion to approve the proposed project subject to the conditions contained in the draft permit as shown in Attachment B as amended on the record by Ms. Aldean.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich,

GOVERNING BOARD

January 25, 2023

Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Hill, Mr. Rice

**Motion carried.**

- D. Presentation on the Waldorf Astoria Lake Tahoe Project, 5 State Route 28, Crystal Bay, Nevada, Assessor's Parcel Number 123-051-02, et.al, TRPA File Number ERSP2022-0138-01

Ms. Regan said at this point, Ms. Aldean is the only one who has previously had some exposure in her tenure on the board with what was then called the Boulder Bay Project at the Biltmore in Crystal Bay. A few Board members were able to come out yesterday and do a site visit to see in person the facility there. The Governing Board approved a project in 2011, for the Boulder Bay Project, and we are now considering a plan revision. Staff thought because it's of such great interest to the community and of such significance in our area that's targeted for revitalization, staff will be providing an informational briefing.

To provide some context around what they just wrestled through with the Compacts direction of achieving and maintaining thresholds but doing so with orderly growth and development. That's a tall order, and this is an area that they've long targeted for revitalization. One of their planners, John Hitchcock, who now works at the City of South Lake Tahoe, worked on a community plan for streetscape improvements in Crystal Bay decades ago, and they're still working through many issues. There is an updated project for your consideration coming forward.

TRPA staff Mr. Nielsen and Mr. Jacobson, EKN Development Group provided the presentation.

Mr. Nielsen said this plan revision to a previously approved project. They anticipate coming back for action tentatively in February or March.

A few terms you'll hear in the presentation are Boulder Bay, which is the project that was approved by the Governing Board in 2011. The second term is Waldorf Astoria which is the proposed revised project that will be the primary focus of the presentation.

The facility is located on the North Shore, immediately adjacent to the Stateline in Crystal Bay along State Route 28. The red outline area in slide 5 shows the proposed project area. The project area is approximately 16 acres that includes the Crystal Bay Motel, the parking lot, and an adjacent office building.

The building has been there for a long time and was open until this past summer. All of the buildings on the site are currently vacant.

The project represents a plan revision to a project approved by the Governing Board in 2011. It was part Community Enhancement Program which was a TRPA program that incentivized large projects to incorporate environmental improvements into a project that were above and beyond mitigation requirements such as water quality, transportation improvement, and scenic quality improvements. As a part of that approval, the Governing Board also certified an Environmental Impact Statement that looked at five different alternatives.

There have been some construction activities, specifically, there was a water quality basin constructed in 2014 that takes run off from the Nevada Department of Transportation and local roadways and

## GOVERNING BOARD

January 25, 2023

treats it across the road near the Cal Neva and has also helped to attenuate flooding downstream in the speedboat area and was a critical portion of the project to help address water quality and flooding. There was a public park built on site and really the first phase of the major construction was the 18 condominium units known as Granite Place. The last element was that there was as a part of the community enhancement beautification project in north Stateline along State Route 28 there were some power lines placed underground, and there was about a \$600,000 contribution made to that effort by the project proponents. Because of these construction elements, because the project has been pursued, all be it slowly, these elements represent diligent pursuit of the project, and therefore the project permit remains valid.

This past summer there was work to complete an interior connector roadway in order to button it up for the winter.

The Boulder Bay project includes tourist accommodation units and residential, this is truly a vertical mixed-use project. This is something that has been envisioned by agencies, area plans, the Regional Plan, and going back to the community plans. There's commercial floor area and gaming which was significantly reduced from the existing casino size. The developer also brought affordable employee housing to the table. In addition to public gathering spaces and a pedestrian village. He sometimes equates the approved project, and also the proposed project to a miniature Heavenly Village. A place where you would like to take folks when they come to town, where there's a little bit of a sense of place, for South Lake Tahoe now with a little village core, commercial amenities available to local residents and visitors along with hotel rooms and public gathering spaces.

The project also delivered water quality, scenic improvements, and reductions in vehicle miles traveled. A fairly significant reduction in vehicle miles traveled over the existing condition and also transportation improvements such as shuttles to local beaches.

Slide 12 shows a rendering of what's envisioned for the approved project. Again, vertical mixed-use, commercial, residential tourist, and gathering spaces. The next project evolution is embracing this concept and expanding on it, so, that it is not just a developer proposing to build hotel rooms that are for people visiting, it's also creating a place for locals as well.

(Presentation continued)

Mr. Jacobson, EKN Development Group said in 2015 is where Mr. Nielsen left off with the breaking ground of the Phase 1 or building the 18 units there that are existing. EKN has been involved in this project now for over four years. They were involved in this as a joint venture with the previous developer to be the hotel developer for the site.

