

FALLEN LEAF BASIN PROTECTION COALITION

PO Box 8884
South Lake Tahoe, CA 96158

January 10, 2023

Tahoe Regional Planning Agency Board of Governors
128 Market Street
Stateline, NV 89449

Board of Governors
Subject: **Lily Lake Trail USFS Retroactive Permit**

Governing Board Members:

Tahoe Regional Planning Agency (TRPA) staff is recommending a retroactive permit be approved for the LTBMU/ Forest Service's completed, unpermitted construction of the nearly 2-mile long Lily Lake Trail located on the steep slopes above the south end of Fallen Leaf Lake (see Figure 1), land with the highest sensitivity score on the Bailey Index. **The Fallen Leaf Basin Protection Coalition (FLBPC) opposes the TRPA's Staff recommendation that a Retroactive Permit be issued on the Lily Lake Trail. We sincerely hope the TRPA Board of Governors will consider the gravity of such a recommendation and approval without proper and valid environmental assessment, and particularly in the absence of appropriate restrictions as would be expected on that slope.**

This unpermitted project has created major disturbances on the steep slopes of the Fallen Leaf Basin (see Figures 2 & 3), even if trail construction was compliant with best management practices. As set forth in the 2013 Decision Document, signed by Nancy Gibson, Forest Supervisor of the LTBMU, and reflective of the USFS/LTBMU Fallen Leaf Lake Trail Access and Trail Management Plan (FLL ATM), this trail location was chosen to replace two others as a hiker/pedestrian trail *on which biking was not anticipated on this trail due to the slope and terrain of its location*. There was a reason for that language, and the existing trail should comply with the project as approved. Ambiguity in USFS "multi-use trail" terminology coupled with the absence of a TRPA project number and review enabled entirely different trail construction than was initially proposed and approved by the Forest Service. The Forest Service's failure to follow established TRPA permitting MOU restrictions has created an environmental problem. It has also highlighted a process problem. The requirements set forth in the TRPA/USFS MOU provide TRPA with meaningful review of projects that have the potential to impact the Lake Tahoe Basin.



Figure 1. Map showing the large scope of the USFS Lily Lake Trail shown in color. Green for the completed portion of the trail up to 2020 and red for the remaining trail constructed up to 2021.



Figure 2. Example of how rocks were split and removed on the steep, sensitive slopes during construction.



Figure 3. Example of damage to the steep, sensitive slopes caused by large rock removals during trail construction.

Built over the course of five years, the Lily Lake Trail was built as a mountain biking trail, which is not what was specified in the 2013 Decision Notice. It is not only the actual impact of initial aggressive construction that concerns the FLBPC; our concerns also include ongoing sedimentation and increased and broadened trail use by aggressive downhill mountain bike riding, jumping, skidding out, as well as additional “social trail” development off of the trail. All of this use will result in impacts that compromise the steep slope of the hillside and further degrade water quality in the Fallen Leaf and Tahoe Basin.

There is recent scientific evidence that the steep slopes in the Fallen Leaf Basin may have already reached their environmental limit and therefore expansion of recreational or other development projects should not be allowed. This is certainly true without proper detailed environmental permitting and oversight action by the TRPA. There is also scientific evidence that sediment loading of the output of Fallen Leaf Lake via Taylor Creek into Lake Tahoe is a major source of sediment that directly effects the clarity of Lake Tahoe. As one of its major watersheds, actions that bring consequences to the environment at Fallen Leaf Lake can have significant impacts on Lake Tahoe.

The TRPA Board of Governors is faced with a request from Staff to retroactively permit this trail. Approval of a Retroactive Permit for a trail constructed out of accordance with the USFS' own Trail Plan of 2013 and irrespective of the environmental capacity and capability of the slope on which that trail exists undermines the mission of the TRPA. There appear to be only so many actions available, considering the trail now exists. The FLBPC suggests the following:

1. As the agency issuing the permit, require the USFS to retain an independent third party to conduct the required environmental and trail construction assessment to determine the impacts of the constructed trail and offer appropriate mitigations.
2. Upon completion and review of such assessment, TRPA can either:
 - A. Deny this Retroactive Permit and direct the Forest Service to decommission the trail and return the environment to its natural state, which unfortunately would likely cause more harm than benefit.
 - or
 - B. Approve this Retroactive Permit *with specific restrictions*, which would include:
 - Designate the trail for hiking-pedestrian only, (as described in the *USFS Decision Notice of 2013*), and require barriers and signage be employed to prohibit bikers from further eroding the steep and unstable slopes;
 - Install a camera system to capture usage data and impose fines for trail violations;
 - Require the USFS LTBMU to instruct all known trail mapping app developers to remove from their platforms all references to the Lily Lake Trail as a mountain biking opportunity. Additionally, it would be important to also inhibit the ability for users to "map their rides" or to recommend the Lily Lake Trail for mountain biking on those platforms.
 - Implement additional mitigations to align with trail standards for Hiker/Pedestrian designation or as recommended in the environmental assessment obtained in the process requested above.

Looking Ahead

The Fallen Leaf Basin Protection Coalition values the mission of the Tahoe Regional Planning Agency in protecting Tahoe's sensitive environment. The FLBPC is concerned that the current focus on sustainable recreation and increased recreational access appears to be overshadowing the values and premise behind the existence of the TRPA and other entities, such as Keep Tahoe Blue, The Tahoe Fund, the Tahoe Resource Conservation District, the Environmental Protection Department, the U.S. Fish and Wildlife Service, and the Washoe Tribe, all of which were established or strive to protect, preserve, and honor the gem that is Lake Tahoe.

Mountain biking enthusiasts and Agency partners are well-organized here in the Tahoe Basin. They are helping to fund the USFS to build new, repair, modify, and/or improve many existing "hiking" trails to handle mountain bikers. The sport has grown immensely and the desire and pressure for more mountain biking trails are put forward by a passionate, agency-connected, and capable interest group. Their dedication to their sport and their Herculean efforts are to be commended, however recreational trail developments in the Fallen Leaf and Lake Tahoe Basins must be managed through the protective processes at the core of the TRPA. TRPA must exercise its independent oversight to ensure USFS bike trail work planned, in progress, and recently completed is compliant with the MOU and does not circumvent it. That this work is in the best interest of the environment. This is necessary because trail construction work by the USFS and its volunteer partners is dramatically changing the design of the trails (facilities), increasing capacities and uses, and, in some cases, negatively impacting the environment. Many of these upgrades and new construction projects involve bike trails greatly exceeding one thousand linear feet. Without TRPA review and approval, these projects may not be compliant with TRPA's Best Management Practices (BMP). All future USFS projects should require TRPA review and/or approval.

The FLBPC exists to advocate for environmental sustainability and stewardship of natural resources, for the enjoyment of this environmentally sensitive basin in perpetuity. Fallen Leaf needs to be preserved and protected for all, and its geography and location both define and confine appropriate recreational trail development and use. The current focus in the Lake Tahoe Basin seems to be prioritizing recreational access and increased recreational development. At least in the case of the Lily Lake Trail, this appears to be at the expense of environmental sustainability, land capability, and area capacity thresholds. If unchecked this progression will accelerate impacts and irreparable consequences, some of which one can already see and feel. The purpose, the importance, and the value of the *fundamental* requirements set forth in the TRPA's MOU with the USFS/LTBMU, and by extension to its volunteer partners, should be regarded as paramount. To signal that an MOU can be circumnavigated with a precedent-setting, post-facto approval of something completely out of scope for such development and use in the absence of proper environmental consideration feels precipitous.

We hope the important TRPA oversight to be spelled out within the TRPA/USFS MOU update will address concerns regarding recreational development throughout the entire Lake Tahoe Basin, rather than creating less oversight. Regardless of the projects, increased recreational opportunities and trail network developments are creating a wide range of associated problems by attracting a larger number of users into the FLLB and the Tahoe Basin as a whole, including, but not limited to a significant increase in traffic, a lack of adequate parking, restroom and garbage facilities and management, an increase in fire danger. We look forward to collaborating with the TRPA and its partners to identify solutions for the greater good. We can provide on-the-ground insight that is not obvious to most from the outside of the FLB.

The Fallen Leaf Basin Protection Coalition recommends the TRPA Governing Board deny the USFS Retroactive Permit request. This trail was not constructed as proposed in the USFS LTBMU 2013 Decision Notice, nor was it constructed within the specifications of the existing USFS TRPA MOU. Until the USFS has obtained and TRPA has reviewed a proper Environmental Assessment of the trail *as it was constructed*, as should have been required prior to construction, only then can the TRPA consider granting conditional approval that is subject to the conditions and restrictions suggested above.

Respectfully,



Ruth Rich
President
Fallen Leaf Basin Protection Coalition

January 12, 2023

Cindy Gustafson, Chair Board of Governors
Tahoe Regional Planning Agency
128 Market Street,
Stateline, NV 89449

Via Email

Chair Gustafson:

Subject: Lily Lake Trail Retroactive Permit Application Approval

The Tahoe Regional Planning Agency staff is recommending a retroactive permit be approved for the Forest Service's completed construction of the Lily Lake trail located on the slopes of Angora Ridge above Fallen Leaf Lake. We as residents of Fallen Leaf Lake oppose this recommendation.

The Forest Service's failure to follow the permitting process as outlined in the MOU denied our ability to adequately assess the trail, provide clarification as to the route and permitted uses of the trail and denied essential public input on this project which would have occurred through the permit process.¹ Staff's suggestion that the trail be approved retroactively further compounds these deficiencies by failing to give the board adequate opportunity to evaluate the project proposed, as well evaluate the project that was eventually built and the resultant environmental degradation that is occurring to water quality within the Fallen Leaf Basin.

The Forest Service's failure to follow established TRPA permitting procedures as provided in MOU between the USFS and TRPA has resulted in lost opportunities to mitigate water quality deterioration of the Fallen Lake Basin and the resultant sediment loading to Lake Tahoe. The trail further decreases the clarity of Lake Tahoe, a core concern for TRPA and everyone who lives and visits the region.

We recommend that the TRPA Board of Governors deny the USFS retroactive permit and instruct the Forest Service to only approve a permit after the Forest Service or TRPA has retained an independent third party to conduct an environmental and trail construction assessment to determine the impact of the constructed trail on the environment and offer appropriate mitigations. We further request TRPA, designate the trail for hiking-pedestrian only with barriers and signage to prohibit bikers from further eroding the steep and unstable slopes, and impose fines for biker violations. The basis for these recommendations is as follows:

Facts of the Trail

The Lily Lake trail was authorized through a USFS Environmental Assessment (EA) and Decision Notice in 2013. The E.A. did not recommend further environmental studies despite the fact that the trail was to be constructed on one of the steepest slopes in the Fallen Leaf Basin.

¹ It is axiomatic the environmental review process cannot properly function if the project is not adequately described or analyzed in the reviewing document. The failure to comply with the law subverts the purposes of NEPA and CEQA if it omits material necessary to informed decision making and informed public participation. *County of Amador v. El Dorado County Water Agency*, 76 Cal. App. 4th 931, 946 (1999) Case law is clear that, in such cases, the error is prejudicial. (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236-1237.

The Forest Service Adopted Alternative 4 of the EA (page 35) “AN5-Proposed new trail would connect Angora Lakes parking to the Glen Alpine trailhead and parking area. This route would serve to replace or provide alternatives to AN8 and AN9 which are proposed for decommissioning due to private property concerns.” However, contrary to this declaration by the Forest Service, AN8 was not decommissioned as recommended in the EA. The Decision Notice simply removed this trail as well as trail AN4, page 5, item 4, Alternative 4: “and no action would be taken on trails AN4... and AN8.” By removing these two trails, the justification for constructing AN5 (extension of the Lily Lake trail) as an improved alternative to these informal trails was eliminated; yet, the Forest Service never addressed this inconsistency.

