

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

September 28, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 10:46 a.m.

Members present: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Bass (for Mr. Friedrich), Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Yeates

Members absent: Mr. Rice, Ms. Williamson

II. PLEDGE OF ALLEGIANCE

Ms. Aldean led the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Hester stated no changes to the agenda. Ms. Gustafson deemed the agenda approved as posted.

Mr. Hester introduced Mr. Walker, Lake Tahoe Basin Management Unit, Forest Supervisor who sits on this Board for the TMPO.

IV. APPROVAL OF MINUTES

Ms. Aldean said she provided Ms. Ambler with her clerical edits and moved approval of the August 24, 2022 minutes as amended.

**Motion carried** – voice vote

Mr. Bass and Ms. Conrad-Saydah abstained.

V. TRPA CONSENT CALENDAR

1. August Financials
2. Release of City of South Lake Tahoe Water Quality Mitigation Funds (\$540,152.48) Air Quality Mitigation Funds (\$200,000.00), and Stream Environment Zone (SEZ) Mitigation Funds \$87,395.97) towards the Tahoe Valley Stormwater and Greenbelt Improvement Project
3. Release of El Dorado County Water Quality (WQ) Mitigation Funds (\$60,000.00), for the Oflyng

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### Water Quality Project

4. Kennelly Family Trust – Existing boat ramp to multiple parcel pier Conversion Washoe County APNs 122-181-26 & 122-181-27, 865 & 869 Lakeshore Boulevard, Incline Village, Nevada TRPA File # ERSP2021-0055
5. Nessebar Holdings II, LLC New Multiple-Parcel Pier, 4950 & 4960 North Lake Boulevard, Placer County, California, Assessor's Parcel Numbers (APNs) 115-050-034 & 115-050-033, TRPA File Number ERSP2022-0001
6. APC Membership reappointment for the El Dorado County Lay Member, Jason Drew

Ms. Gustafson said there are six items on consent with three of them reviewed by the Operations and Governance Committee and three of them by no committee.

Ms. Aldean said there were some significant events that she'd like to report to the Board. Starting with the receipt of the annual contributions from California in the amount of \$5 million dollars and from Nevada, the amount of \$2.1 million. Receipt of about a \$105 million from fourth quarter Grant invoices, and \$1.7 million from fees and other sources, which in part reflects a continued increase in planning fee revenues. According to Mr. Keillor, this is a watershed moment, this represents probably the largest month in terms of gross receipts for many years and may have in fact, set a record. In addition, all expenditures remain within budget. Items two and three involved the release of mitigation funds. The Operations the Governance Committee recommended approval of items one, two, and three.

### Governing Board Comments & Questions

Ms. Aldean said with respect to item number four, Kennelly Family Trust. She communicated with Ms. Good yesterday regarding something in the permit having to do with identifying the number of mooring buoys that will be in existence in connection with its project following the completion of the development. On page 46, it indicates that the existing condition is three mooring buoys associated with the first Assessor Parcel Number (APN) and two mooring buoys associated with the second APN.

Ms. Good confirmed that should be amended to read that APN 122-181-26 at the conclusion of the development, there will be two mooring buoys and one boat lift and APN 122-181-27 will have one mooring buoy and one boat lift because they converted two of the buoys to boat lifts.

### Public Comments & Questions

None.

### Board Comments & Questions

Ms. Aldean moved approval of the consent calendar with the amendment to item four.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Bass, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Yeates

Absent: Mr. Rice, Ms. Williamson

**Motion carried.**

VI. PLANNING MATTERS

A. Briefing on Transportation and Sustainable Recreation Initiative:

- 1) Destination Stewardship: TRPA Staff and USFS Representatives
- 2) Keeping Tahoe Moving: TRPA and TTD Representatives

TRPA staff Ms. Self and Ms. Glickert, Mr. Walker, Forest Service, Lake Tahoe Basin Management Unit, and Ms. Hill, TRPA Governing Board Member and Commissioner for Washoe County provided the presentation.

TRPA staff, Ms. Regan, introduced the item. The last time that they spoke about Destination Stewardship and Transportation was in May 2022, when they were just launching the Destination Stewardship program in collaboration with a host of partners around the Tahoe Basin and Truckee.

Since then, a lot of activity has occurred and they wanted to provide an update that they've packaged in the initiative framework connected to transportation because many of the items that they're hearing about are concern in the community, and opportunities for investment, that really relate to transportation. Bringing these two together, made sense and it's a top-of-mind issue not only for the Lakes health and the quality of the environment, but also for our communities.

Mr. Walker, Forest Supervisor for the Lake Tahoe Basin Management Unit hails from Southern California, but got his degree from the University of Nevada, Reno and is a true bi-state individual, like so many of them are. They're happy to have him back in the Tahoe Basin after starting his career here in the early 1990s. Mr. Walker will discuss not only what's happening here in Tahoe with the local Forest Service unit, but also at the national level in terms of sustainable recreation.

Before that, she must give proper credit to this ground swell of support that they've had for the topic around Sustainable Recreation and Destination Stewardship. It really was before Covid when the Basin started grappling with some issues. The Forest Service had a presidential fellow that brought some great ideas forward to the Tahoe Basin. They formed a working group that TRPA and the Forest Service co-ed that Sustainable Recreation Working Group, and brought that into the partnership around the Environmental Improvement Program that ended up creating a whole new focus area of EIP sustainable recreation and transportation combined. Fast forward through Covid and those pressures were experienced to an even greater degree, and they've taken this partnership to a new level.

The core team that they'll be hearing about is truly the first time that their local land management agencies like the Forest Service, and both Nevada and California State Parks have sat at the table in a very collaborative way with our visitors' authorities, business community, nonprofit partners, and TRPA is proud to help convene this partnership in this facilitation. People are taking note that no one destination around the entire globe has solved all these kinds of problems. They're learning from the best, they're guided by a consulting team through the Center for Responsible Travel. Next week, herself and Ms. Self will be presenting to the Columbia River Gorge Commission some of the work that they're doing in Tahoe, who are very curious to hear and learn from their experience, because they're experiencing many of the same challenges around Sustainable Recreation, Destination Stewardship, and Transportation.