However, in September of 2021, they purchased the entire site from the previous developer. Since then, they've closed the Biltmore and done some extensive development in remediation and getting ready for the demo of those existing buildings. The Biltmore closed and they gained full possession in May of 2022. They did some site work and quite a bit of cleanup and put together a plan that they refer to as the plan revision for the Waldorf Astoria that was submitted to TRPA in October of 2022.

Some of the benefits of the plan are that there's a substantial decrease in units of 47 percent. There's also a conversion of an internal road to make it a pedestrian area and friendly to those who want to be part of the village resort core. They also increased access to food and beverage, and also pedestrian friendly retail for the community and its guests, and this is mostly done by the creation of

they refer to as the grove. They also changed and improved the experience for arrival. In addition, they did all the stormwater treatment and infiltration on site which is a change from the previous plan. This is a substantial improvement for the environment.

The project is less and what are they doing with less? They're taking that and they're converting that into more amenity space and more offering to the community and guests.

Majority of the things that are key performance indicators are staying the same such as housing on-site and off-site are staying the same. Total coverages, and all the categories are staying the same. Heights of the buildings as outlined are also staying the same. Transportation is also something that's staying the same, except they're going to probably increase that a little bit. A required condition is to have bus stops and transit as part of that. They've relocated that based off of some advice from TART and others that are part of the transient area. They also have ski and bus shuttles and are working to have destinations for the guests that will have a dedicated beach and a ski opportunity. They are conditioned also to have and continue have employee shuttles. However, on working on bikes, paths, and height improvements he'll talk more about that when at the site plan.

The left side of slide 20 shows the site plan for the previously approved Boulder Bay and the one on the right is the Waldorf Astoria site plan. They look similar with the same number of buildings, the footprints, heights, and shapes of the buildings are substantially in the same conformance. However, the slight changes that may be seen to the eye are substantial for the guest and community. Building C on the far right is where the entrance is for the resort. That Porte cochere has been in the plan, revised and brought to an elevated area which is shown on slide 21 which is between Building D and B. That is now on the same elevation as the Stateline and lakeview connector, which then allows the guests that are coming here to Lake Tahoe, an experience of elevated views of the of grove area and Lake Tahoe with the mountains and trees. It also brings an opportunity for those that are also community members to come here and bring their friends and experience those views in this hotel lobby. It also improves the safety quite a bit by taking the stacking, if six cars showed up to check in at one time, there is a possibility of had being backed up into State Route 28. By bringing it up into the resort area, they'll be able to control that more readily and have better safety.

Another change is that roadway in the separation of the buildings that are along State Route 28. Those are lower level buildings with two stories which were a part of the conditions for Phase 1 to lower those from three to two stories. However, they were separated in the previous plan by a vehicle road, so that section between those two buildings on State Route 28, and all the buildings in the remaining were actually separated by a vehicle driven road. They've changed that now from a vehicle to a pedestrian only road which now allows them to create more space and safe environment for people.

Slide 24 There is now heart in the middle of the village which they refer to as a grove which is anchored by some old growth trees that they've developed a plan to maintain them. The grove is an elevated area that is now incorporated into the back buildings, and also bringing the back buildings into the front. They've done that by creating an amphitheater by taking advantage of the natural grades that are there and making places for the community to come and be part of it. Now, all that retail and all the curated retailing people that they're working with, and will work with is that they are going to create a place for the community and for the guests to be part of something which is a commercial town center which is the actual idea of the Crystal Bay area.

They're also looking to connect the upper buildings down to an area referred to as the Alpine Trail. They're going to mimic some of the ideas of trail hiking, and you can start from either up at the upper

## GOVERNING BOARD

January 25, 2023

elevation, so, if you're a member of the community up on the upper side, you can come to that on the sidewalks that are going to be provided on our new improved roads, and then go to the lobby and bar and restaurant or stroll down the trail and go through the different areas there. The grove is a place where you can have things like farmer markets, events, year-round programming, Yoga, on the lawn, etc.

Slide 31 is the elevation of the top of the hotel, Building B in the back looking out over the grove area. Instead of entering now on the elevation of State Route 28, you're now entering the hotel and experience on the elevation where you can see why you are in Lake Tahoe. This is for the guest and the community because it has an open bar and restaurants, and also the trail system to walk down into the lower levels.