During the comment period of the EA residents of the Fallen Leaf Area raised numerous concerns about the new trail (AN5). Specifically the public was concerned about erosion caused by the trail and increased bicycle use of the Angora trails. The Forest Services’ response did not directly address the issue, instead suggesting this is a continuation of an existing use, despite the construction of a new 1.8 mile segment. Many of these concerns were ignored by the Forest Service. One Forest Service response which was not ignored is found in the Decision Notice under Attachment C: Response to Public Comments on Environmental Assessment, page 30 and 31. “The proposal to construct AN5 is driven by the need to provide appropriate public access for Trial AN4 and AN8. Currently there is no public parking or access at the lower end of either trial AN4 or AN8, and users often park in the driveway of unoccupied private residences, or in the parking area of the general store, neither of which are appropriate for that use.”

Regarding bicycle use, the Forest Service ignored the potential impact of creating a new 1.8 mile trail between Fallen Leaf Lake and Angora suggesting that bicycle use under existing conditions is infrequent and will not increase with the planned construction of the new trail, AN5.² In fact bicycle use has increased significantly, and the trail is designated as a mountain bike trail on existing TAMBA maps of the area. TRPA’s recently published Regional Trail Plan provides a heat map of trail activity which clearly shows the bulk of trail access activity in and around Fallen Leaf Lake. Many Fallen Leaf Basin (FLB) residents have been expressing major concerns about significant changes being made to hiking trails in the Fallen Leaf Basin.

The Forest Service response left the residents with the impression that the Lily Lake Trail would not be a mountain biking mecca as it has become. The Lily Lake Trail was adopted as 24” wide, 8,434 feet long or 1.6 miles, class 2, hiker-pedestrian trail. **The Decision Notice included responses from the USFS that AN5 would not be well suited for bicycle traffic due to slope and terrain.** The community believed portions of the new trail which were proposed to be constructed would be located in an environmentally sensitive location due to slope and view shed; an area of Angora

² The Forest Service failed to adequately address the fact that bicycle use would increase with the connection to Glen Alpine:

Regarding bicycle use, all non-Wilderness trails in the project area are currently available for bicycle use, including AN4 and AN8. Bicycle use is infrequent on trails AN4 and AN8 because those trails are designed use hiker/pedestrian trails, and as such, are not well suited for bicycle traffic. None of the alternatives in this project propose to change the allowed or designed use of trails N4 or AN8, and the proposed trail AN5 would be managed consistent with AN4 and AN8.

Decision at 31.

Ridge that descends steeply to Lily Lake. Additionally, the community believed the adopted trail would be limited to hikers and pedestrians since it was not designated “bicycle” in the EA or Decision Notice. Based on these factors, the community believed a low impact “hiker-pedestrian trail” would be built and they would have a future opportunity to provide public input to the USFS about the design of the trail as well as monitor its implementation and construction. That opportunity was never provided.

The Forest Service could have provided a compromise by prohibiting bicycles on trail AN5 as they did for trails FL21, FL15, FL22, FL27, FL42 and FL 28 (page 32 of Appendix C). Unfortunately, this compromise was not contemplated nor adopted. The Forest Service continued with the planning and development of the new trail ignoring expressed concerns about the unstable and unsuitability of this terrain for a new trail, additional environmental degradation that would result from the construction, and added runoff the trail would create.

During the fall of 2019 and all of 2020, residents realized the new trail was being constructed as a bike trail because it was being built by the Tahoe Area Mountain Biking Association (TAMBA) volunteers. Residents were concerned that there was no process by which they could provide comments about the need for the new trail, its design, construction, and safety because the Forest Service ignored this option: The USFS did not apply for a TRPA permit which would have provided an opportunity for public input and evaluation of the environmental impacts of the trail and increased use of the existing connecting trails. Residents queried TRPA staff about this project, asking for a project number. A project number was not on file since no application had been filed; TRPA officially had no idea the trail was being constructed.

TRPA needs to independently determine if the bike trail work planned and recently completed by TAMBA is compliant with the MOU. Under the MOU between TRPA and the USFS, the USFS must make application for a permit when new trails exceed 1,000 linear feet (Copy of MOU attached).

We believe your staff’s approach to recommend the approval of the trail permit retroactively is flawed. The USFS clearly violated procedures established under the MOU, and did not follow their own procedures for implementing the project. Vegetation and erosion control measures suggested in the EA have not been implemented on the trail and the continued use of the trail as a bike path creates added erosion and slope stability problems for this trail perched on the side of a steep slope that drains directly to Fallen Leaf Lake. Had they followed procedure it would have made available to the public the opportunity to express the many concerns that were not taken seriously by the USFS at the time of the EA public comment period, but more importantly raise new concerns: impact of mountain bikes on this trail, inconsistency between the EA and Decision Notice failure to adequately address comments concerning the visual and water quality impacts of the trail and inappropriate trail construction with practices and equipment which violated USFS Trail Handbook policies.

Correspondence with TRPA and USFS staff are attached to this summary as evidence of the attempts by the public to resolve this matter at the lowest possible level. This correspondence provides additional detail of our concerns over the adequacy of the environmental analysis, defects in the trail as constructed, continuing concerns of erosion and impacts on sensitive areas as well as the dramatic increase in mountain bike use of this trail since TAMBA’s involvement. The

Environment Assessment and Decision Notice are noted and available upon request. The relevant page of the MOU between TRPA and the Forest Service is included as an attachment to this report. Finally, the Fire Chief and General Manager of the Fallen Leaf Lake Community Services District has advised us verbally that two separate accidents occurred on the lower section of the Lily Lake trail this past year and were responded to by the Fire Department.

Resolution of Issue

What do you do with a trail that was adopted in a Decision Notice by the USFS, and in that same Decision Notice removed the trail's justification? What do you do with a trail that was not constructed according to the design suggested in the authorizing documents? What do you do with a governmental agency which serves the public yet denies the public the ability to provide constructive input? How do you resolve this matter?

In our judgment the USFS should be held to account, the Lily Lake trail retroactive permit should be denied. Your board is not in a position to grant a retroactive permit when the environmental effects of the trail have not been adequately assessed and mitigations for the trail have not been implemented. We further requests TRPA designate the trail for hiking-pedestrian only with barriers and signage to prohibit bikers from further eroding the steep and unstable slopes, and impose fines for biker violations.

Respectfully,

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cc: TRPA Board of Governors

Attachment I-Laughlin Analysis of EA and Lily Lake Trail
Attachment II-Summary of Quinn Zoom Meeting West Side- FLTA 7-23-2020
Attachment III-Hayes Email to Quinn 9-1-2020
Attachment IV-Campen Letter and Email to Freidman 3-1-2022
Attachment V-Friedman and Campen's Correspondence 3-25-2022 to 3-29-2020
Attachment VI-Cressy Email Response to Campen Lily Lake Inquiry
Attachment VII-Campen Response to Cressy Email of 3-29-2020 and Letter of 4-4-2022
Attachment VIII-Reconsideration Letter from Campen to Friedman 4-11-2022
Attachment IX-Campen and Cressy Emails Re-Walking Lily Lake Trail 4-15-2022 to 6-3-2022
Attachment X-Request from Campen to Cressy to Respond to Campen's 4-4-2022 Letter
Attachment XI-Email to Friedman about Decommissioned Trails and Request to Deny Retroactive Permit-8-8-2022
Attachment XII- Friedman and Campen Emails about New Trails Created by the USFS Decision Notice of 2013
Attachment XIII- Cressy and Campen emails about Lack of Response to Campen's Letter of 4-4-2022
Attachment XIV-MOU between TRPA and USFS (Relevant Page)

Attachment I –Laughlin Analysis of EA and Lily Lake Trail

**A Summary of FLL Community Concerns
of the
“Fallen Leaf Lake Trail Access and Travel Management Project”
(ATM), https://www.fs.usda.gov/nfs/11558/www/nepa/73429_FSPLT3_1460812.pdf
Compiled by P. Laughlin, 2020**

This chart attempts to summarize identified areas of concern in the ATM to be discussed with Jacob Quinn, USFS Trail Engineer. It identifies the locations of trail sections that have been subjected to recent and planned construction by the Tahoe Area Mountain Bike Association (TAMBA), which has sparked interest among the FLL Community most affected by these activities. Each area is referenced to maps, and report pages describing the approved trail designations from the approved document of 2013.

Identification of “new”, “reconstruction”, “adopt / upgrade” or “decommission” of trails are found on maps (tiles), with descriptions also referenced in the approved document. Also included are existing “USFS classified” roads and trails with no change of design or description of plan for improvement.

The ATM plan states, “Each authorized non-motorized trail has one designed use (Bicycle, Hiker/Pedestrian or Pack and Saddle for non-motorized trails), which establishes construction and maintenance parameters for each trail (p. 11, 1.3.1).”

Hopefully this will clarify and provide the needed material to focus discussion and concerns.

Location at Fallen Leaf Lake	Location in Approved Plan	Trail Number and Description	Approved Design	Comments
West Side Tract – Northern Section	Tile 4 on p. 39	Not numbered, “Administrative Roads” / Faint Green Line – “Power Line” trail parallel to and above Cathedral Rd	As is, no changes proposed or approved	Referenced in email from Jacob Quinn to be “maintained and reconstructed to meet current standards” (Quinn, June 23, 2020)
West Side Tract – Northern Section	Tile 4 on p. 39	17E05A, “USFS Classified Trail” Connects Cathedral Rd to “Power Line” trail behind	As is, no changes proposed or approved	Referenced in Jacob Quinn email as above. Never proposed as bike trail in ATM or authorized for reconstruction. Opportunity for public input?

		Cabins on West Shore		
West Side Tracts – Midway and South Section	Tile 7 on p. 42	17EO5A, “USFS Classified Trail” Continuation of “Power Line” trail across Cathedral Creek behind Cabins on West Shore, connects to 17EO5.	As is, no changes proposed or approved	All of the above. Plans posted on TAMBA website https://tamba.org/projects/lily-lake-trail/ Stated that approval given by USFS in 2018 to connect to Tallac Trailhead on Hwy 89.
West Side Tracts – Midway and South Section	Tile 7 on p. 42	17EO5, “USFS Classified Trail” from junction to Cathedral Lake along shoreline of Stanford Cove to Stanford Camp	As is, no changes proposed or approved	All of above, plus the following <u>Concerns</u> : Safety Erosion Water Quality Avalanche Environmental Impact Visual Impact Capacity for parking / traffic Emergency responders
West Side – Stanford Camp / Lily Lake Area	Tile 9 on p. 44	1216, “USFS Classified Road” Lily Lake to Fallen Leaf Rd “Administrative Roads” through Stanford Camp	As is, no changes proposed or approved	All of the above concerns. Increased use traffic, parking problems from Lily Lake to connected areas Private property / public access Bicyclists, horses and pedestrians from Lily Lake along Fallen Leaf Road through Stanford Camp property to access trail along West Side.