After Ms. Self and Mr. Walker present, they'll transition into transportation because they are embedded. TRPA staff, Ms. Glickert and TRPA Board member, Ms. Hill in her capacity as the chair of the Tahoe Transportation District will also provide presentations.

The Compact was visionary in so many ways. The recreational values were mentioned in the Compact as the charge of this body and reducing dependency on the private automobile and how they do that in the era of climate change, is one of the key challenges for you, for our communities and for the Lake itself.

(Presentation continued)

Ms. Self, TRPA Long Range Planning Program Manager said she'll discuss what's under the umbrella of this initiative, and then go into more detail about Destination Stewardship, what this concept is, what are they trying to address, and what are some of the potential strategies and solutions coming out of that work?

Under the Keeping Tahoe Moving Initiative which is a strategic initiative under the Agency's work plan that has been approved by the Board. There are five tracks or focus areas that they're operating in today, and they're working together in unison; the Regional Transportation Plan that is the overall blueprint for a connected transportation and trail system, Corridor Management Plans that are more location specific parking and congestion management plans, as well as equity and access, trail connectivity, and then the Destination Stewardship.

There is broad consensus that to meet the growing travel demand and provide protection to Lake Tahoe as a world-class destination, the region needs a transformation. So much of what they do at a regional scale, these tracks shown on slide 2 are not static projects or tasks, there's a complex web within each of them of partnership building and collaboration, implementation, convening, education and training, being an advocate, harnessing sustainable funding, and ensuring that they have the measure and monitoring metrics in place to measure success and adaptive management.

All these components are happening all at once under the umbrella of this initiative. Everything that they set out to accomplish under this Keeping Tahoe Moving Initiative is the balance of infrastructure and behavior change. How are they getting folks to use the transit systems to think differently about when they travel to Tahoe, and how are they taking care of Tahoe once they're here? Encouraging this behavioral change isn't anything new, they all experienced an example of this during the recent heat waves where they received messages on their phone to please conserve energy between 4:00 and 9:00 p.m. It's about getting people to think intentionally about their use and their impact to the overall collective.

At the root of this initiative, it's about how do they collectively determine a better, more strategic and intentional way to move people to, from, and around the region and how do they better manage the Region's recreational offerings.

In August, the Board received a briefing on the US Highway 50 East Shore Corridor Management Plan and the Transportation Equity Study. Under the umbrella of this initiative for today, the focus will be on the key programs or projects as shown on slide 3. This includes the Destination Stewardship planning work, Sustainable Transportation funding, the Active Transportation Plan and

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accelerating the Regional Transportation Plan Implementation, and that includes a programmatic element such as travel demand management. They'll also hear an update on the Washoe County Tahoe Transportation Study and the Tahoe Short Range Transit Plan. First under the umbrella of this initiative is an update on the Destination Stewardship work.

They are all aware visitation is a main driver to Tahoe's \$5 - \$6 billion-dollar annual economy and this is largely based on seasonal tourism and outdoor recreation. Tahoe is roughly one third the size of Yosemite National Park yet receives three times the amount of visits. This includes our tourist commuters, service workers, day trippers and local residents traveling in and around the basin every year. This puts metropolitan level travel demands on the regions limited and largely rural transportation system and our recreation sites.

The allure of Tahoe is its environment and accessibility. Tahoe is driving distance from large metro areas and 90 percent of our land mass is public lands. We have recreational activities year-round and there's a wide array of lodging options available at different affordability levels. This increase in visitation is also tied to climate. At the end of this summer, when there were 110 plus degree weather in the Central Valley, they know that draws visitors up to Tahoe and puts increased pressures on the infrastructure. This trend of Tahoe as a refuge for people and attracting visitors from all over the world, is going to continue to increase and this isn't true of just Tahoe, it's true of outdoor recreation around the world and across the United States. According to the outdoor foundation, 164.2 million (54 percent) Americans, participated in outdoor recreation activities at least once last year, and that's been the highest on record. The graph on the left of slide 6 shows that public interest in visiting outdoor oriented destinations has increased 42 percent in just the last few years. The bar graph on the right shows how this trend is growing nationally, since 2007.

Knowing that we have this pressure now, and it's only going to continue to increase and put a strain on the infrastructure and recreational sites, there's this collaborative of partners turning to what's called Destination Stewardship.

Destination Stewardship is about being more intentional about how places manage visitors and use in order to protect the local environment and quality of life. Slide 7 mentions "Unbalanced tourism" which can result in visitation surges and spikes that can cause that strain on staffing, roadways, parking, and the patients of the local residents. It can also mean that expectations of a place like Lake Tahoe and the experience when someone comes to visit, or a local residence goes out to recreate that those expectations aren't matching reality. They are not alone in the shift of thinking more intentionally about how to manage use and visitation. Destination Stewardship or responsible travel is sweeping across the globe in places like Amsterdam, Scotland, New Zealand, and destinations in America, like Hawaii, Jackson Hole, Wyoming, and Vail, Colorado. In the last few years, Hawaii has planned and launched a massive undertaking to bring more awareness to the Hawaiian culture, and how they value and care for the Hawaiian Islands. Slide 7 shows a screenshot showing an ad campaign from Amsterdam. They're trying to mitigate the harmful impact of more of the party destination culture that they've become known as and how can they encourage better awareness and let people know of the consequences of rude behavior.

Slide 8 shows an example of shifting behavior in a holistic approach for Muir Woods. There was a constituency of Lake Tahoe partners that went down to Muir Woods for a field trip a few years ago. This was an ecosystem that was being overrun by extremely high use and high peaks. The floodgates were open, and everyone was coming in at the time that they wanted to. The

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community and National Park service implemented a combined approach, using a reservation system, more bus transit, elimination of roadside parking, and better education and outreach. Through this holistic approach they've had a high rate of success. They've reduced peak daily visitation by 45 to 50 percent.