They've been involved in this project for four years but became very active in it once they purchased the whole thing. They've had multiple meetings with community members, and they listened. They also reached out and had a lot of collaboration with lots of the agencies that are here and listened to what would make this project better. They found that all these things that they're offering up in the project revision, come from them listening to the community and also to the agencies that are here.

They would like to continue our demolition of the buildings in the Spring of 2023 and sitework that started last year will continue in 2023 for the grading and road construction. In May 2024, they hope to begin all the construction associated with vertical. Completion of all of the project, one phase in late 2027.

They bought someone else's approved plan then they took the time to go back and listen and learn from those who knew it best, and that is the community and the agencies that have been here for a long time. They're an active developer and will be here for a very long time. They found that they could increase the environmental, community, and guest experience while doing all three, they are a win win. They believe that this is a catalyst that can start the revitalization that Crystal Bay so needs.

(Presentation continued)

Mr. Nielsen said thanked EKN for being good listeners. They reached out to staff early and were discussing a project which was not the project that Mr. Jacobson Tom just described. The initial iteration of a revised project on the site was something staff had concerns about such the size and the scale was not in keeping with the community and more importantly it wasn't keeping with the original permit and the environmental document. It was critical when they sat down with the team early on that staff made it clear that any revisions needed to be consistent with those original approvals and the environmental document. Over time, EKN responded to that request and developed the project described.

There's still work to do, and they know there was some work to make sure that what is proposed is consistent with that original approval and environmental document. For example, from scenic standpoint, the original project was required to result in a threshold improvement to the scenic quality radiance for the roadway along State Route 28. A couple of months ago they performed a balloon exercise using drones, they simulated the height of the buildings to ensure that the simulations that were prepared for the project were accurate. They viewed this from various locations around the site, and then they also went out on a boat on Lake Tahoe and observed the 4' diameter red balloon which was visible from the Lake, but it was not visible, at the two required evaluation

## GOVERNING BOARD

January 25, 2023

points, which is 300 feet offshore, and then one quarter mile offshore where the buildings were not seen. Almost a mile out, you would see the top of the buildings, but it certainly would not project above the canopy and would not detract the scenic quality which were the conclusions of the original Environmental Impact Statement.

The site is in need BMPs. Part of the Community Enhancement Program and the original approval required of environmental improvements above and beyond what were required for mitigation. From a water quality standpoint, the original project proposed not just treating the 20 year, one hour storm which you hear a lot about but the 50 year, one hour and capturing much more of that on site. The original project did not include to the degree that they're seeing now the level of treatments and storage capacity and design. They went out on the site with engineers to talk about the new evolution of the stormwater plan. This water quality plan is a 2023 version and not the 2011 plan that was previously approved. They are pleased that the project has come as far as it has and will still deliver the environmental improvements, including affordable housing, transportation, and revitalization.

If this project is approved it will serve as a catalyst for environmental, community, and economic benefits for other sites at north Stateline, like the Cal Neva for example. There's been some recent interest in the Cal Neva and is a good thing, because that site needs some attention.

Presentation can be found at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIIID-Waldorf-Astoria-Lake-Tahoe-Project.pdf>

### Board Comments & Questions

Mr. Settelmeyer said about 14 to 16 years ago, they were up there reviewing the Crystal Bay and Cal Neva at the same time when he was on the Interim Committee for Tahoe on the Legislature. So, it's fascinating to see the new rendition, and looks forward to the project.

Ms. Aldean said obviously, interest rates are rising and financing is critical for this project. She understands the estimated project cost is \$750 million and asked if EKN has secured financing, or have you identified a lender who is willing to finance this project pending an approval by this Agency?

Mr. Jacobson, EKN Development Group said they don't have their construction financing at this point. They do have the financing to get to the point where they are and where they need to be, as far as the horizontal construction. However, debt financing will be in place for the vertical construction.

Ms. Aldean said with the funding for the infrastructure work, is EKN reasonably confident that this project will be able to move forward?

Mr. Jacobson, EKN Development Group said that's a reasonable question to ask based off the environment that's today. But yes, they do have confidence that we'll be able to get construction funding.

### Public Comments & Questions

Stuart Yount said he was on this Board, for 6.5 years quite a while ago. He worked with Ms. Regan, Mr. Nielsen, and Mr. Marshall and think they're all pretty happy with each other at those times. Back in those days they had two day meetings, a lot of the time. He attended some 70 or so meetings and was very involved. He's lived in Crystal Bay for 27 years now and quite involved in that community. In

## GOVERNING BOARD

January 25, 2023

2011, he spoke with Mike Brown, the preeminent Fire Chief, at the time in the basin, and have heard some concerns about the access and the road closures and changes and all that and he was very supportive of that at the time and felt it was of a dramatic improvement to the fire safety for the community. He's spent a good deal of time getting to know Giovanni and have been spent time together at his headquarters, the old one and the new one in Irvine. He's very pleased to say that he's the real deal. His office had some 100 people at computers working on various projects including this one. I think that this one is his pet project. He's supportive of this project. They need to rejuvenate and revitalize Crystal Bay and get rid of the blight.