Angora Peak / Lily Lake	Tile 9 on p. 44, p. 104, and Appendix A, p. 158	AN 5 / “New Construction”, down face of Angora to Lily Lake	Approved as Hiker / Pedestrian trail, Class 2*	Construction by TAMBA not in compliance with approved design of trail, inherent conflict of interest when bike group given charge of hiking trail construction.
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Angora Peak / Lily Lake	Tile 9 on p. 44, Tile 10 on p. 45, p. 48, Appendix p. 156, Decision Notice p. 30-31	AN 3 / New Construction AN 4, AN8 / Continue use, seek easement	Approved as Bike Trail Approved as Hiker / Pedestrian Trail	Trail designations are inconsistent, AN1, 2, 3, 9 and 10 are designed as bike trails, but not 5 or 6. In the Decision Notice, it is explained that “AN5 is designed as hiker/pedestrian and as such, not well suited for bicycle traffic” (p.31)
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As discussed among FLTA members so far, the obvious concerns of “reconstructing” the existing trail along the west side, which are:

1. Safety for all users, but particularly when there is dirt bike traffic, endangering all who pass along or underneath the Stanford Cove cliff area
2. Dirt and erosion, with resulting water contamination in direct violation of the Clean Water Act

Attachment II-Summary of Quinn Zoom Meeting West Side- FLTA 7-23-2020

Discussion Summary Fallen Leaf Lake Trail Access & Travel Management Project (ATM)

Objective: This document is intended to summarize the discussion that transpired on 23 July 2020 with Jacob Quinn (USFS) regarding the FLL Trail Access & Travel Management Project (ATM). The summary was drafted from notes taken by several attendees. The meeting was moderated by Larry Hoffman on behalf of the Fallen Leaf Tract Association and other communities in the Fallen Leaf vicinity.

Opening comments by Jacob Quinn regarding the ATM in response to a document prepared by FLTA members and some questions raised in previous correspondence:

- Identification of all pertinent public documents:
 - Environmental Assessment, FLL ATM
 - Decision Document: summary of issues raised during public discussion and USFS responses
 - Errata to Decision Document
- USFS engages in various partnerships with non-federal entities and special interest groups, also covered by Voluntary Service Agreements (VSAs).
- ATM and Decision Document provide scope of proposed new trail construction, enhancements to authorized trails, and the decommissioning of unauthorized trails, in the immediate vicinity of Fallen Leaf Lake; it does not propose a plan for implementation of trail upgrades, maintenance, and/or construction/reconstruction.
- Tahoe Area Mountain Bike Association (TAMBA), having engaged in a VSA on other projects, approached USFS with interest in contributing services to complete that portion of the ATM identified as AN5 on ATM Tile 9.
 - **NOTE ADDED IN SUMMARY PREPARATION:** Designated new construction as hiker/pedestrian trail.
 - USFS extended the Voluntary Service Agreement with TAMBA.
- **Responsibility over trail activities rests with USFS.**

Comments by M. Waite (Lily Lake)

- Previously met with Quinn to address concerns regarding trail construction and methods exercised by TAMBA.
 - Observations indicate that trail construction activities having negative impact on vegetation and wildlife habitat.
 - Trail volunteers' unauthorized use of facilities owned by Lily Lake residents.
 - Trail volunteers/users leaving trash and refuse.



- TAMBA installed non-USFS signage promoting trail construction activities and endorsement by

USFS (Fig.1).

- Summary evaluation: USFS exercising insufficient oversight over TAMBA activities, including monitoring construction and the condition of trail left by volunteers.

Comments by J. Kleppe (Fallen Leaf Lake Protection Association)

- Review of comments submitted by 2012/13 correspondence regarding proposed construction of Taylor Creek crossing.
 - Accommodate equestrian, bicycle, pedestrian use.
 - Various locations considered
- Comment by J. Quinn (USFS): Taylor Creek crossing not currently under consideration (**CLARIFY**).

Discussion regarding oversight of trail construction activities by USFS

- As an example of the critical importance of USFS oversight over groups with USFS VSAs, a discussion over activities concerning TAMBA and AN5 was engaged.
 - All public documentation regarding AN5 stipulates its primary use as a hiker/pedestrian trail.
 - In Decision Document the issue regarding AN5 was raised again, emphasizing the importance of this trail to the public.
 - Decision emphasized that this trail would remain primarily as a hiker/pedestrian trail.
 - Construction to conform to such use requirements.
- As clearly articulated in the ATM, all authorized trails in LTBMU are open to any non-motorized travel, including bicycles.
- It is the reasonable expectation of the public, given the fact that ALL public discussion regarding AN5 emphasized that the primary use of this trail would be for hiker/pedestrian.
 - Natural terrain of trail is incompatible with heavy bicycle traffic.
 - The implication is that construction of a trail for heavy bicycle travel would not conform to the requirements and criteria of a hiker/pedestrian trail.



Fig 2: Examples of trails on Angora slope. A. Old Tamarack Trail, exemplifying tread dimensions and rock within tread for erosion control typical for trails designated primarily for hiker/pedestrian use. B. Newly constructed AN5, where rock has been placed over trail to accommodate mountain bike traffic. One interpretation of the objective guiding the trail construction is that TAMBA is unaware of the ATM and its specifications and decisions. This clearly emphasizes the need for

- The oversight responsibility of the USFS would need to be exercised to confirm that trail construction would conform to the specifications and discussion of the ATM.
 - There is implied responsibility of the USFS, in granting a VSA to TAMBA, to anticipate some liberties taken in constructing a trail to suit the desires of their constituents, which are not the publicly designated primary users of AN5 (i.e. hikers and pedestrians).
 - Attendees requested a copy of the VSA with TAMBA to better understand how TAMBA exercised and upheld their responsibilities to the VSA, the USFS, and the ATM.
 - **NOTE ADDED IN SUMMARY PREPARATION:** see Fig. 2 to compare hiker/pedestrian trail (Fig. 2A: Tamarack Trail, on the same Angora slope as FIG. 2B: AN5 after construction) and the result of TAMBA construction of AN5.
- Response by J. Quinn: over the 1.6 miles of AN5, overall the trail conforms to specifications of hiker/pedestrian trail.

Discussion of messaging implied by literature and unauthorized signage placed by groups engaged in VSAs.

- Groups under VSAs leveraging partnerships with USFS to substantiate legitimacy for fundraising and in soliciting volunteers.
 - Implies wide latitude in their activities.
 - Evidence provided by the construction of AN5, which by many standards exceeded the intent to construct a trail primarily for hiker/pedestrian use.
- Recommendations by attendees that USFS has considerable leverage over groups under VSA to understand and conform to use guidelines authorized by the public discussion and USFS approval.
 - Remedy: noncompliance will be met with termination of further activities under VSA.
 - VSA groups must be viewed as an extension of USFS activities, and therefore harbor considerable responsibility to uphold guidelines and specifications. It must be made clear that the VSA does not represent *carte blanche* to exercise free will over activities.
 - USFS holds responsibility for oversight over messaging in VSA group literature and social media.

Discussion of potential new trail upgrade activities.

- Of principal concern to meeting attendees was the trail network on the southwest end of Fallen Leaf Lake, designated 17E05 and 17E05A, ATM Tile 7.
 - Trail is generally very fragile and subject to winter avalanche.
 - Popular hiking trail during summer for hikers traveling to/from facilities at the south end of Fallen Leaf.
 - Surface can be unstable causing falling debris into Lake.
- Comment by J. Quinn: No plans currently under discussion to implement the recommended upgrade/improvements for this trail; invitation to participate in future planning for these trails.
- Furthermore, the USFS has no plans to complete trails that would satisfy a circumnavigation around Fallen Leaf Lake, including trails through Stanford Hill residence area and Stanford Sierra Camp.

Discussion of future plans for stakeholders of ATM.

- Items of critical importance but tabled for future meetings.
 - Infrastructure to support increased traffic: specifically itemized in the ATM were objectives to improve vehicle access for patrons of the trail system, primarily to include enhanced parking facilities.
 - It was acknowledged that the pace of trail activities outpaced the infrastructure plans, which are not currently under consideration.
 - The infrastructure needs are those which the area residents see as primary importance,

including increased traffic, deteriorating roads in desperate need of repair, likelihood of undesired activity (e.g. unmanaged refuse, illegal camping, stress to road shoulders, etc.), limitations to parking, and potential need for additional emergency equipment.

- Infrastructure needs may include signage to inform trail patrons of proper etiquette and activity.
- It was agreed that representatives of various entities around Fallen Leaf would gladly be stakeholders in all future planning for implementation of the ATM. These include but are not limited to:
 - Fallen Leaf Tract Association
 - Fallen Leaf Protection Association
 - Residents of Lily Lake
 - Stanford Camp
 - Residents of Stamford Hill
 - Residents of Angora Highlands
 - Fallen Leaf Winter Security Association
- It was also agreed to convene a regular (monthly) meeting for information and planning purposes with USFS (Jacob Quinn) and representatives of stakeholders.

Comments from R. D'Anne Rich (FLL Winter Security Association)

- Acknowledged the need to respond to increased public pressure for access to public lands in a responsible fashion.
- Inasmuch as the recreational opportunities are of paramount importance, the infrastructure is equally important to provide for safe experiences that do not impose extraordinary burdens upon area residents.
- As the recreational facilities are supported by the tourism industry, it is vital that the USFS uphold the protection of the environment for the general public for future generations.

Attachment III Hayes Email to Quinn 9-1-2020

From: Lyda Hayes <lyda9@charter.net>
Date: September 1, 2020 at 4:16:04 PM PDT
To: jacob.quinn@usda.gov
Subject: Lily Lake Trail

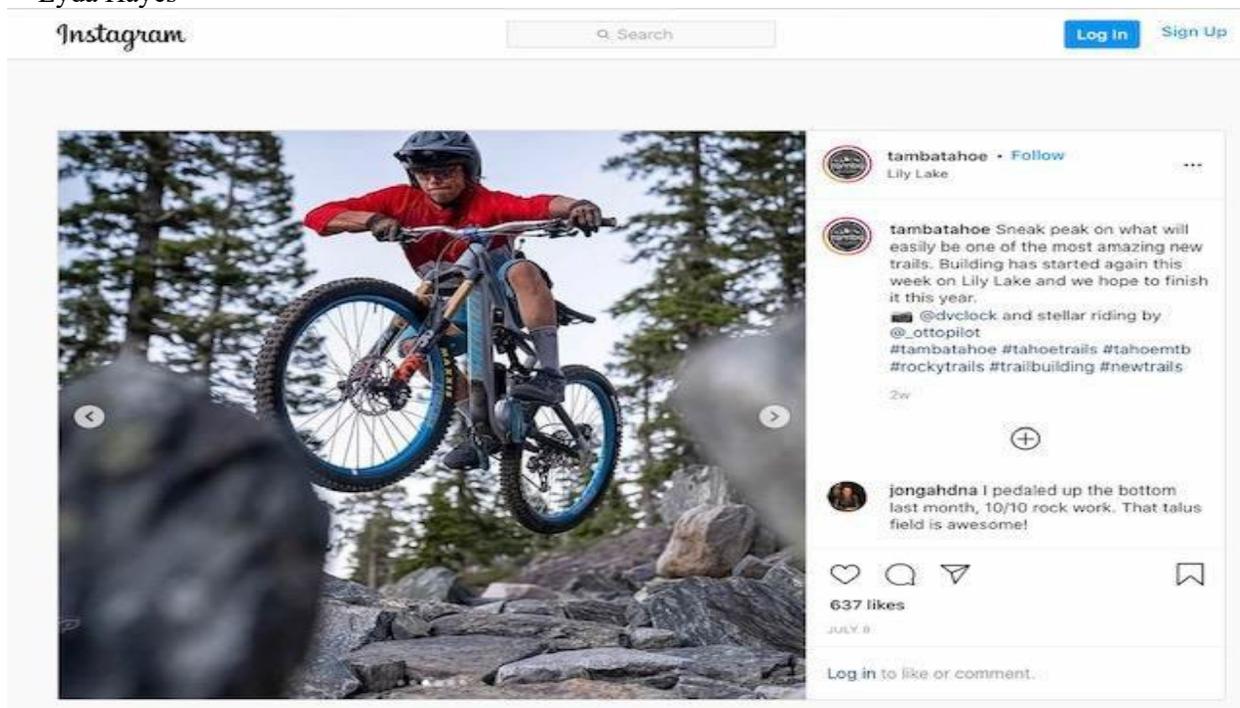
jaCob,

At the last meeting you let us know that it is the forest service's intent to create a public multi-use trail at Lily Lake. You emphasized that it will be available for bike use, but it is not the forest service's intent to make it a bicycle destination. You said that the Lily Lake Trail is not designed to be easily bikeable, and that bicyclists can't really bike fast. However, the photos TAMBA posts on Instagram paint a different picture...more X-treme than serene. (see below). The activity in this photo seems to break Item 4 shown on the TAMBA Trail Etiquette page. Jongahdna (bicyclist in photo) is clearly using it as if it is a bike-only trail. A mountain bike-only trail. I believe TAMBA knows better. This activity is fine for Bijou Park, not Lily Lake.