In the past, staff shared the planning and implementation of the Highway 89 Corridor Plan, and this holistic approach of how to combine different strategies was identified in that as well. Using these strategies and tactics are not necessarily being restrictive on the amount of people that can come, it's not more tourists or less tourists, it's about how to better disperse visitation and use over time. In the example of Muir Wood, it's actually serving the same amount of people just over a different time horizon. It's a shift from being reactionary to being more proactive.

At the bottom left of slide 8 shows that if they to use similar tactics to Muir Woods for Emerald Bay, the orange line shows the surge of visitation, with a large number of people coming in the early afternoon, putting that strain and pressure on congestion and parking, etc. The gray line shows that if they were to use a reservation system, having that same volume spread out over time to better manage that use. In Muir Woods they've already been seeing the lasting beneficial impacts to the ecosystem and the local businesses and community.

Stewardship is not anything new to Tahoe, it has always really been intrinsic to the Tahoe community and a lot of our businesses. There's a vast and varied partnership helping to take care of Tahoe from litter abatement, coordinated messaging, ambassador programs, bicycle advocacy, wildlife protection, etc. All these programs encourage all of the visitors, businesses, and residents alike to take better care of Tahoe.

There's also a significant shift happening with what used to be called the Destination Marketing Organizations where they're making a shift organizationally, financially, and with staffing to shape their role in destination management. This includes the 'Know Before You Go' campaign, stewardship pledges, and who are they marketing to and how are they presenting Tahoe to the greater audiences.

There's also this growing momentum happening at the State and national levels as well. For example, in March, Nevada Governor Sisolak signed the State's first agreement for Recreation Shared Stewardship. This brings together tourism boards, state agencies, and federal land managers to better manage outdoor recreation throughout Nevada. The Nevada Office of Outdoor Recreation, led by Colin Robertson, is providing leadership and his offices participation in what's called the Confluence of State. All the state offices of outdoor recreation are really shaping and advocating for a national level outdoor recreation.

Likewise, the State of California have launched a statewide program and policy direction aimed at equitable access on all our public lands. In the last few weeks, the California Tahoe Conservancy awarded near nearly \$500,000 to local programs and organizations to help minority groups and youth experience the great outdoors.

(Presentation continued)

Mr. Walker, Forest Supervisor, Lake Tahoe Basin Management Unit said today he'll provide a Forest Service centric presentation and how this ties into the broader efforts that are being discussed

today.

Recently, the Chief of the Forest Service, Randy Moore rolled out the Reimagine Recreation Campaign and is an acknowledgement of the fact that nationally there's \$689 billion economic output from recreation and tourism. That generates about 4.3 million jobs across America. It's a highly important and influential element of our society.

Historically, that was not necessarily the case with the Forest Service because for one, the recreation tourism industry came at them from 27 different directions rather than with a unified voice. When you took into account the individual uses or sectors, it amounted to a bunch, but it just didn't grasp the attention of the Agency, the administrations, and members of Congress. Now, they've unified and when you say you're a part of a \$689 billion economy, people listen. That is where they are at now as an agency. They're at a very fortunate time, because of things like the passage of the Great America Outdoors Act because other bills that have been passed, aren't recreation, tourism, or transportation centric. The monies that are coming in around forest health, wildfire mitigation, those type of things that are front and center, they've seen the legislative actions taken both at Federal and State levels to address that is freeing up some bandwidth both in revenue and staffing to address this much needed investment.

The Reimagine Recreation Campaign has three elements: They're looking to reengage, so, they need to get with their partners, the public, the Tribes and others to try and understand what is wanted today, and going into the future. They can't continue to use a model that may have served in the 1960s and 1970s that hasn't evolved. They need to reengage and find out what is it that the public wants from their landscapes. Then they need to invest in those landscapes with the funding like the Great America Outdoors Act, regular appropriated dollars, and monies that can be available; soft monies through partnerships, grants, and other things, also, they can be a source of those types of monies to their partners and public. Then they want to reinvent, they just can't do what they've always done. They need to move into the 21<sup>st</sup> century - Federal Government takes a while to get there sometimes, and feel that they are embracing the needs of today and tomorrow through this effort.

Every five years they do national visitor use monitoring and in 2019, they showed about 150 million visits to the National Forest across America which surged to 168,000,000 in 2020, and slightly receded in 2021 to 156 million. Nevertheless, they've seen an increased spike in use, and to some degree a consistent use in the National Forest. They have a strategy in place nationally to address that. To tier down to a lower level at the regional level, the Forest of California, and those parts that they host in Nevada, they are developing a focused recreation strategy that mimics the national effort that will include similar elements. They've been doing assessments this summer of what we have, they'll be doing listening sessions and outreach sessions over the winter and spring to find out what it is that they need to do and do better. Then they'll develop action items moving through 2023 and beyond to move those into to place.

This isn't just standalone efforts. In the state of California, there's the California Wildfire and Forest Resilient Action Plan. There are stated goals in that action plan that work to address equitable access, sustainable recreation, having landscapes that support the top types of uses that the public wants to engage in. Even though it seems like a very centric Forest Health Wildfire issue, they acknowledge that recreation and access is an integral component to be successful.

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Lake Tahoe through their visitor use monitoring is roughly 9.5 million visits a year. There's only one National Forest in the system that gets more, and that's the White River National Forest in Colorado that gets around 13 million visits. The difference is White River National Forest is 2.3 million acres. They're hosting 9.5 million visits in a footprint of around 155,000 acres. You saw how they might be able to use reservation systems to flatten that curve, because they know that a lot of the visitation is in those peak periods at so many places across the National Forest in the basin. How do they disperse and more evenly put the people out on the landscape for an enjoyable time?

Some of the specific work that they are currently doing to address access is working on their trail's environmental assessment. This will align similarly to the basin wide trail strategy that's currently under development including public involvement. The Draft Environmental Assessment should be released in the fall or early winter with hopefully a decision soon thereafter. They need to have a comprehensive look at their trails and management. What has come in place in the last two to three years in an exponential growth. Currently the Forest Service policy on E-bikes is that it's left to local planning but otherwise E-bikes are considered motorized transportation and are not allowed on National Forest system trails until they've made a decision. They are playing catch up to that bus that's already a few miles down the road. Going through a public involved process that will hopefully start to better manage the uses of today, tomorrow, and fit neatly within a more comprehensive trail strategy that's currently being developed basin wide.