Mike Dunn moved to Tahoe 30 years ago and works for Chase International Real Estate for California and Nevada and works throughout the entire region in all of their markets. Chase International has been retained by EKN Development Group to represent the sales and marketing of the project and he's tasked with the marketing of the community engagement for the developer. He wants everyone to know that he works for the developer. When he first met Ebbie Nakhjavani and his team, they were interviewed to represent EKN as a residential real estate sales and broker. He was impressed when Eddie told him that the most important criteria that he was looking for was strong community members to play a pivotal role, to build and implement a community outreach program. There was no conversation of sales or condos. It was about an outreach program, and that was a year ago. This was an unusual breath of fresh air, because usually it goes straight to sales. Their relationship was immediately solidified because he built his career building and expanding relationships with a large focus on the community and the environment. He chose to live in Lake Tahoe because of what Tahoe offers. You get to explore all the seasons and the fact that they are not Vail, Whistler, or a mega resort community. He's been a resident of Douglas County, mostly because of its slow growth initiatives and its local government to reduce the impact on our community.

They're tasked with reaching out to the public and have met with well over 1,000 people. They've hosted over 30 public community meetings. From day one, created a website to inform the community and posted things on social media notifying business owners. They've met with business owners, agencies, EMS services, couples for coffee, locals in their homes, business owners at their places of business. They've presented the Washoe Citizen Advisory Board meeting and attended other major events and local charities. They met with HOAs at town halls, and they've had a great event on January 11<sup>th</sup> at the Incline Bowl. The response from the community is overwhelming and the personal attention that EKN has given has been well received by the community. What's challenging and frustrating for him is that there's a very small, misguided group in the community that has been and continues to distribute malicious misinformation to the local community members at a great disservice that cost them time and money. Yesterday, one of these members was on site at their walkthrough, telling people that there would be over 3,000 cars arriving daily, and that the buildings would stand over seven stories tall at the top of the resort. Both of those are completely fabricated, they do nothing positive and it's no good for the public.

What the plan revision has here presents that they've listened to the community, and you should listen to those plans in that plan revision.

Jim Kelly said his family owns the Tahoe Nugget which is located across the street from the Biltmore. He's also a full time resident of Crystal Bay with a home located behind the Crystal Bay Club, near the project area. His father opened the Tahoe Nugget in 1962, and he and his brother took it over in 1993 after he passed away. He's been in Crystal Bay his entire life, and have witnessed its long, slow decline. A lot of properties that were there when he was young such as the North Shore Club, Bal Tabarin, Cal Neva Lodge, and the Monte Carlo are all gone. The Cal Neva has been closed for over a

## GOVERNING BOARD

January 25, 2023

decade and the Tahoe Inn has been closed for longer than that. Now, the Biltmore and Crystal Bay Motel is closed, only the Nugget and the Crystal Bay Club are still open. Thirty years ago, they had close to 500 hotel rooms, now there's five. There were hundreds of employees in Crystal Bay, now there's less than 100. The only thing they've seen an increase in is derelict buildings. He's hopeful that this project goes forward. He's had numerous opportunities meet with Ebbie Nakhjavani and thinks that he and his group are the right people to make it happen. His only concern related to the project, is that something will prevent it from going forward. He agreed that this can be the catalyst that they need to begin the process of revitalizing Crystal Bay. On behalf of himself and his family, he's here to offer their complete support for this project.

Corey Solferino, representing the Washoe County Sheriff's office. His team, and Captain Blaine Beard, the new commander of Incline Village, Sergeant Joe Colacurcio, admin sergeant, support this project for a host of reasons, but most notably wanted to highlight what the project managers have done over the course of the last year. As a former commander of incline village, he had the pleasure of working with them in several capacities, always with positive interactions and information sharing from community events and meetings to critical stakeholder discussions, and advice. They have integrated themselves into our community. They're wonderful community stewards who understand the importance of public safety and want to create an environment of such.