I belong to a surfing organization in Santa Cruz that is dedicated to the slogan, "Pack Your Trash". We are diligent about picking up anything we see on the beach and (tragically) in the water. We are vilified for "ruining the beaches" with "our" trash—regardless of how consistent we are with trash pick-up. So I truly understand TAMBA's exasperation that they are the focus of residents regarding trash and mis-use of park facilities on the trail. They are not alone on the trail. We all share the responsibility for maintaining our wilderness.

Thank you for working with us at Fallen Leaf. I think we can help each other and look forward to our collaboration.

Lyda Hayes



Attachment IV Campen Email and Letter to Friedman 3-1-2022

From: Jeff Campen [<mailto:gonecampen@comcast.net>]
Sent: Tuesday, March 1, 2022 3:01 PM
To: Shannon Friedman (sfriedman@trpa.org)
Cc: Ruth Rich; John A Kleppe; 'Jeff Campen (gonecampen@comcast.net)'
Subject: Follow-up to Wednesday Zoom Meeting of 2-23-2022

Hello Shannon:

We are providing a written response to you with citations about the Angora Ridge-Lily Lake Trail: AN5 or S-26 as provided for in the Environmental Assessment of 2013 and the Decision Notice later in that year. It is our belief that this trail was not intended for mountain bikes. Moreover, we and our community are concerned that this trail was built by mountain bikers, is being used by mountain bikers contrary to the Decision Notice and without the permitting process required by TRPA.

If you have any questions please feel free to contact any of us. We await your review and decision on this matter.

Jeff Campen, Secretary Fallen Leaf Basin Protection Coalition

Attached Letter to email 3/1/2022

March 1, 2022

Shannon Friedman, Tahoe Regional Planning Agency:

Thank you for joining Wednesday's Zoom meeting. We look forward to TRPA including the Fallen Leaf Basin Protection Coalition in the planning process for land use issues that impact the Fallen Leaf Basin.

We said we would follow up with you about the language within the USFS Environmental Assessment Fallen Leaf Lake Trails Access and Travel Management Project (EA), August of 2013 and how it relates to the construction of what has become known as the Angora Ridge-Lily Lake Trail. The EA named this specific trail AN5. Page 35 of the document sets forth the new trail: "AN5-Proposed new trail would connect Angora Lakes parking to the Glen Alpine trailhead and parking area. This route would serve to replace or provide alternatives to AN8 AN9 which are proposed for decommissioning due to private property concerns". The new trail is pictured on page 44 in table 2.1 Tile #9. It is further referenced on page 46 Table 2.4 as a new trail to be constructed 24" wide, 8,434 feet long or 1.6 miles. Additional reference is made under Appendix A page 158 in which AN5 is listed as "new construction" 24" wide, 8,434 feet long or 1.6 miles, and is categorized as a "Hiker-Pedestrian" trail, Class 2. It is significant to note that this trail was **not** designated for bicycles or it would have been categorized as such. We believe our position is supported by the Decision Notice which approved Trail AN10 as a new trail with the designation "bicycle". Please refer to the EA Table 2-4, page 46 and Appendix A, page 158.

It is important to note that Trail AN5 was renamed Trail S-26 in USFS's new 2021 Basin Wide Trails Analysis Project #54566. Rather than retaining names and designations set forth in the EA and Decision Notice, this new Trails Analysis Project used different labels for existing and/or

proposed trails. This method of operation made it more confusing for those of us following basin trail plans. It also calls into question any reason for this relabeling.

As you can see by the citations we have provided you from the 2013 Environmental Assessment relating to Trail AN5, we believe strongly that this document calls out/specifies a Trail Class 2 and that the current mixed-use of mountain bike and hiker-pedestrian is not consistent with the EA. It is our view that this "mixed-use" loophole points to the Achilles Heel of that terminology. The term "mixed-use" was adopted at a time mountain biking was not necessarily a recreational category. It is certain that at that time mountain biking was not anticipated to follow the explosive trajectory it has experienced. These truths undeniably represent the aperture through which confusion and errors are allowed to occur. These are issues that should be addressed by TRPA and the USFS in the USFS Basin Wide Trails Analysis Project and possibly in TRPA's review of its MOU with the USFS.

During our meeting last week you indicated that you walked the completed Trail AN5 with USFS staff and that at that time did not find any concerns or environmental issues such as erosion. It was noted during the August 13, 2021 Zoom meeting with John Kleppe, Ruth Rich, Julie Regan, Jen Self, Shelly Aldean (TRPA Board of Governors), and Michael Gabor (USFS) that during that same trail inspection some compliance issues were identified. You have stated that you are prepared to issue a retroactive permit to USFS Trail AN5 (S-26) in order to bring the trail into compliance with TRPA's permitting process as provided for in the Memorandum of Understanding with USFS. And while that retroactive permit has not been signed, when it is signed it will allow the USFS to continue the use of this trail for mountain biking. We are not clear whether this retroactive permit completes the TRPA permit process. It is our hope that it does not and we would like to be advised of your decision in this regard and any remedies we may have with regard to that decision should additional public input be denied. We want to state for the record that we would be opposed to your decision to grant the retroactive permit if that decision completes the TRPA permit process for this project. Such action would shortcut TRPA's full review and would also deny the Public the opportunity to provide input about this trail. Moreover, such action would compound the errors made by the USFS when it did not seek a permit from TRPA and instead proceeded with the construction of the trail. It will also highlight the lack of TRPA oversight on this project as TRPA staff participated in the Trail's construction and never raised the issue of TRPA's permitting process with the USFS or TRPA. In this case, the USFS did not adhere to the 2013 Decision Notice nor adhere to their own trail construction standards for a Class 2 hiker-pedestrian trail as AN5 was so designated. Serious consideration should be given to the precedent that will be set by TRPA by permitting this trail, along with the environmental effects of the resultant committed use by mountain bikers. Approval of a retroactive permit under such circumstances may reinforce the USFS and Tahoe Area Mountain Biking Association (TAMBA) behaviors that will exploit MOU loopholes in which they receive back-door permitting on future projects. The significance of this should not be ignored or overlooked and is a major reason our organization wants to be engaged with the forthcoming TRPA USFS MOU review process.

Had any private property owner undertaken a project similar in size to Trail AN5 without the requisite permit and accompanying Public Hearings it most likely would result in a major fine and order issued by the TRPA to repair the land. And we would speculate as well that a "retroactive permit" would not be approved had construction been undertaken and completed without such a permit. We believe private property owners, public agencies, and landowners should be treated the same.

Residents of the Fallen Leaf Lake basin were concerned with this trail from its inception. The Fallen Leaf Basin Protection Coalition echoes these concerns. Comments covering a multitude of

concerns were provided to the USFS during the environmental review process. In our judgment some of these concerns were addressed, others were not addressed or dismissed entirely. The Decision Notice and Finding of No Significant Impact issued by Nancy Gibson on September 18, 2013 sets forth the USFS response to comments in its Appendix. For example, erosion concerns were conveyed based on the 1974 Bailey Land Capacity Study. This study called attention to the relative erosion potential for the Tahoe Basin and it was the basis for comments for Angora Ridge. The erosion potential for the Angora Ridge is high in that study. When Trail AN5 was adopted as a hiker-pedestrian trail in the Decision Notice we believed the Trail to be consistent with low-impact uses that would not result in erosion impacts. The community believed the USFS took these factor into consideration with its approval of Trail AN5; yet the main reason for their approval was the following: "This route would serve to replace or provide alternatives to AN8 and AN9, which are proposed for decommission due to private property concerns".

Parking problems were cited at the Lily Lake parking area and the intersection of Tahoe Mountain Road and Angora Ridge Road. While a new parking plan was selected for the intersection of Tahoe Mountain Road and Angora Ridge Road calling for five to ten paved spaces to replace the then-occasional informal parking occurring on dirt in the environmentally sensitive zone, the new parking was based on the use of California Tahoe Conservancy Land with no additional information about that property's viability. Moreover, parking problems in this location have become more significant since the 2013 Decision Notice and the development since then of a mountain bike trail network (Tahoe Mountain, Mule Deer Connector, Angora Burn area trails). In our opinion the five to ten paved parking spaces, with boulders blocking the remainder of the area in that vicinity, will not resolve the problem. Parking was not addressed at the other end of the Trail AN5: Lily Lake. Parking in that location was called out as a major problem before and irrespective of AN5, and the Environmental Assessment options and the Decision Notice did nothing to resolve that issue

As noted, Trail AN5 was created with the issuance of the Decision Notice by Nancy Gibson on September 18, 2013. Trail AN5 was adopted with the following: 24" wide, 8,434 feet long or 1.6 miles, class 2, hiker-pedestrian. The Decision Notice included responses from the USFS that AN5 would not be well suited for bicycle traffic due to slope and terrain. The community believed portions of the new trail which were proposed to be constructed would be located in an environmentally sensitive location due to slope and view shed; an area of Angora Ridge that descends steeply to Lily Lake. Additionally, the community believed the adopted trail would be limited to hikers and pedestrians since it was not designated "bicycle" in the EA or Decision Notice. Based on these factors, the community believed a low impact "hiker-pedestrian trail" would be built and they would have a future opportunity to provide public input to the USFS about the design of the trail as well as monitor its implementation and construction.

Major concerns arose in our community two years ago when the USFS and TAMBA started construction of the new trail without any notice to our community. Nor did the USFS seek a permit from TRPA for the construction of this trail. Our community discovered this new trail was being built and advertised as an "epic mountain bike trail" via social media postings by TAMBA and mountain bikers. Each of these missteps we believed was a betrayal of the Decision Notice. The failure of the USFS to notify our community was a denial of our community's ability to provide public input on the design and construction and consideration of the environmental impacts of a mountain bike trail. Compounding that problem was the failure of USFS to file for a permit under the TRPA permitting process. This failure has resulted in another denial of public participation in the design of the trail, a process that could have led to the trail retaining the hiker-pedestrian designation, not the mountain bike trail that was designed and constructed. The USFS overreached its authority and the result has been the construction of a trail that violated the USFS

Trail Handbook policies, the Environmental Assessment of 2013, and the Decision Notice which defined the trail by class, length, and use as well as the denial of public participation in the USFS process. Additionally, the use of Trail AN5 by mountain bikes has had impacts on the decommissioned Trails AN8 and AN9. Mountain bikers have created additional problems with private property owners such as the Chapel by riding on these decommissioned trails.