When they talk about visitation and stuff on the National Forest, they're also looking at instead of being reactive, shifting towards a more proactive mode. Their viewpoint is that the use on the National Forest is largely consumptive, and they want to shift it to largely participatory through the experience and action that the visitor has. The visitor could be out of area or in area, it's no one sector, it's complementary. It adds value to the individual having that experience as well as to the place that they are having it. Whereas, when it's consumptive, at best your value neutral, you didn't take more than you left. Unfortunately, oftentimes it's negative. They heard earlier in this presentation, where we are picking up after ourselves rather than could there be a program and a culture in the basin where there is no need to pick up after ourselves because we were good stewards wherever we were at in time, and it left the landscape in a healthier place. The marketing of the Destination Stewardship is the kind of messaging that he sees evolving out of these efforts.

They know that they can address overnight use fairly easy through reservation systems. They've had that in place for a long time with overnight use in Desolation Wilderness. They've set up through [www.recreation.gov](http://www.recreation.gov) opportunities to make reservations for overnight use. They need to look at what are those day type uses because the use that they showed at Emerald Bay is 98 percent day use. Granted, those are access points and trail heads to the wilderness, so, there is some overnight use but very small compared to day use. How do they advanced systems and actions that allow them to better manage that day use? Whether it's somebody coming because it's 110 degrees in the valley, or that's where someone wants to spend their week, they have to look at what are those systems that can advance them?

They're in a perfect storm for a lot of good things because national efforts by the Forest Service, local efforts by partners and regional efforts here in Lake Tahoe are aligning at a time where money, staffing, and opportunities to meet the challenges are aligning quite well.



(Presentation continued)

Ms. Self said the intent of why they wanted to bring this initiative forward and share what's going on in Destination Stewardship is to share a glimpse of the dialogue and the mindset happening around how do they better manage visitation and recreation use? As mentioned, it's this aligning of the local, state, and national dialogues that are happening.

In May 2022, there was a collaborative partnership of the Destination Marketing Organizations, land managers like the Forest Service, state agencies, and nonprofits that came together to launch this project of the Lake Tahoe Destination Stewardship Plan. The work that they're doing right now does build off of existing momentum and the dialogue that's happening elsewhere. It aims to look at how they scale up, how to identify new effective strategies that have not been tried yet, and again, how do they coordinate all these activities that are already happening either existing or new at this regional scale for Tahoe. Over the last few months their consultants which includes the Center for Responsible Travel, the Travel Foundation and others have led a very robust community engagement process to better understand visitation and recreational challenges as well as the community and visitor perspective. They completed a number of one-on-one interviews with key thought leaders, discussion groups with businesses and special interest groups. They've held public workshops in North and South Shores and engaged with the Washoe Tribe and Spanish speaking communities. They just had a very insightful and wonderful gathering of Washoe Tribal elders at Meeks Bay and got to hear their perspective of how to be a good steward for Tahoe. All this engagement is culminating in the development of the overall destination vision for Tahoe. The first of its kind for them and relatively new around the world. The Draft Plan will be developed in late fall and winter.

This work will have a collective set of values that combine different levels of initiatives, a one year and longer-term action plan to be implemented by a consortium of regional partners. An Environmental Improvement Program project list will likely come out of this work. A funding roadmap of how do they achieve this vision and a collaborative governance structure such as a council that they've seen in other destinations to oversee all the Destination Stewardship work.

They know that strategies and possible ideas coming out of this plan will be focused on encouraging the protection of the environment and will be at the heart of this plan. When she mentioned the robust community engagement that they did over the summer, and without a doubt they heard from visitors and residents alike that the environment and the health of the Lake is the number one important thing. We may see strategies such as reservation systems or stewardship campaigns, and a holistic approach of how they can better manage tourism and recreation use.

Other things that are top in mind throughout this planning process is protecting the unique sense of place that Tahoe offers. Front of mind is trash and litter, congestion, and the high risk of wildfire from careless behavior.

Between now and the end of the calendar year, the consultant team will be completing the community engagement. There's a resident survey that's going to hit the streets in October. They have public workshops planned at the North Tahoe Event Center and Lake Tahoe Community College on October 25<sup>th</sup> and 26<sup>th</sup>. There'll likely be a round table discussion with local business owners to dive a deeper into the economic impact for them followed by an all-day visioning session with their steering committee on November 10<sup>th</sup>. The draft of the plan is scheduled for December

2022. Staff will be back for another presentation before this is finalized. Also, they're collaborating with the Tahoe Science Council to help them better establish monitoring system and metrics to measure success for visitation and access.

Slide 17 shows all the different agencies guiding this work. The partners listed on the slide are those that have invested their own funds, time, and energy to make this plan come to life and help guide it. This has truly been a collaborative process. There is engagement from executive and staff levels from all these organizations and they're seeing the relationship building and collaboration like never before, with all of these.

#### Board Comments & Questions

Ms. Conrad-Saydah said what resonated a lot with her was thinking about Destination Stewardship as also a way to educate people as they're acting as tourists, and really to change hearts and minds essentially through that type of visitation. Yesterday, she was speaking to Chris Anthony, Deputy Chief at Cal Fire who had a biking vacation to Whistler a couple weeks ago and spoke about the signage in Whistler, where it's a combination of first nation place names and then English place names. This signage alone had a massive impact on him and thought about how we could implement that in State Parks in California. Something as simple as that can really have an impact. He was able to engage with his children based on both signage and viewpoints. It may be interesting to follow up with him because he's coming from the perspective of managing forest too. It resonated with her as something that's highly potential on your way to Tahoe and then when you're in Tahoe. Coming along the Highway 50 or Interstate 80 corridor engaging with the communities that lived there before, and that still call these areas home, even as you're reaching your destination and then potentially learning a lot more once you reach your destination, could just improve a lot of different lives.