The principal partners of EKN Development Group have listened to our public safety interests in the demolition and ultimate new construction of those multiacre project. The parcel in question was identified as a former problem area which generated several repeat calls for service relative to trespassing, troubles unknowns, driving under the influence, disturbances, destructions of property, batteries, etc. The principal partners have listened and want to partner with local law enforcement for collaboration and crime reduction strategies. As a law enforcement professional, he cannot tell you how important this is to protect life and property. Oftentimes, law enforcement met with resistance and delays when investigating crimes and protecting life and property. It's refreshing to work with a group of business professionals who truly have public safety at the forefront of their agenda and want to incorporate crime reduction strategies through environmental design. They've hosted community meetings discussing the project in great detail and have solicited input from subject matter experts in the public safety field. They appreciated the open lines of communication and feedback, and wanted to ensure that that was read into the record today.

As this property remains vacant, even with routine patrols and onsite security, it has become a local breeding ground for broken windows, a safe haven for juveniles and adults, and acts of crime and delinquency. Any delays to this project will result in more of the same and immediately impact their ability to revitalize Tahoe.

Lisa Douglas said she and her husband moved here seven years ago for the sense of community that Incline Village offers. They love to be contributors to the local community as donors and providing assistance those in need. They live on Lodgepole Drive which is about 3.5 minutes away from this incredible new undertaking. She's also the co-president of the Rotary Club of Incline Village for the past two years.

Ebbie Nakhjavani and Mike Dunn both spoke at her little club and changed a lot of people's minds, as many people had previously heard negative, uninformed, and misinformation. After they saw the genuine and sincere responses to their questions, they came up and said, Gosh, "I'm glad I kept an open mind and listened because they have really changed my mind." They're genuine, sincere and some say they are very credible, and they've impressed many Rotarians with their honesty. They've

## GOVERNING BOARD

January 25, 2023

hosted many intimate meetings, some just for her rotary club, other friends of Rotary, and another club in Incline Village. They've been open and honest and have listened and addressed concerns raised by attendees. The Waldorf Astoria is an incredible brand partnership to have. Her husband has an office Space at 10 Stateline Road and this area is in such a state of disrepair and absolute eyesore that attracts the wrong elements of people. His office has been broken into three times, and anything that wasn't nailed down has been stolen. They need and want a beautiful stunning entry corridor to our incredible village in Nevada, and this project is promising to match our elegant, brilliant, dazzling vision that match our Lake Tahoe views. She's very much in support.

Ellie Waller said on the three page staff report. Thank you for the opportunity for the informational, they'll be back again. The 2008 Community Enhancement Program, she was there, no project has actually gone through that process with all those entitlements. This one will maybe finally get CEP blessing. They tried with Domus and didn't have all the elements required. The CEP didn't produce anything. Referring to page 466, states 14 onsite affordable employee housing units, 2 bedrooms, 10 infill, 38 deed restricted housing bedrooms. It doesn't say units. Mr. Jacobson said beds, are they talking beds, or units? It's a clarification point for what the requirement is. Because they've had calculations in vehicle miles traveled on Latitude 39 project be questioned, yes, there a less units but there's a 6,000 square foot penthouse, several 3,000 square foot penthouses.

Not saying all the VMT will come back but some of it will and would like to see some of those calculations come in correctly. Regarding workforce housing, one of those purchases was in Tahoe Vista, where she used to live, might be for affordable, will the appointment be providing public transit to the site? There was talk about commuting to sites that they don't always count the employees as well. She asked if those scenic simulations that Mr. Nielsen talked about are available to the public. They do need revitalization there; she doesn't know that the public should be criticized for their input. Not all of them do that. She tries to be respectful and factual and provide meaningful comments.

Bambi Mengarelli resident of Crystal Bay since 2019. She thanked those who came to their neighborhood yesterday to take a look at what they look at every day as we drive and walk through their neighborhood. They can imagine how they might be excited about any redevelopment based on what you saw yesterday. She supported ELN because she's excited about this particular development. This is exactly what they need in their neighborhood. Not only do they need to get rid of those eyesores, but they need a community space in our area. She's thrilled with all of the changes that they have made to this project with fewer units and that they not only are welcoming the local community to participate and provide input but welcoming them to the development when it is done and providing them that much needed social space. She supported it 100 percent and please do not delay the approval. She speaks for a lot of her neighbors who could not be here today. Crystal Bay is a small very close community, and they had a lot of communications in social media and email that were very negative and providing a lot of fear in the community. And so as soon as she had an opportunity to get information directly from the source, she went to one of the EKN presentations, and was impressed with their patience. They did dozens and dozens of these and answered every single question from every community member and did these at various times of the day. When some of her neighbors couldn't attend, they came to her house and neighborhood and met with her neighbors. Any one of those people who have been to a presentation, is a supporter. Her neighbor, Ron Randolph-Wall, was not able to stay for the entire meeting. She'll read a condensed version of his comments.