We hope the TRPA will review our citations to the Environmental Assessment and reach a determination that the USFS overstepped its authority at the Public's expense. We believe the TRPA can provide a remedy to this matter which will allow for the appropriate Public Review and subsequent review options to bring trail AN5 (S-26) and the USFS back within compliance. Such action may go a long way in restoring the faith between our community and our oversight agencies.

Again, it was a pleasure meeting with you and your colleagues. We look forward to your review and response to our issues with regard to the Angora Ridge-Lily Lake Trail AN5 (S-26). We remain optimistic about assisting you in the planning process for issues facing the Fallen Leaf Lake Basin.

Respectfully,

Jeff Campen, Secretary Fallen Leaf Basin Protection Coalition

Attachment V Friedman and Campen Correspondence 3-25-2022 to 3-29-2022

Tuesday 3-29-2022 Email from Shannon Friedman, TRPA to Jeff Campen @ 10:00am

Hi Mr. Campen,

Thank you for the email and information. I have reviewed the EA as well as some other documentation related to trails. I think there is some confusion about what the terminology means in the EA. I have attached the Trail Fundamentals and Trail Management document that helps to explain the terminology better and what it means for the design, implementation, and management of trails on Forest Service land.

While trail AN5 is designated as a Hiker/Pedestrian Trail with a trail class 2, this does not mean that other users are not allowed on that trail segment, rather it is the standard by which the trail is designed. There can be and often are more than one managed use on a trail. The designated use is the management use that requires the most demanding design, but numerous uses may be allowed on those trails.

The FONSI chose to implement Alternative 4. Page 2 of the FONSI lists the trails that would be managed to prohibit a specific use. All of these trails are on the northside of fallen leaf lake and do not include the Lily Lake Trail (AN5 in EA).

I have reviewed the EA and other documentation and the Lily Lake Trail (AN5) was built in compliance with the 2013 EA. The trail was not exempt under the TRPA/Forest Service MOU because it exceeded 1,000 linear feet in a low land capability district. I am working with the Forest Service staff to write a retroactive permit for that trail. All TRPA permits and supporting information are public record so you can view that permit when it is drafted. As mentioned on the phone, when I walked the Lily Lake Trail with Forest Service Staff, I did not see any corrective actions that needed to be made on the trail itself. My observation was that it was being built consistently with other trails in the region. The permit I issue will not require any changes to the trail itself nor will it be restricting uses on the trail as that is not what was approved in the EA.

Please let me know if you have any questions or would like to discuss this further.

Sincerely,

Shannon Friedman
Senior Planner
(775) 589-5205
sfriedman@trpa.gov

From: Shannon Friedman
Sent: Friday, March 25, 2022 1:03 PM
To: Jeff Campen <gonecampen@comcast.net>
Cc: Ruth Rich <rdrfll@att.net>; John A Kleppe <kleppe@unr.edu>
Subject: RE: [BULK] Status of My email sent March 1, 2022 Regarding Lily Lake Trail

Hi Mr. Campen,

Thank you for following up on this topic. I have received your email and will be sending a response soon. My apologies for not responding sooner.

Sincerely,

Shannon Friedman
Senior Planner
(775) 589-5205
sfriedman@trpa.gov

From: Jeff Campen <gonecampen@comcast.net>
Sent: Friday, March 25, 2022 12:17 PM
To: Shannon Friedman <sfriedman@trpa.gov>
Cc: Ruth Rich <rdrfill@att.net>; John A Kleppe <kleppe@unr.edu>; 'Jeff Campen' <gonecampen@comcast.net>
Subject: [BULK] Status of My email sent March 1, 2022 Regarding Lily Lake Trail

Hi Shannon: I have not heard from you regarding my email and attachment concerning the Lily Lake Trail. I want to confirm that you received the email and attachment and would ask for an update from you on this matter.

Thank you
Jeff Campen

Attachment VI Cressy Email Response to Campen Lily Lake Trail Inquiry

Email from Daniel Cressy, USFS 3/29/2022 Responding to Campen email of 3/18/2022 inquiring about the Lily Lake Trail

Mr. Campen –

In response to questions raised in your email:

1. Since the NEPA process of analysis and disclosure of environmental effects related to this project was completed in 2013 the opportunity to formally object to that Decision has passed.
2. Forest Service staff reviewed the trail project during construction with TRPA staff. TRPA concurred that the trail design and water quality protection best management practices were appropriate. Since the trail is longer than one-thousand feet and is located in steep, “low capability” land TRPA is issuing a retro-active permit for this project.
3. The Lake Tahoe Basin Management Unit has a working agreement with the Tahoe Area Mountain Biking Association (TAMBA) to support construction and maintenance of trails on National Forest System lands in the Tahoe Basin. TAMBA staff are well-trained and supervised and are a proven partner in stewarding Forest Service trails that provide high-quality experiences for multiple user groups while protecting natural and cultural resources.
4. Forest Service trails management includes designation of Managed Uses and Designed Use. The Managed Uses for a trail are usually a small subset of all the allowed uses on the trail, that is, uses that are allowed unless specifically prohibited. Managed uses for the Lily Lake Trail include hiking, non-motorized biking, and equestrian use. There is only one Designed Use per trail or trail segment. Although a trail or trail segment may have more than one Managed Use and numerous uses may be allowed, only one Managed Use is identified as the design driver or Designed Use. For the Lily Lake Trail, the Designed Use is “hiking”.
5. All non-motorized uses are allowed on Forest Service trails unless they are specifically prohibited. The Wilderness Act prohibits mechanized use (including bicycles) in designated wilderness areas. Forest Service travel management regulations prohibit motorized use on roads, trails, and areas unless specifically designated open for that use. The Decision Notice for the Fallen Leaf Trail Access and Travel Management Project specifically prohibited bicycle use on six trail or trail segments, and prohibited equestrian use on three trail or trail segments within the project area.
6. Forest Service Trails Management Handbook, FSH 2309.13, Chapter 10 “Trail Planning” provides policy guidance.
7. The LTBMU does not have any additional trail-related projects or travel managed decisions planned in the Fallen Leaf Lake area.

Best regards,
-Daniel



Daniel Cressy (he/him/his)
Public Services Staff Officer
Landscape Architect
Lake Tahoe Basin Management
Unit

Forest Service
Pacific Southwest Region
35 College Drive,
South Lake Tahoe CA 96150

p: (530) 543-2675
daniel.cressy@usda.gov

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From: Jeff <gonecampen@comcast.net>
Sent: Monday, March 21, 2022 9:27 AM
To: Cressy, Daniel -FS, South Lake Tahoe, CA <daniel.cressy@usda.gov>
Subject: Re: [External Email] Lily Lake Trail

Thanks

Sent from Jeff's iPhone

On Mar 21, 2022, at 9:07 AM, Cressy, Daniel -FS, South Lake Tahoe, CA <daniel.cressy@usda.gov> wrote:

Jeff - I received your message and will get back to you later this week.

Best,
-Daniel



Daniel Cressy (he/him/his)
Public Services Staff Officer
Landscape Architect
Lake Tahoe Basin Management
Unit

Forest Service
Pacific Southwest Region
35 College Drive,
South Lake Tahoe CA 96150

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From: Jeff <goncampen@comcast.net>
Sent: Friday, March 18, 2022 5:37 PM
To: Cressy, Daniel -FS, South Lake Tahoe, CA <daniel.cressy@usda.gov>
Subject: [External Email] Lily Lake Trail

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Thanks for talking to me this afternoon about the Lily Lake Trail. I want to find out how I can appeal the process by which the USFS began building the Lily Lake Trail without a permit; disregarding the USFS Trails Handbook, and allowing the Trail to be constructed without appropriate supervision and concern for environmental protection.

I have undertaken considerable research of the 2013 Environmental Document and the Decision Notice regarding this Trail. I acknowledge the new Trail was approved during this review process; however, the use of the Trail for bicycles when it was specifically designed as "hiking" is a source of concern as well as the manner in which the USFS embarked with the construction without a permit and a public review that would have been afforded with the permit process.

I would appreciate it if you could refer me to the appropriate individual at the Lake Tahoe Basin Management Unit to discuss the options available for such an appeal.

As a separate item I would appreciate it if you could provide me with the regulation or policy directive the USFS has that states any trail outside the wilderness area can be utilized by bicycles. I would appreciate the specific citation, regulation, or policy number as well as the written word.

Thanks Daniel for your assistance. Have a great weekend.

Jeff Campen
Phone: 831 915-7400

Sent from Jeff's iPhone

Attachment VII-Campen Response to Cressy Email of 3-29-2022 Letter of 4-4-2022

Hi Mr. Cressy:

I am responding to your email of March 29, 2022 about the Lily Lake Trail. I have taken the liberty of including Shannon Friedman of TRPA by copying with her in this matter. Shannon had earlier included you in her email response to me about the TRPA retro-active permit status and TRPA appeal process.

I have attached a letter that clarifies my position on this matter and asks for additional information about USFS policies and procedures. Thank you for your careful consideration of these issues.

Jeff Campen

Attached Letter

April 4, 2022

Mr. Daniel Cressy

Public Services Staff Officer

Landscape Architect

Lake Tahoe Basin Management Unit

United States Forest Service

Subject: Lily Lake Trail Response of 3-29-2022

I am responding to your email response to my inquiry about concerns with the Lily Lake Trail. Procedurally, you indicated to me that you would be referring my email to the appropriate individual to address my concerns with that trail. Since you responded to me about this matter, I must assume that you are in fact that individual. If that is the case I have follow-up issues about your email response.

First, you indicated that it was too late to appeal the decision of the NEPA for the trail. I would like to clarify this issue. I agree that it is too late to appeal the FONSI (Finding of No Significant Impact). I am not appealing that finding and so stated in my email. What I am objecting to is the fact that the USFS did not apply for a permit with TRPA as required by the MOU between the USFS and TRPA prior to construction of this trail. I am further concerned that the USFS did not appropriately advise the community and the public at large prior to the construction of the new trail. Such notification would have occurred had the required process been followed and an application for a TRPA permit been made. This circumnavigation triggers many issues.

I previously stated that it was my belief that the Lily Lake Trail had been designated a "hiking, class 2" trail and as such was not appropriate for bicycles. The USFS relies on their mixed-use trail terminology to rationalize the development of a mountain biking trail when the trail was never assessed for that specific use. There was no discussion of mountain bike use on this trail or any other trail in the USFS Environmental Assessment Fallen Leaf Lake Trails Access and Travel Management Project (EA), August of 2013 or the Decision Notice later in 2013. The USFS decision to permit mountain bikes on this trail is troubling since the trail is located on "steep, low capability land" and in my judgment inappropriate.