Mr. Bass said he's curious about the planning processes and if there's going to be a number that they get to, say 15 million visitors, that they realize is too much. Are they going to find metrics that say this is our capacity, and you know this is the amount of people we want in the basin at one time. Without that, he has a hard time seeing how to create, you know, they've hit this point and now they need to implement reservation system. So, they need to make a move because they've crossed the metrics that have been set.

Ms. Self said you're absolutely right. They now have this number of 15 million visits, and what is the impact of that. They're starting a work order with the Tahoe Science Council to dive a little bit deeper into that that number. Right now, that number includes service workers coming up to Tahoe, day trippers, and not just visitors and residents. The work order with the Tahoe Science Council is intended to dive deeper and expand their understanding of what is that, who is that, where are they going, and where are they coming from?

Ms. Regan said this conversation comes up virtually in every community round table. It's important also to recognize our role, and your role as policymakers in the basin and our link to land use and how land use can help guide some of those issues. Historically, the work that they've done to manage growth and development has a major positive effect in dispersal and managing that kind of pressure. It's a hot button issue, but what they're finding from this process they're learning so much more about how to arrive at a shared language around various statistics. Because what they know is that various entities count people differently such as visits, individual visitors, workforce,

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freight to and from on a US Federal highway. This process and this project is helping them arrive at shared language around visitation, what they can do to better plan, and then tying it back through the Science Council's work with the recreation threshold, which the Board will be taking a hard look at through the Threshold Update process in the coming years because they know that needs to be updated with best science.

Mr. Bass said it comes to mind for him with the Tourist Accommodation Units and the theory around the overnight visitor and limiting creating a capacity for overnight stays with the TAU. But they have seen the proliferation of VRBO and Airbnb, which has created the TAU theory to kind of go out the window. Is the right time to start reconsidering putting that back in place for our overnight capacity.

He's curious with the special use permits for ski resorts and Zephyr Cove snowmobiling and those kinds of things, are they going to work on the capacity for them. They saw Heavenly implement reservation systems which was through Covid. But it seems like that's a good way to get it out there that they've hit the capacity. It's Saturday, there's 20,000 people on the hill and they're not going to allow any more people. Is the Forest Service looking at making that part of the permit.

Mr. Walker, Forest Service, LTBMU said they introduced a reservation system in Desolation Wilderness because they have mandates under the Wilderness Act under the Forest Plan to manage elements such as solitude and resource protection measures. Therefore, in a sense they've set a quota or a carrying capacity for overnight use within the wilderness. They have not done that for day use, does it warrant that and is something they will need to look. More broadly, though carrying capacity on their landscape is usually as a reactive measure, of hey, they've got too much use on this trail, and fix the trail and upgrade it to meet the use. They also look at getting people dispersed out. At a forest level, they haven't looked at if the 9.5 million visits are too many or too little. This gets at when are those activities happening and how broadly they're spaced out so if we can get 9.5 million visits and get them spread out over time and space, where that experience is maintained. That is the thing that they need to assess, what is the experience that people want in their landscapes. Because he may say that the number is "X," because this is the experience, he would receive there but society may be okay being packed in together. That's fine, and they'll manage for what society wants.

They don't have in a sense a threshold or a carrying capacity because it's tough to figure out. As it relates to their special uses, right now, three of their resorts; Zephyr Cove, Meeks Bay, and Camp Richardson are under prospectus and are 20 to 30 year permits that they engage in with a successful applicant. He doesn't know what their total numbers are, but their revenues are generating millions of dollars of economic activity here in the Tahoe Basin. Those are up for review, and they'll be issuing new permits early next with those permits taking effect about this time next year. In that, they look to see what people in their perspective, what do they say they're going to do to manage that that experience. They don't say that in the permit directly, thou shalt only have so many people that visiting the resort. Because depending on how that is spread out, there could be periods where there is under use. The same would be with the ski area. Their resorts currently under the existing permits, and they envision in the future, those permittees and operations will determine what that use is based on visitation, working with the Forest Service, as well as reservation systems.

It's that overnight use that they could better manage. They are looking to extend the permit area

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boundary to include what was the old Dreyfus Estates, going up to the Zephyr Shoals area so that maybe they can manage a larger area of land for the use that's occurring, because everyone has probably seen all the cars that line up on Highway 50 there. As they develop their transportation plans and get these permits in place, they will be holistically working to manage the expectation that people have. The public wants "X" and as a public servant, they may not always be able to deliver on "X," but can they give them something as close to "X" as possible, and also "X" is a pretty broad continuum. They are looking at that, but what might seem a simple question, but as this presentation points out, there aren't any simple solutions to this.

Ms. Gustafson said Mr. Walker stated 9.5 million and we are saying 15 million visitors per year. Is the difference that you sub day use or residents travel in and out of the basin?

Ms. Regan said if you think about it, the amount of people going to public lands is nearly 10 million which is 80 percent. The Forest Service alone is nearly 80 percent watershed, add in State Parks and other state and local public recreation facilities would take it to roughly 15 million, which is a number that they are digging into.

Ms. Faustinos said they've been talking a lot about the visitor usage but she's assuming that the companion to that is to assess how that visitor usage is impacting their natural resources, habitat, and water clarity issues because there could be specific areas that might mandate reduced usage. Maybe that will come up in the thresholds discussion but wants to ensure that becomes part of this assessment of not only looking at the visitor experience, but how that visitor experiences are impacting their natural resources.

Ms. Aldean said the use of E-bikes on certain trails in the Tahoe Basin is semi controversial. It's come up a number of times since the advent of these bikes. She understands that the bikes have lithium-ion batteries and there's been instances of batteries that have been poorly maintained and started fires. What criteria is the Forest Service going to be using to determine what trails are suitable for E-bikes as opposed to bikes, horses, and foot traffic. She understands that these are public resources, and the public deserves to use them but as Ms. Faustinos just pointed out, there are some uses that may conflict with your obligation to protect the resource. How do they weigh and measure those apparent, conflicting obligations?