Bambi Mengarelli on behalf of Ron Randolph-Wall, 23 year resident of Incline Village said our town is not just a Lake, it has to have amenities. This development gives people additional reasons to be here. I support the idea of more development that serves to improve not only our standing with out of town

## GOVERNING BOARD

January 25, 2023

guests and visitors but benefits for the residents I have listened to what the naysayers have said, and I am not persuaded with their arguments that the town and residents will suffer. If their voice is allowed to prevail and the commissioners reconsider the approval of the conversion of the Biltmore to a Waldorf Astoria, the whole community, and visitors will be dealt a cruel blow.

Rosie Weber a community member of Crystal Bay for 30 years, and owner of the Sanctuary Tahoe which is a spa and wellness center directly across the street from this project. She's here to give accolades to Ebbie Nakhjavani and EKN Development for reaching out to the community, and the business owners in the way that they have done. They have personally met with me and have taken the time to be concerned about my business, which can be directly affected by this project. They are more than willing to work with me and have shown her their genuine interest in the community and the betterment of our community. She was a naysayer of that original project but is a fan of Mr. Nakhjavani and his team and what they have done to redevelop this beautiful site. She supported the project and hopes that you do not delay the approval of this project.

John Mengarelli, 480 Tuscarora Road about one quarter mile away from the project. He echoes everyone else's sentiment. If they had listened only to the opposition which they were approached by many times in the beginning with alarmist type tactics that were scary. As they got to know Ebbie Nakhjavani and his team and have even had them over for dinner where they got to know them and this project. Everything that they were told from the opposition was 150 percent false. A lot of it was fabricated and not factually based at all. He's in full support. Please get this through as fast as possible.

Rick Jones said he and his wife have been full time residents in Crystal Bay for over 40 years. They've witnessed lots of changes including the gradual deterioration of the commercial corridor of the north Stateline area. The Tahoe Mariner, the Cal Neva, and the Tahoe Biltmore have all had promises of redevelopment go unfulfilled. Hampered by the building moratorium of the early eighties, and the economic crash and burn of the mid-2000s. The new ownership has presented an opportunity for revitalizing the Biltmore property with a substantial reduction in unit density, significant environmental improvements and a collaborative effort to include an accommodate the Crystal Bay and North Shore communities. Last Friday's Tahoe Tribune featured a guest column from your executive director. The emphasis of the column was focused on the stewardship of development in the basin. Specifically, reduction of development, responsible environmental actions, and community enhancement. He believes this project checks all the boxes, and then some. He asked the Board to approve this project is presented here today. In the Tribune Column, Director Regan informs us that roughly 10 percent of the basin's development rights remained undistributed. He asked the Board to endorse the utilization of that 10 percent for workforce housing. Without it, projects like these are in peril, and the community and economic viability of the basin is at risk.

Sarah Tone representing Washoe County on behalf of Development Services teams. In alignment with what was presented to you earlier, the local government teams need to approve both their building permits and the line entitlements associated with this project. Due to the regional significance of this project, they started working on this last year directly with the applicants, and in doing so, they gathered 22 of their internal team members and external partners to help guide this applicant and the project through the local review process. Their intent is to ensure and support the applicant in meeting their obligations, and also being transparent in how they're doing that with the public. They are fully supportive of the current effort to do so, and they have made significant progress in the last year, because they wouldn't have been as successful without the contribution of both our stakeholders, the TRPA team, Commissioner, Alexis Hill, and also the applicant who has been

dedicated to this process throughout the last year, and prior.

Reza Tavana resident of 115 Lakeview Avenue in Crystal Bay and is directly across from Building B, as shown on the proposed revised project site plan. He fully supports the proposed project. It will tremendously help revitalize the area and it is exactly what they need here in the North Shore. He's looking forward to seeing this provision officially approved in the coming weeks.

Judith Simon resident of Crystal Bay said it's not that she's not supportive of the plan, but she would like the Board to get a handle on how the construction on State Route 28 is going to affect the progress of the project. She's a little bit troubled about the vehicle miles traveled and doesn't see how having this project here would decrease the vehicle miles traveled when they have such poor transportation as it is. She requested that staff review that. She's confused about the public park and what the access to that park is. She understands that the project is to have underground parking but if you're going to open all this to the community, she's unsure of where the people are going to be able to park. It's great to remove the blight in Crystal Bay, but is concerned about the financing, they don't need another unfinished project.