In additional support of my position, the Decision Notice of 2013 provides for a new “biking” trail which in the opinion of many indicates that there is a clear distinction between “hiker/pedestrian” trails and “bicycle” trails. As such, the Lily Lake Trail should be limited to hiker/pedestrian. You stated that the Forest Service allows for a broader range of uses beyond the “named” designation for all trails outside areas designated protected Wilderness, citing the verbiage of “mixed-use” trails. I had asked you to provide the specific legal authority for the USFS position in this regard. You cited the Forest Service Trails Management Handbook, specifically FSH 2309.13, Chapter 10 “Trail Planning”. FSH Chapter 10 deals with the development of campsites, not trails. Page 14, Item 5 is the only reference I can find that deals with “hiker/pedestrian” and that appears to deal with handicapped access, not multi-use trails. I wonder if the reference you cited was in error? I also researched FSH 2309.18, Chapter 20-Trail Development. Chapter 20 also ignores legal authority for multi-use “hiker/pedestrian” trails. As requested earlier, I would appreciate the legal authority for multi use “hiking/pedestrian” trails.

As previously mentioned, I am concerned with the fact that the USFS did not apply for a permit with TRPA. This is a requirement under the MOU the USFS has with TRPA. As such I cannot understand your comment under #2 of your email in which you state that “Forest Service Staff reviewed the trail project during construction with TRPA. TRPA concurred that the trail design and water quality protection best management practices were appropriate”. How can this “concurrence” occur without a permit triggering the event? I am mystified about this comment unless TRPA staff was informally involved in the construction of this trail. This would appear to substantiate the information we have found. It would be appreciated if you could identify the USFS staff and TRPA staff that were engaged in this “concurrence” process. The lack of a TRPA permit for this trail is a major concern and one which, as you know, I am also pursuing with TRPA. I also desire to file an appeal with the USFS for their failure to apply for a TRPA permit for this trail so I would appreciate it if you could identify the USFS appeal process for me.

It is my position that had the USFS applied for a permit for this trail, the public would have been afforded an opportunity to discuss their concerns some of which have arisen since the Environmental Assessment and Decision Notice of 2013, and some of which were spelled out in the 2013 document and ignored. Information would have been provided about the inappropriateness of the development of the Lily Lake Trail for mountain bikes. A new assessment based on mountain bike use would have been requested to consider the impact on this location, slope, and terrain as well as other issues.

You indicate further in your email, “since the trail is longer than one-thousand feet and is located in steep, “low capability” land, TRPA is issuing a retro-active permit for this project.” This statement appears to be used to justify the decision by TRPA to approve a retro-active permit based upon the length, location, and land capability of the Lily Lake Trail. In my judgment these issues do not provide justification for such approval; in fact they negate it. Perhaps I have misunderstood your statements, so I would encourage further amplification on this matter.

Moreover, I believe Tahoe Area Mountain Biking Association (TAMBA) violated USFS Trail Handbook policies when the design of this trail was constructed by and therefore designed to appeal to mountain biking, with hikers and horses welcome, but not encouraged. See TAMBA website which cites that this trail is not recommended for horses. The trail was enlarged to accommodate the mountain bike use contrary to USFS Trail Handbook policy, Figure 1 below. TAMBA’s

construction of this trail also violated these same policies by the extensive damage that was done to the steep sensitive slopes, Figures 2, and 3 below. These destructive actions are violations of the Trail Handbook as well as violations of the USFS/TRPA MOU. The very reason for the TRPA permitting process is to prevent such actions.

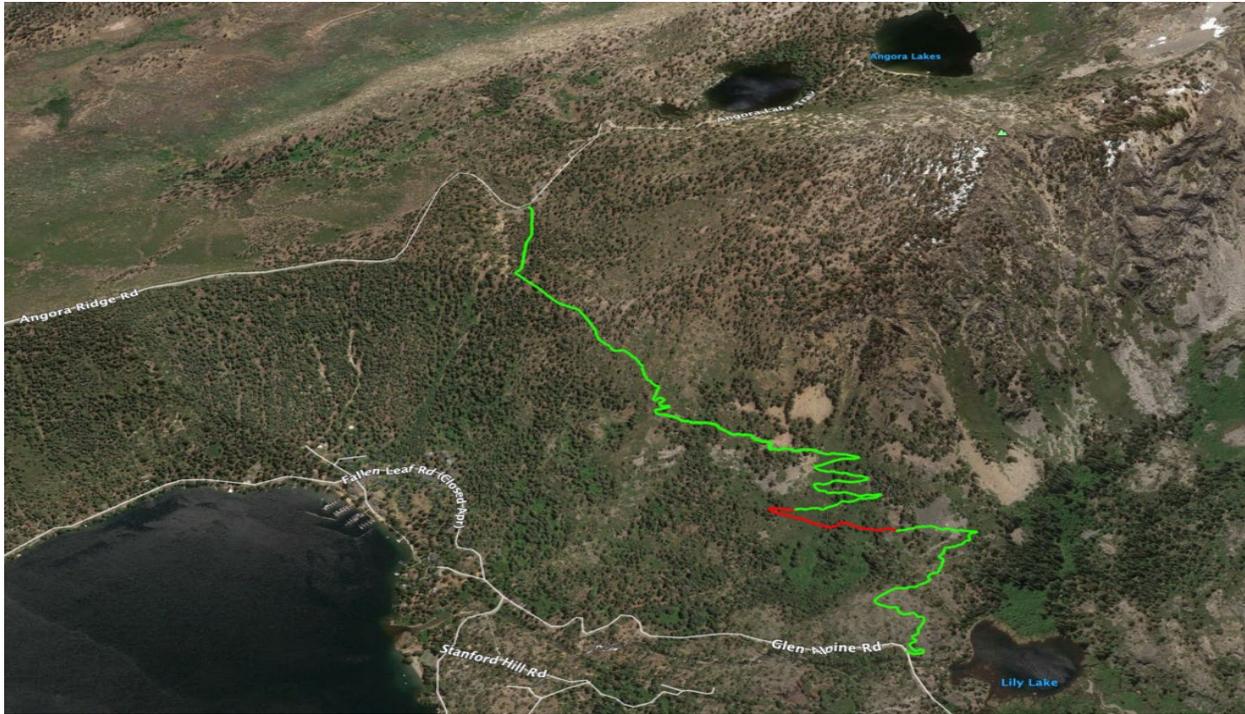


Figure 1 Map showing the large scope of the USFS Lily Lake Trail shown in color. Green for the completed portion of the trail up to 2020 and red for the remaining trail constructed up to 2021.



Figure 2 Example of damage to the steep, sensitive slopes caused by large rock removals during trail construction.



Figure 3 Example of how rocks were split and removed on the steep, sensitive slopes during construction.

I am pursuing the appeal of the TRPA retro-active permit for other reasons as well. It appears to me that such a retro-active approval process sets a major precedent. This precedent may or may not be intended. In all, it points to real concern and needs to be carefully considered since it does not afford the opportunity for the public to raise honest issues, and because the trail's ultimate design was altered so significantly from the initial assessment. Furthermore, that design ignored issues identified between 2011 and 2013 that supported being cautious about trail development at the Lily Lake terminus. This list includes but is not limited to impacts, infrastructure capacity, trails management, or other relevant and important issues. In effect, such an action is a back door approval process and that process is unacceptable.

Item 3 in your email response discusses the working agreement the USFS has with the Tahoe Area Mountain Biking Association (TAMBA) to support construction and maintenance of trails on Federal Land. I would ask for a copy of that agreement with TAMBA and request all documents the USFS LTBMU has with regard to formal training the USFS LTBMU has completed with TAMBA. I have been advised that supervision by the USFS on the Lily Lake Trail was superficial at best. It is also my understanding that employees of the LTBMU, who also may be members of TAMBA, were involved with the more complex aspects of trail construction, such as using heavy machinery on that environmentally sensitive slope. Based on the pictures presented above, the trail construction appears contradictory to the USFS Trail Management Handbook and not conducive to environmental concerns, particularly on a slope of that sensitivity. I have legitimate disagreement with TAMBA's capabilities to adhere to USFS trail construction guidelines as well as the USFS oversight of this Trail's construction.

Items 4 and 5 appear to discuss, in a convoluted manner, the concept of multi-use trails. At least the language you provided does not clarify the issue in my mind. I believe I have made my position known twice earlier in this writing. I would repeat my request here and that is for a member of the USFS to provide the document citing the legal authority for such mixed-use trails. The Trail Handbook citation you provided is not on point. I believe it is important to identify the legal authority for this mixed-use because as I discussed above mountain bikes were not rigidly assessed in the Fallen Leaf Environmental Assessment-ATM, the document that included the Lily Lake Trail. Moreover, mixed-use trails will become a more substantive issue going forward and as such need review, clarification, and redefinition. It is not that mountain biking is not appreciated or enjoyed by many but, rather, that any process that will enable mountain biking needs to be legitimate, considerate of more than just interest and the desire for more mountain biking trails: Such development needs to be fully considered by a more broad base of concerns than those seeking that form of recreation and or increased tourism outputs. Such development should not create additional issues, circumvent processes, or (intentionally or not) ignore impacts. This is the problem: This trail absolutely does create issues that cannot be properly mitigated, it did circumnavigate the required process(es), and it ignored known concerns.

Finally, I do want to thank you for your prompt response to my concerns and hope that my additional questions and inquiry into this matter only serves to illustrate my great appreciation of our Forest Service lands and my interest in using them in a way that does not create ancillary issues with negative consequential effects.

.
Jeffrey Campen

Attachment VIII-Reconsideration Letter from Campen to Friedman 4-11-2022

April 11, 2022
Shannon Friedman
Senior Planner
Tahoe Regional Planning Agency

Subject: Response to your Email of March 29, 2002-Lily Lake Trail

Dear Ms. Friedman:

I am writing again to provide additional information about the Lily Lake Trail which I hope will warrant your reconsideration of approving a retroactive permit for this project. In my view a decision to approve this trail retroactively will be setting a precedent by condoning USFS actions which are contrary to appropriate and mandated procedure as provided for in the Memorandum of Understanding (MOU) between TRPA and the Forest Service. This USFS error is egregious because it deprives the public its opportunity to express legitimate concerns prior to construction of the trail. It circumvents the process designed to call attention to the project scope, project compliance, project impact, and unintended consequences. That process has been short circuited and it is very disconcerting to those of us in the Fallen Leaf Lake Basin who cannot be heard. Circumventing this process also deprives mountain biking and hiking enthusiasts alike, some of the members of TAMBA, and/or avid mountain bikers, to express valid concerns. Furthermore, it avoids critical assessment of process and environmental concerns from agencies whose purpose is to protect our land and lakes. Had a permit been applied for by the USFS, the public process would have provided the opportunity to weigh in on this trail. Issues about the location of this trail on a sensitive slope in concert with mountain bike use which was not contemplated during the Environmental Assessment of 2013 or the Decision Notice of 2013 would have been brought to light and/or expanded upon where they had already been noted as concerns. Moreover, trail construction irregularities have occurred. These are issues I take seriously and surely should warrant the full attention of those planning, process, and decision-making agencies.

You indicated you had communicated to me by phone about walking the trail and “not finding any corrective actions that needed to be made on the trail itself”. You indicated further, “My observation was that it was being built consistently with other trails in the region. The permit I issue will not require any changes to the trail itself nor will it be restricting uses on the trail as that is not what was approved in the EA.” First of all, I recall no phone communication with you on this matter. Perhaps it was the Zoom meeting on February 23, 2022. In any case, I would disagree with your assessment of this trail. The trail was not designed pursuant to the USFS Trail Handbook standards: slope and grade have been exceeded and the 24” width maximums have been exceeded in numerous locations. It has been noted that on August 13, 2001 during a Zoom meeting with John Kleppe, Ruth Rich, Julie Regan (TRPAP, Jen Self (TRPA), Shelly Aldean (TRPA Board of Governors), and Michael Gabor (USFS) that during that same trail inspection some compliance issues were identified. Am I to assume that your minimizing these issues alone indicates that, in your opinion, they do not warrant consideration for denial of such a retroactive permit? Would you please address these issues and provide your reasoning for each? Consideration should be given to language, impacts, consequences, and safety issues that were called out in the original USFS documents, documents that specified that mountain biking was not anticipated due to the slope and terrain of this proposed trail. Most significantly, as pointed out earlier, the EA or Decision Notice do not adequately address the impacts of mountain bikes in either the ATM or, more specifically, the Lily Lake Trail. It is my position that the environmental issues specific to the location of this trail together with the “higher” mixed

use by mountain bikes would result in the logical conclusion to prohibit bikes (mountain bikes) from this trail.