Mr. Walker, Forest Service, LTBMU said the environmental assessment process and public engagement is how they find that sweet spot. Because there's going to be some people that say no access to any and all. They try to find that sweet spot that hopefully serves the greatest good for the greatest number over the long haul, which has been their founding premise for this agency since it was founded in 1905. Using that public process, they are not going in this thinking that this is a zero-sum game, or all or nothing. There will be some trails that through this public involvement process that they will have the potential to open, he doesn't want to be pre-decisional because that decision hasn't been made yet. That decision will reside with him; however, they know it varies from Class 1 trails like the paved trail at Camp Richardson to some of the world-renowned mountain bike trails, such as Mr. Toads or the Flume Trail, etc. They have to coordinated with other agencies, especially those trails that cross multiple jurisdictions. Through this public involvement process, hopefully, they will identify the right suite of trails that can sustainably have that type of use on them.

He came from Wenatchee, Washington where he worked as the Deputy Forest Supervisor on the

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Okanogan-Wenatchee National Forest. In Wenatchee, Washington they had a 10-mile paved loop trail around the Columbia River with two legs that extended to make it about a 25-mile group trail which allows E-bikes. They have an aggressive public services ad campaign effort, signs everywhere, and speed limits. They quickly shifted to adapt to an emerging technology. As a user, he felt safe and felt respected and had a place to enjoy. They're needing to do similar stuff here in Lake Tahoe Basin across multi jurisdictions because it's not the E-bikes themselves that is a challenge on the landscape, it's how it's used. Etiquette and attitude, are all those things that he thinks we collectively, as leaders in the basin and partners need to ensure the activity is done in the manner that is harmonious with the landscape and the other users on there.

You hear about what's going on with Whistler Blackcomb with having first nation language signage which they're working with the Washoe Tribe on similar signage, but also signage about etiquette, etc., can they have that out there because E-bikes and E-transportation is here to stay and how do they catch up and proactively manage it collectively in the basin going forward?

Ms. Aldean said it's no easy task but when they were talking about excessive use of our natural resources, they do have PAOTs and it is something they'll be discussing when they review the recreational threshold, and it's her understanding they've exceeded that threshold. Technology is what it is. Everybody loves technology and advances in technology that makes their lives easier. By the same token, they shouldn't allow themselves to be driven by technology because at the end of the day, from her perspective, at least their primary obligation is to protect the resource. If they can't do that while at the same time accommodating "X" number of people, then they need to opt for resource protection so that future generations can enjoy what people today are enjoying or not enjoying, depending on the number of people they're sharing the experience with. There's no magic bullet and it is a very complex problem.

Mr. Lawrence said he's lived in northern Nevada for over 30 years. Transportation and Sustainable Recreation are certainly linked, and they struggle with that at Sand Harbor and the East Shore for sure. For this conversation, why don't they look at Park City or Muir Woods? Why do they compare themselves to Yosemite? The reality is there's nothing to compare to. He's not aware of anybody that has the same challenges that he has on the East Shore. They have a huge recreation demand and then there's the commuter world between South Shore and North Shore that calls him every summer, asking when he's going to do something about Sand Harbor. They are looking at a reservation system and at the same time they're struggling with environmental justice issues and people access. Reality is there's a large population in Nevada It doesn't have the luxury of planning weeks in advance and getting the reservation. They're juggling multiple jobs, have kids, and don't know when their free morning is going to be and that needs to be part of the equation. That's a strong push in California, and is getting to be a strong push in Nevada.

The struggle up here with the Destination Stewardship he feels the outreach to get the sentiment from visitors and the residents has been great, and we need to have that information. He hopes moving forward, they can be a little more strategic in our messaging in order to manage expectations, because they've already heard it a few times about carrying capacity. They have carrying capacity issues at Sand Harbor and they're managing it. Are there carrying capacity issues at Incline Village? It depends on who you talk to. He doesn't know if they can manage the amount of cars coming up from Reno to the college for classes. He doesn't know if they can manage the amount of people coming up here to work who can't afford to live here.

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It's important if they're talking about carrying capacities and stewardships to talk about it in the context where they actually have control, and match it up with what they're doing regarding sustainable recreation. How do you set a carrying capacity on a highway that connects two state capitols. He doesn't want to create a situation where people are going to think that suddenly, they're limiting the entire amount of people coming through the basin, because there's so much traffic that's not stopping here and there's traffic that it might be recreating for a day on a trail but then goes into a restaurant at night. Then there's people like him that are coming up here for meetings, but he might also see a concert here in the South Shore which is then more of a night visitor. He's concerned that this goes down a path where they're creating expectations that can't be legally or practically met.

They need to keep talking about transportation in the context of sustainable recreation when they're talking about visitors, and there's so many numbers being thrown around that they'll need to start being more cautious on how they're using those numbers and what they are classifying as a visitor. He took the Destination Stewardship survey and he's a visitor today, but the survey didn't really work because it's going to ask him how much money he spent, and all that other stuff. This is a huge issue, its tackling things, you know, courtesy and respect, lack thereof, the basin does not have a monopoly on, it's everywhere. They need to message properly; they need to say what they're going to be messaging about and be clear on our goals and what they want to do regarding carrying capacities and setting expectations of visitors. They have to be mindful that some of the folks that live in Reno that go hiking at Five Lakes Basin and meeting up with their friends from the city of South Lake Tahoe. It's actually the residents that are doing more vehicle miles traveled in the basin. It's very, very complicated, so let's not make it simple but they need to be very clear on the direction.

Mr. Hoenigman agreed that it's a complicated problem, and it's a big problem to solve. He's really encouraged by what he thinks are the efforts to reduce the impact of individual users, because they can to some extent and not to other extents control the number of users. He's a big user of Muir Woods and of Emerald Bay and he used to dread going to Muir Woods before the reservation system, because it was such a nightmare. He stressed about finding parking and all the people, and how far he had to walk, dropping off people, and getting stuck in the traffic. And that's the way he feels when he takes someone who hasn't been to Tahoe to Emerald Bay or Sand Harbor. You can handle people if you can decrease that individual impact. Muir Woods might not be the right example for us, but they'll find a way to make it work for them. The National Parks where he's been involved for a long time have done a lot.