And Nichols, 52 year resident of the area said Mr. Settelmeyer might remember but she's been trying to save the fourth exit out of our community from this proposal for years, and they've had to do it five times, they still have it. It was recently that they tried to call it emergency access only, so, they've been working diligently for that. It's been a challenge but thinks it's good. The project is smaller and noticing on this latest site plan that there's a lot more sidewalks. She'd love to see sidewalks on scenic drive and on Wassou Drive. Everyone loves to walk to the lookout, and it will be steep and slippery, so that would be wonderful. She'd like to see a signal at Stateline and State Route 28, it's difficult to turn left there, as it is now. They need some basic traffic control. The shadow study from 2008 that was done for the original project shows a real shadow up there on where the new entrance to the resort's going to be up there on Lakeview. Maybe it will need to be heated or something because it slippery up there and shadowed by the Building B and C.

They haven't seen the basic traffic study yet. They are very worried about getting a hole in the ground like South Shore. They'd love to see noticing from TRPA to the residents within a certain distance, because they are not on the California side getting any noticing. They haven't been able to get basic information about how much population the site will have. The previous approval was for 2,448 people. Including employees, how many people will be on site? This is a lot of work, describing critics of large-scale Tahoe projects is misinformed is no more than disinformation. Much citizen effort goes into trying to understand this stuff and takes a lot of time, so, trying to silence dissenting views or muzzling residents who have legitimate questions is harmful. The process for public debate is already too narrow a space using the misinformation label on dissenting views is nothing more than a lazy slap on concerned citizens.

Andrew Chapman, President and CEO of Travel North Tahoe Nevada, formally the Incline Village Crystal Bay Visitor Bureau and a 30 year resident of the Tahoe Basin where with his wife have raised three adult children. He's in support of this project. EKN and their team have listened to the entire community not just the loudest voices in the room that tend to drown out others that have legitimate positions as well. Some in the community would ask you to leave Tahoe the way it is. That thinking will continue to only degrade our environment, and there is truly an environmental cost to doing nothing. This project will significantly improve and already disturb landscape and will have significant benefit for the regions triple bottom line; social, environmental, and economic. Tahoe is at a crossroads and projects like this, and the work Ebbie Nakhjavani and his team are doing are bringing significant

changes to this basin that will have generational changes moving on to the future.

Mitchell Legarza said he's in support of EKN's proposed project. He and his wife have been full time residents of Crystal Bay for over 30 years; 7 on Amagosa Road, and the remaining on Tuscarora Road. They've had great memories of the Tahoe Biltmore especially in the early days. However, for almost the decade they've been looking forward to an appropriate replacement plan for the decaying property. While they passively supported the Boulder Bay project, they were frankly not that excited by it. The high unit density and lack of creative community spaces and amenity designs, while better certainly, than a rotting Biltmore, just felt, a little lacking. However, in our opinion, EKN's new plan addresses those shortcomings. They had a chance to sit down with Ebbie Nakhjavani as well, and we're really impressed by his commitment and his calm approach to what he was undertaking, here. They're happy to see him concentrate on getting more of the community involved in coming to the property, and thinks that's a great thing. Something needs to happen on the property, and they were very impressed with this plan.

Cheryl Delehanty resident of 501 Lakeshore Boulevard, Crystal Bay Cove said she used to work at the Crystal Bay Club many decades ago, before getting into real estate with Coldwell Banker Select for over 33 years now. Her family has observed a lot of changes over the years, some good, and some not so good. She's been following the Boulder Bay project since the inception and is here to voice her support of the revisions which are significant. She enjoyed most recently when she attended the EKN meet and greet at the Incline Bowl. It gave a lot more insight into what is actually proposed. The fact that they've revised from the original plan submissions to TRPA showing less units and everything else that they've already spoken to. That will be a huge benefit in helping bring the communities of Crystal Bay and Incline Village together in a favorable way. She also piggybacked onto Mr. Rick Jones comments with regards to workforce housing, he's right on. She requested that they take a deeper look into that or look for some grant funding to make it pencil out for developers to have workforce housing on top of our commercial space that is left empty and abandoned.

Charlie Soule from Soule Domain restaurant who will be the new neighbor of the Biltmore project. He supports EKN and the proposed Waldorf Astoria project and now is the time, and this is the place for a project of this scope.

Ron Volle, resident of Tuscarora Road said he's never been against the project. He's heard some very good planning, and certainly the old Tahoe Biltmore is a blight to the area, and they need this this development. He's met with Ebbie Nakhjavani, Tom Jacobson, the county, and Paul Nielsen and has some continuing questions. The biggest one is he's asked repeatedly about eliminating cut through traffic through our neighborhood just above the project, Lakeview, Tuscarora, and Wassou, Beowawie are all very steep and narrow, subject to snow, ice, etc. They're dangerous streets, just as they are now without any traffic on them. He received some assurance that they were going to look into it but after a year and a half, he hasn't heard any answers.