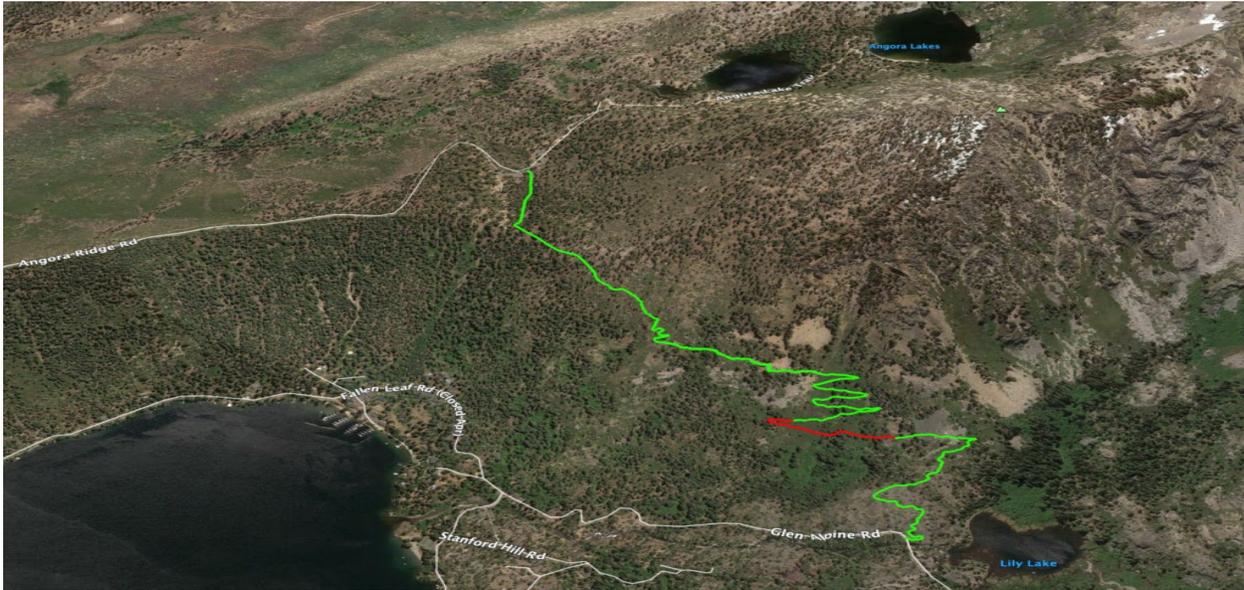


Figure 1 Map showing the large scope of the USFS Lily Lake Trail shown in color. Green is for the completed portion of the trail up to 2020 and red is for the remaining trail construction up to 2021.

I do not believe the environmental assessment process should be so rigid as to limit current information; it should be flexible enough to consider new information as it comes along before or during trail constructions. I have raised another issue as well to support denial: Trail construction irregularities. Attached are two additional photographs depicting violations of the USFS Trail Handbook.



Figure 2 Example of damage to the steep, sensitive slopes caused by large rock removals during trail construction.



Figure 3 Example of how rocks were split and removed on the steep, sensitive slopes during construction. Parking is another issue the EA did not adequately address based on present day issues. The formal review process that has been avoided would have afforded this badly needed opportunity. The USFS has not provided nor resolved parking issues at either end of the trail head, and likely cannot do so adequately. In fact, since the trail has been constructed, parking has become more of a problem. Existing parking proposals will not stem these problems; a much broader solution beyond paving 5-10 parking spaces at the Angora Ridge Road is needed. I would reference my communication to you on March 1, 2022 which details specifics. Clearly, this is another concern that must be addressed, a problem which will not be resolved with the approval of a retroactive permit, nor with permitting additional recreational development. It is absolutely appropriate and acceptable to allow certain uses, but not all mixed trail uses, in areas of concern, such as the back end of the Fallen Leaf Lake Basin, which cannot sustain the overrun it already experiences. Adding recreation without assessing, respecting, and managing all aspects of it, on top of the environmental concerns, trail conflict, road impacts, safety, and private property trespass issues that have been created because the process designed to protect against such issues has been ignored, is wrong.

The Trail Fundamentals and Trail Management Objectives reference you provided me does not offer the legal authority for the mixed use trails. I have thoroughly reviewed this document and see no such authority. Perhaps I am in error and you could provide the specific citation to support the USFS position for such mixed use. As you are aware, I have also been in contact with Daniel Cressy of the USFS on this same matter and he has not as yet provided such legal citations. In my opinion, this matter is extremely important since the USFS position and yours, is based upon mixed use trails. Until such a citation is provided and can be reviewed for reasonableness, limiting the use of the Lily Lake Trail for mountain bikes should be considered and adopted. Moreover, until a proper review and assessment, with all of the attendant steps and protocols, is conducted, mountain biking should not be allowed on this trail. As it is, this trail already has seen prohibited uses by eBikes and at least one dirt bike (motorcycle).

Without due process, there are many considerations and concerns that have been ignored prior to and during the construction of this trail. It is mystifying why a retroactive permit appears a justified outcome. I do not wish to belabor these multiple points, but the list is long. Mountain biking is not the problem; I am a mountain biker myself as are many homeowners at Fallen Leaf Lake. To provide you a synopsis of some of the issues, here is a list: the lack of following a process and an MOU; the appearance of the lack of concern for environmental stability and use impact on sensitive slopes; the lack of funding on the part of the USFS

to build hiking trails with its own funding sources, which puts it in the position of allowing what appears to be its only active partner in the Tahoe Basin (TAMBA) to convert hiking trails to mountain biking trails - regardless of blind corners, switchbacks, and cliff features; the lack of consideration of impacts to private property owners - and residential communities; the effects of social media advertising to create funding and excitement about new recreational "opportunities" that go to a box canyon which then impacts safety for all on a narrow and already congested road; the mindset of some mountain bikers, who think the road is their bike trail and do not share the road; the people who stop on private property to take a swim and dry off before riding out the road; those who ride up or down decommissioned trails - trails decommissioned because they traverse environmentally unstable soil and steep slopes and are accessed across private property; and trail conflicts that have been created on those other steep and rocky trails that people hike regularly (and which are also accessed across private property, which is an activity that has not been viewed as troubling because these are hikers, not bikers, and accidents are not likely to result in a land owner being sued.)

In summary, I would like to reemphasize my position that the approval of a retroactive permit is not appropriate for this trail as one that allows mountain biking. Conditions surrounding this matter do not warrant such an action. If the Lily Lake trail is to be permitted for mountain bike usage, a full hearing should be provided to address the ample concerns which I have elaborated: Mixed use (mountain bike use) inappropriateness, trail conflicts, parking problems, safety considerations, and trail construction irregularities and or violations. All these issues warrant your careful consideration and in my judgment denial of such a permit.

Jeffrey Campen

Attachment IX-Cressy and Campen Emails Re-Walking Lily Lake trail 4-15-2022 to 6-3-2022

Date: June 3, 2022 at 12:25:19 PM PDT

To: "Cressy, Daniel -FS, South Lake Tahoe, CA" <daniel.cressy@usda.gov>

Cc: Shannon Friedman <sfriedman@trpa.gov>, John A Kleppe <kleppe@unr.edu>, Ruth Rich <rdrfl@att.net>, "Gabor, Michael -FS" <michael.gabor@usda.gov>, Hart Bruce <hartb1620@gmail.com>, Burnnett Dave <dbunnett@stanford.edu>, Gurish Jonathan <jgurish@gmail.com>, Kramer Danny <danny.kramer@gmail.com>, Montoya Steven <stevencmontoya.ca@gmail.com>, Jeff Campen <gonecampen@comcast.net>

Subject: Re: [External Email]RE: Response to Your Email of March 29, 2022-Lily Lake Trail

Daniel - My apologies for the typo on the date. It should read June 23 from 1-3 PM.

Thanks again,

Peggy Laughlin

On Jun 3, 2022, at 11:10 AM, Peggy Laughlin <peggylaugh@gmail.com> wrote:

Hello Daniel,

This is Peggy Laughlin following up with the communications between you and Jeff Campen. I am available on June 30 from 1-3 to meet you at the Lily Lake parking lot to hike the trail. Would you please confirm this time and date? If not, June 24 is open for me.

There may be more of us available on one of these dates, as copied on this email, to be determined.

Thank you for this opportunity to meet with you. Please feel free to email or contact me directly at (831) 238-2114. I look forward to your response.

Sincerely,

Peggy Laughlin

On Jun 1, 2022, at 9:46 AM, Jeff <gonecampen@comcast.net> wrote:

Thanks Mr. Cressy. I have asked Peggy Laughlin to coordinate the on-site meeting with you and others from our Coalition who may be interested. I have forwarded your email to all of them. I hope it will work out. There may be a remote possibility I can attend but it really is dependent on recovery.

Thanks Jeff Campen

Cressy email to Campen with proposed dates

Mr. Campen - thank you for following up, and my apologies for not being able to schedule an on-site meeting with your colleagues earlier this spring! I hope your injury is healing!

I would still welcome the opportunity to meet with you/your colleagues at the Lily Lake Trail.

I am available:

Friday June 10, 1-3pm

Monday June 13, 8-10am

Wednesday June 15, 8-10am

Thursday June 23, 1-3pm

Friday June 24, 8am-5pm

If you'd like to meet on-site, please let me know your/your colleagues' availability.

Best,
-Daniel

Hi Mr. Cressy: Unfortunately, I will have to decline your offer. We will not be opening our cabin until the weekend of May 21st. Additionally, I am recovering from a torn (detached quadriceps) tendon from my kneecap on my left leg; thus, my mobility is limited. Perhaps another of our party would be able to attend. I am making progress, but knowing the Lily Lake trail as I do, I believe it would be more than I could handle at that time.

Jeff Campen

From: Cressy, Daniel -FS, South Lake Tahoe, CA [<mailto:daniel.cressy@usda.gov>]
Sent: Friday, April 15, 2022 10:30 AM
To: Jeff Campen
Cc: Shannon Friedman; John A Kleppe; Ruth Rich; Cressy, Daniel -FS, South Lake Tahoe, CA; Gabor, Michael -FS
Subject: RE: [External Email]Response to Your Email of March 29, 2022-Lily Lake Trail

Hi Mr. Campen – I would like to invite you to meet myself and our Forest Engineer, and potentially TRPA staff as well, to review the Lily Lake trail in-person in early May to better understand your resource protection concerns. We can also discuss your procedural and policy questions as well.

Are there any specific days in early May that could work for your schedule to meet in person?

Best,
-Daniel

Attachment X-Request from Campen to Cressy to Respond to Campen's 4-4-2022 Letter

May 31, 2022

To: Daniel Cressy, USFS

I am asking for an update of my email to you on April 4, 2022 and the letter I included about the issues and concerns we have with respect to the Lily Lake Trail. I have not heard back from you for some time and wanted to get an update on this matter.