Zion National Park removed all car traffic, and it was a fantastic experience to dump the car and have a nice bus system that took us around to all the different points. That might not be the right system here, but there are a lot of alternatives that provide a much better experience in the long run. But it does require some change and it requires some creativity. He's excited that they're thinking about what that right approach is for them. He's been to places. He recently went on a backpacking trip to Glacier National Park, and they had pit toilets. It was actually a really nice experience when you've been hiking, and he and his friends were comparing it to their experience at Lake Aloha, when they used to bring their little kids and there was toilet paper blowing in the wind everywhere which was a horrible experience! He doesn't know what's right but there are ways to solve the problems and allow a lot of people to use the resources without much impact. He looks forward to hearing what they come up with that will work in our area for our population and resources.

Ms. Hill agreed with much of what Mr. Lawrence had to say, and just ensuring that they're setting the expectations of our community. Regarding the slide that talks about the partnerships; the Reno Sparks Convention Authority is on that slide, and they had not been on that slide before. What's exciting about this collaboration is that it's bringing new people to the table to be aware of these issues and concerns, and how they can be a partner. Reno Tahoe Convention and Visitors Authority benefits greatly from the Tahoe images and marketing Tahoe is part of the brand. Ensuring that they are at the table to create that awareness of how they can have a better visitor, and how they can educate the visitors to ensure that they feel like a local and are doing the right things that locals do to preserve Lake Tahoe. That is an exciting part of this and bringing people together to ensure that everyone has the same messaging. Ensuring that they have the right expectations for the community, but also, the communication is really exciting and key. Thank you to the staff for their leadership on that.

Ms. Diss said this is great. She echoed some of what Mr. Lawrence said. As excited as she is, there's another side of her that gets worried about further limiting the experience of communities that have traditionally been excluded from the use of public lands for accessibility issues and just knowledge of and literal access to these great resources that they all have. She wants to ensure that whatever they're doing that they're considering the possibility of some of the steps they take may have unintended consequences and they need to try and manage those unintended consequences so that they don't have shift workers and others who don't have time to sit on their laptop and make a reservation. There are campgrounds in the United States that fill up within 2.5 minutes and that's only for people who have time to sit at their laptop at that time of day when it opens and that's not you know traditionally available to a lot of communities. She reiterated what Mr. Lawrence said and put her "me too" for reaching out to those diverse communities to make sure that they're including them in this conversation and how to bring them into use of public land while still protecting our natural resources.

Ms. Gustafson agreed with those comments, but also saying the opportunity to bring people to the outdoor recreation through, that may not have access to vehicles to drive up the mountain to get here and may need support with gas prices being what they are. They have great opportunity to manage better, help change behavior, and also maybe open doors that have been closed. She's mindful of that and thinks our staff are in the discussions they've had over the last couple of years. But thinking about it as everything is in public policy, you have both sides and how can they bring that together and make sure that they shape the right policy that addresses all those items.

(Presentation continued)

Ms. Regan said this is going to be one of the most impactful policy areas that you will be facing in the coming years and the key question is, how do you provide access for all and protect the resource? They have unprecedented involvement and engagement at the table, and they are actually building a new table. It's only going to be doing it in that fashion and they've been saying that as a group of the core team, Amy Berry of the Tahoe Fund coined that phrase of building a new table of how they're going to solve these challenges and folks are looking to them because they are unique. If they can make some headway, she feels they can inspire action for other areas as well.

Ms. Glickert said they've been talking a lot about collaboration and along those lines she'll kick off the Transportation update with sustainable funding, one of their foundational elements of Keeping

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Tahoe Moving. Then she'll talk about a few plans they're updating that help the region accelerate implementation. Ms. Hill will talk about the great work in Washoe County, and the Tahoe Transportation District as their new chair. Then she'll wrap up with what they started with, which is innovative strategies to encourage positive change.

The 7-7-7 revenue strategy builds on 25 years of success with the funding model of the Lake Tahoe Environmental Improvement Program. The Bi-State partners have agreed to pursue a shared multi sector funding framework that meets federal, state, local, private partner, will seek \$7 million per year for each sector for high priority regionally significant transportation projects that have been endorsed by the by State updates on this initiative from the federal side. That includes additional funding awarded from Congressionally designated spending for State Route 28 for \$2 million. Tahoe transportation project partners are actively seeking funding from new infrastructure bills. Tahoe's Metropolitan Planning Organization formula allocation also increased by about \$2.8 million with the infrastructure bill. Locally, Placer County has endorsed the 7-7-7 framework via resolution, and the City of South Lake Tahoe is bringing a similar resolution forward next week. El Dorado County is seeking a sales tax increase to support transportation and Washoe County is considering support action by the County Board of Commissioners and has contributed additional funds to the microtransit on the North Shore and transportation planning in Incline Village. For the State of California, Budget request is in play with Budget Change proposal via TRPA Budget, and the Nevada Oversight Committee has advanced multiple transportation funding proposals during their work session. They endorsed a direct budget request for transportation and supporting authorization, authorizing additional Environmental Improvement Program bonding authority. TRPA and the MPO front, they'll be coordinating requests for federal and state funding and inducting our State and Congressional delegation as applications are put forth.

As part of that support, she just spoke of, staff is beginning initial steps to update the Lake Tahoe Regional Safety Strategy. That was created in 2019 with several stakeholders to identify opportunities to reduce the likelihood and risk of crashes on our Tahoe roads. The strategy supports the Regional Transportation Plan safety goal to increase safety and security for all users. This plan will continue to bring innovative sound strategies and identify infrastructure improvements with the implementation partners. The decision to update the Safety Strategy has been spurred by new transportation funding sources, Safe Streets and Roads for All established by the new infrastructure bill with about \$5 billion in appropriated funds over the next 5 years. Staff is seeking to update this strategy to meet Grant eligibility to help our partner organizations in the basin apply for implementation funds, and in turn that helps accelerate the Regional Transportation Plan and that safety goal. A component of the funding source is a commitment towards Vision Zero, the goal of zero roadway fatalities and serious injuries. Transportation staff is also partnering with the City of South Lake Tahoe on planning funds for this grant to complete a city Vision Zero Plan. New staff member, Ms. Shaw will be working to get this started this year.