There's a lot of liability in this issue, and since the developers move the main entrance to the garage now on Stateline close to where Lakeview comes into Stateline that makes it even more important to plan this area. There's an easy solution, he thinks if the developer allowed right turn into the garage from Stateline and left turns out so that all the traffic goes back to the major intersection of Stateline and State Route 28 that would prohibit cut through traffic in the neighborhood and they'd be very happy with that. He's spent many years developing properties, and before he developed any property, they always looked to make sure that the street infrastructure would support the project and conducted traffic studies. He's asked about those and have never heard anything about traffic counts.

He's concerned about how the intersection of Stateline and State Route 28 is going to operate. There's already traffic backed up on State Route 28 on weekends, people coming from Incline Village to get to Kings Beach to Highway 267. How is that intersection going to work? He's not against the project, he would like to see the project work and would like to be able to walk to the project and enjoy some of the amenities as well.

Scott Tieche said he lives within a half a mile of this project and has been a realtor for 30 years and a Board member of the North Tahoe Preservation Alliance. They started this organization years ago to keep things in check and when it came to Boulder Bay/Waldorf Astoria it was really after my colleague's friends that he sold homes to in Crystal Bay. Now apparently everybody's just Lakeview luge course. He doesn't know how else, we just tried our best to look out for things while people, most of them don't live here. People are just enamored with the idea of redevelopment, of wanting this place, go look at it. I got a minute and a half, I could say, people talk about the state of the property right now, about the broken windows, because that was all done. He didn't realize that the team, now an advocate for project, he thought that there was unbiased third party. To people who are wealthy people in our community, if you had \$750 million dollars thrown up by Tom at the walkabout yesterday, Corey, the place that you would invest it was the Casino there was because it was 10 feet inside. You can gamble now on your phone. Crystal Bay could be a lovely place, redeveloped, but it's a little shaky. His final comment is if it....

Mr. Nielsen said good catch Ms. Waller on the housing. They don't often talk about bedrooms; they talk about units. He specifically chose that word because it comes out of the permit, approved project where they talked about 14 - 2 bedroom on-site, so that's 28 beds on-site and then 10 offsite. They believe that the bedroom word was chosen because they're dealing really with employees here. Not necessarily family units, employees and so, that's probably where bedroom came from but is something that they don't often use, it's usually units.

Ms. Waller also asked about VMT. As stated earlier, they have some work to do that's why they're not asking for action today and not committing to February or March for action, because there's two pieces that are missing. One is the VMT Analysis. They are working to finalize that report, and they will have that available for the public but that is a missing piece that needs to be finalized before they can make findings, before they can draw conclusions, and before they can make a recommendation to the Board.

The second piece gets to Mr. Volle's comments that he met with him on. He's not been able to answer his questions about cut through traffic and neighborhood circulation. Two issues that they see with these larger projects around the basin. He will be able to answer those once they get what's a Traffic Impact Study (TIS). This is primarily for the Nevada Department Transportation and Washoe County use. It's their roads and that traffic impact study is important.

The scenic simulations will be available and made a part of the record.

## IX. REPORTS

### A. Executive Director Status Report

Ms. Regan thanked everyone for their stamina. Thanks to the community for coming out. She's proud of our team at TRPA. The items that staff brought for you today, some have been going on for more than a decade. There was a thoughtful discussion on the Lily Lake Trail, and it took a lot of endeavor

GOVERNING BOARD

January 25, 2023

on our team.

With the approval by the Board of those grant applications for staff to pursue in the State of California, they could bring substantial capacity building help to address some of these land use policies.

Ms. Williamson said today's meeting will end now as we no longer have a quorum.

1) Tahoe In Brief – Governing Board Monthly Report

B. General Counsel Status Report

X. GOVERNING BOARD MEMBER REPORTS

XI. COMMITTEE REPORTS

A. Local Government & Housing Committee

B. Legal Committee

C. Operations & Governance Committee

D. Environmental Improvement, Transportation, & Public Outreach Committee

E. Forest Health and Wildfire Committee

F. Regional Plan Implementation Committee

XII. PUBLIC INTEREST COMMENTS

XIII. ADJOURNMENT

Vice Chair Ms. Williamson adjourned the meeting at 5:11 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

*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](mailto:virtualmeetinghelp@trpa.gov).*