I also want to inform you that I and others have been engaged with the formation of the Fallen Leaf Basin Protection Coalition, a nonprofit corporation. One of our main issues will be the Lily Lake Trail and problems that have taken place prior to, during and post construction of this trail by the USFS. I have also asked for an update from Shannon Friedman and the letter I sent her on April 11, 2022.

I would appreciate an update on my letter,

Thanks, Jeff Campen

Attachment XI-Email to Friedman from Campen about Decommissioned Trails and Request to Deny Retroactive Permit 8-8-2022

August 8, 2022

Hi Shannon:

I want to update my conversation with you last week wherein we discussed the Lily Lake trail and the current state of the retroactive permit as well as other issues.

I had indicated that it was my belief that the USFS Decision Notice had authorized the decommissioning of the Clark trail (AN4) and the Church trail (AN8) in this document. I was wrong. I reread the Notice and found a short phrase that revised Alternative 4 which was the adopted option with the exceptions for trails AN4, AN6, and AN8 (page 5, number 4, Alternative 4) "... and no action would be taken on trails AN4, AN6, and AN8." Apparently, local responses were enough to convince the USFS, Nancy Gibson, to modify the recommendation such that these two trails were not decommissioned as recommended. Nor was AN6, the informal Angora Lakes trail adopted into the formal USFS trail system.

I apologize for my misunderstanding of this issue and wanted to clarify it as soon as I could. I know I was confused by this matter and I believe the individuals in USFS are not totally informed on it as well.

I would like you to reflect on this issue. The Environmental Assessment and ATM (2013) placed great weight on the fact that the new Lily Lake Trail (AN5) was needed because trails AN4 and AN8 were inappropriate "they enter and terminate on private land. Furthermore, there are no public parking options to provide public access on the lower end of either trail. There are no viable reroute options that would bypass the privately owned parcels. Proposed AN5 would provide an alternative to these trails." (page 30 1st bullet and page 35, 1st bullet of the EA/ATM document).

Having reversed the decommissioning recommendation one could argue that the need for the Lily Lake trail no longer existed and should have been reversed at the same time. Clearly, nothing changed to add additional parking at Lily Lake beyond the BMP improvements so the USFS accepted the status quo for AN4 and AN8 and in my view negated the need for the Lily Lake trail. I recognize that this thinking comes late in the game, but you can at least see our frustration when added to the fact that the USFS did not really listen to all of the concerns expressed by Fallen Leaf residents as evidenced in the Comments section of the Decision Notice. Gibson, apparently heard the complaints about decommissioning the Clark and Church trail as well as not accepting the Angora Lakes unofficial trail, but failed to act on concerns about the need for the Lily Lake trail. This finding is coupled with the fact that the USFS did not apply for a permit as required under the MOU which would have allowed for the opportunity for public comment and raised the real possibility of modifying the decision to build this new trail. I think one can make a persuasive argument in this regard. Nevertheless, here we are today with a trail we did not need, the

significant issues that are associated with it which we have called to your attention, and now to the issue of how we proceed.

I understand your position is to recommend approval of the retroactive permit which would approve the Lily Lake trail assuming Board of Governors commensurate approval; however, **I would request you consider not approving the trail and request the USFS to return the trail to its former natural state.** I realize this would be a major step, but one I believe is appropriate under the circumstances. This approach, while significant is one which TRPA possess in its legal authority. TRPA has required private property owners to remove improvements that were not in compliance. The standard should be no different for governmental agencies.

Should you be unwilling to make such a significant recommendation I would at least suggest you consider mitigations in your recommendation. I think it is well within your purview to recommend the USFS take steps to mitigate areas of noncompliance with their own trail standards. One significant area is the slope/grade of the trail near Lily Lake. The maximum short pitch is 35% in the Trail Design Standard for Class 2 trails and this leg clearly exceeds this maximum. There are other non-compliant sections of the trail dealing with trail width. What I am suggesting here is that the USFS be required to survey the trail for non-compliant construction and provide recommendations to TRPA for corrective action. Finally, I believe it is within your (TRPA) purview to restrict access on this trail to all biking (mountain bikes, e-bikes or any others). I would ask that short of not approving the trail and subsequent deconstruction that you incorporate these mitigation measures into your recommendation. I would appreciate your thoughts on my suggestions and get a sense from you about your willingness or ability to undertake them in your forthcoming recommendation.

As to some procedural issues regarding your recommendation to your Board of Governors, it is my understanding that you are planning to submit it for the meeting of September. You indicated the staff report will be made available to us approximately two weeks prior to this meeting or subsequent meeting should the matter be delayed. I would also like to know how this matter will be presented. Will it be on the consent agenda of the Board? How much time will we be provided to address this matter before the Board? How do we submit our written comments/report to TRPA (Board of Governors) in order to satisfy TRPA requirements?

Again, I welcome your response to my concerns, procedural issues, and hope I can reemphasize the regulatory importance TRPA can play in mitigating significant Lily Lake trail issues.

Thanks for your expertise, patience, and cooperation.

Jeff Campen

Attachment XII Friedman and Campen Emails about New Trails Created by the USFS Decision Notice of 2013

August 9, 2022

Hi Mr. Campen,

The MOU restricts trails in 1,000 linear feet in low land capability district. It allows for greater lengths in trails on higher land capability or re-routes/relocations of trails as exempt. I will have to look into these trails and see the status of them.

This will take me some time to do. I have some meetings set up over the coming weeks to go over these items, so a response may not come until after those meetings, towards the later part of August.

Sincerely,

Shannon Friedman
Senior Planner
(775) 589-5205
sfriedman@trpa.gov

From: Jeff Campen <gonecampen@comcast.net>
Sent: Tuesday, August 9, 2022 8:13 AM
To: Shannon Friedman <sfriedman@trpa.gov>
Cc: 'Jeff Campen' <gonecampen@comcast.net>
Subject: Fallen Leaf Trails and TRPA Permits

Good morning Shannon:

I would like to request information in your records for permits TRPA would have issued for new trails that were created by the USFS Environmental Assessment Fallen Leaf Lake Trail Access and Travel Management Project of 2013 and the Decision Notice of September 18, 2013. Specifically, Alternative 4 was adopted with some modifications; however, the new trails that were adopted included pages 34 and 35 of the EA/ATM:

AN1, AN3 Proposed new trails running north/south along Angora Ridge. (see Tile 8 and 9 on page 43 and 44).

AN2, New trail that splits off of AN1 and AN3 at the fire lookout and goes easterly down the side of Angora Ridge to the Angora Road -Upper Truckee Road neighborhood (see Tile 8 page 43).

AN10 Proposed new trail running from the easterly side of the Fallen Leaf Campground entrance off of Fallen Leaf Road running southerly to the intersection of Tahoe Mountain Road and Angora Lakes Road (see Tile 5 page 40).

AN5 Lily Lake Trail did not receive a TRPA permit.

These new trails have all been constructed and exceed the 1,000 linear feet that require the USFS to apply for and receive an approved permit from TRPA under the terms of the MOU between the USFS and TRPA (page 158 Appendix A of the EA/ATM).

I would like to know if TRPA issued and approved permits for these trails.

Thanks so much for your assistance.

Jeff Campen

Attachment XIII-Cressy and Campen emails about Lack of Response to Campen's Letter of 4-4-2022

A Zoom meeting between Daniel Cressy, USFS; Jeff Campen, Peggy Laughlin, and Ruth Rich was held on September 23, 2022. Shannon Friedman was invited but did not attend. The focus of the meeting was issues raised in Campen's letter of April 4, 2022 as well as issues that arose since the letter was written. An agenda was sent to participants and included:

Angora Lily Lake Trail Meeting:

September 23, 2022

Agenda

Attendees: Daniel Cressy (USFS), Shannon Friedman (TRPA), Jeff Campen (FLL), Ruth D'Anneo Rich (FLL), and Peggy Laughlin (FLL)

1. Introductions, roles and purpose of meeting
2. Questions for Shannon (TRPA) and Daniel (USFS LTBMU) re: Angora Lily Lake trail
3. Documented Points of Concern 2020 - 2022: authorizations, designation / construction standards, and role of TRPA
- 4.. TRPA's pending actions on retroactive permit application and appeal processes as well as status of other new trails approved in the Decision Notice of 2013.
5. Date and time of TRPA Board meeting to hear issue.

Nothing substantial was accomplished at this meeting due to Friedman's absence.

August 26, 2022

Mr. Campen - I sincerely apologize for not following up to schedule the site visit at Lily Lake trail which we discussed this spring. Getting buried in managing public use with limited staffing is not an excuse.

As I understand it you have concerns about both immediate impacts associated with the trail and its use, and concerns about environmental review and procedures related to the Forest Service-TRPA MOU.

I can be available September 7, 14, 15, or 16 to meet with you to better understand concerns about impacts. Please let me know what works for your schedule. I'll also further review the concerns you raise about how we may have missed the mark with respect to permitting.

Best regards,
-Daniel



Daniel Cressy (he/him/his)
Public Services Staff Officer
Landscape Architect
Lake Tahoe Basin Management Unit

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Pacific Southwest Region
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South Lake Tahoe CA 96150

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daniel.cressy@usda.gov

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August 20, 2020

Mr. Cressy:

I am disappointed you never followed through with setting up an on-site meeting for the Lily Lake Trail which you suggested March 29, 2022.

Moreover, you have never responded to the issues I raised about this trail in my letter of April 4, 2022.

My concerns about the inability of the USFS to follow procedures (MOU with TRPA) are reinforced by the USFS's failure to secure a permit for the Meeks Bay Ridge Trail.

I have asked Shannon Friedman of TRPA to check her records to see if the USFS secured any permits for the new trails promulgated by the Decision Notice of 2013. She will be looking into this matter.

In addition I did some re-review of that Decision Notice and find that the Clark trail (AN4) and the Church trail (AN8) were never decommissioned as recommended in the EA ATM. Nancy Gibson removed these trails from decommissioning (page 5 of the Notice). I believe this is a substantive issue since the Lily Lake Trail (AN5) was justified on the basis that these two trails were to be decommissioned.

So here we are months later and no farther along with a resolution of the issues and concerns I have raised about the Lily Lake Trail. Shannon Friedman has indicated to me that she will be recommending a retroactive permit to her Board at the September meeting a recommendation with which I take issue. I was hopeful we might get a solution at the staff level, but that apparently is not possible. I must say I am disappointed by the delays and lack of responsiveness. One could almost believe it was intentional but your reputation is such that I am confident this is not the case.

Jeff Campen

Attachment XIV-Memorandum of Understanding Between TRPA and USFS (Relevant Section)

D. ROADS AND TRAILS

1. Maintenance of roads, trails, bridges, parking facilities, signs, and other related improvements.
2. Reconstruction of roads, trails, bridges, and parking facilities, provided that the design of the facility is not changed to enlarge its capacity and provided that the facility is retrofitted with Best Management Practices. Relocation is included where the relocation is necessary to improve alignment for safe travel, or to avoid SEZ or other environmentally sensitive situations provided that new land coverage does not exceed 2,000 square feet in land capability districts 1, 2, 3, or SEZ, nor exceed a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equal or more environmentally sensitive and in the same hydrologically related area.
3. Construction of new non-motorized trails, provided that construction in land capability districts 1, 2, 3, does not exceed 1,000 linear feet and provided that construction in SEZ is only for the purpose of crossing a stream.