The Active Transportation Plan for Tahoe, like the safety strategy are plans that provide innovative strategies and identify those improvements. These plans are often led by transportation staff under that MPO umbrella, and sometimes, in the case of the US 50 East Corridor the Board heard about last month. They may be on the steering committee, ensuring consistency with the Regional Plan and the Regional Transportation Plan. All those transportation plans and programs help the region implement the Regional Transportation Plan. As for the Active Transportation, biking, walking, other forms, all make up active transportation. The important methods of travel that promote healthy lifestyles, improve the air quality, boost the local economy, and enhance our environment,



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and community character. Active Transportation includes a method of travel that does not entirely rely on a car. This could be walking, biking, skateboarding, scooters, using public transit is a big one, and also driving to an intercept parking lot, and then taking transit or renting a bicycle. They want to continue to seek to increase Active Transportation through improved and expanded community driven bicycle and pedestrian networks in Tahoe. The next plan update will fold in new mobilities like scooters and E-bikes. Those weren't really as prevalent in 2018 when they did the last updated so, they'll be folding a lot of that work in while working closely with the Forest Service. The scooter didn't exist, and now there's two companies in South Lake Tahoe. Those and the project list will be a part of that update as well as programs, new and future will be incorporated along with the performance measures. Updates give them an opportunity to include new strategies and also look forward. This Plan like the Safety Strategy will also continue to ensure our partner agencies are eligible for competitive Active Transportation Plan awards through the states.

(Presentation continued)

Ms. Hill gave a shout-out to Chair Gustafson; she was inspired by the Placer County Resort Triangle Transportation Plan that was presented to TRPA last year. This is what she needed to do for Washoe County, and in some ways, you know, constituents are like, oh, one more plan, just move on it but you can't plan for CIP and other investments unless you have a road to go down. She's excited about the Washoe Tahoe Transportation Plan that is underway in Washoe County. They are looking at State Route 28 in Incline Village and Crystal Bay and how to work with the Nevada Department of Transportation safer area for both vehicles, pedestrians, and bicycles. They are working on multimodal connections and specific intersections, potential roundabouts, signal timing, and pedestrian crossing opportunities. Making parking and bus stops more accessible and multi-use paths that connect to State Route 28, schools, trails, and parks. They have multi-use paths in Washoe County but they're not all connected, and this plan is helping them look at that. She's very excited for a Transportation Summit that will take place on November 16, 2022, 4:00 – 7:00 p.m. at the Parasol building. They've already had presentations and a lot of community outreach. They had an interactive map where people could pick a particular intersection, put a sticky note online and say whether it was safe or saw issues with it. The plan is very robust because of that, and as well as going to many community meetings both in person and virtually.

She gave a shout-out to the TRPA Governing Board members who are on the Tahoe Transportation District Board; Ms. Gustafson, Ms. Diss, Ms. Novasel, Mr. Rice, and alternate Mr. Bass who are doing some really exciting things at TTD. They are finishing their State Route 28 Corridor Project on the Nevada side. They're starting a project concept and site assessment for the maintenance facility in Douglas County. Caltrans just awarded them a grant to plan for Zero emission fleet conversion for the basins first electric buses which they've already started those and are in operations with more to come. This is from the leadership of the TTD Board. She thanked the California TTD Board members who helped them host a town hall with the California Transportation Commission and looking at multimodal solutions in the greater Tahoe area.

Another item that TTD is working on is the Mobility Hub in Incline Village. They've been able to purchase the old elementary school site on Southwood Boulevard, and as part of their grant, it allows them to look at site assessments to determine if is this the best site and get community input on what a mobility hub should be in Incline Village. Should it have parking, what kind of amenities, and also using the best data to ensure that they are programming the mobility hub for the needs of both Incline Village and Crystal Bay as well as the visitors ensuring that equal access to

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Tahoe. They had a great Mobility Hub committee meeting on Monday. They just chose HDR as their contractor if the TTD Board is amiable to move forward with that at their October meeting. The contractor will be collecting all that data doing that community outreach and finding alternative sites if the old elementary school site isn't the right and working with the community over the next year, to ensure that they are doing what is right for that Mobility Hub in that location. TTD is also engaging in a short-range plan which is their regulatory document that provides long-term service goal descriptions relevant to the Regional Transportation Plan and serves as a short-term plan, describing their steps towards a long-term plan for the next five years. The short-term plan from 2017 – 2021 just expired. This short-term range transit plan will wrap up in the first half of 2023 with their consultant, Stan Tech. This plan will be to set this vision and communicate the actions necessary over the next five years to ensure that they're fulfilling their transit goals. As TTD, they'll be using this update through a program implementation committee which is one of the newest committees that TTD has started to work with partners to integrate the interests of new operations of microtransit at the South Shore and North Shore, ensuring that the transit that is operating is not in conflict with our microtransit.

They have been working with the TART microtransit program on the North Shore since June of 2021, and that's with the leadership of Andy Chapman at the Travel North Tahoe who have put in close to \$500,000 since 2021 on this Transit Plan and have pulled together some incredible partners; the Reno Transit Commission (RTC), Tahoe Fund, League to Save Lake Tahoe have all come forward as well as the Hyatt to pull together funding for this program. This is operated by Downtowner, and Placer County who oversees this. Their total service area ridership through August the 25, 2022 in conjunction with Placer County and their microtransit program was 281,417 rides and Zone, 3 which is the Incline Village and Crystal Bay zone was 113,004 rides. They are 40 percent of the total ridership. They did some initial surveys to see of this ridership who is riding this and it's 70 or 75 percent locals who live in Incline Village and Crystal Bay. They are taking advantage of microtransit. It's really, their next phases and getting that word out to the visitors. This winter they will have a sponsorship by the Reno Sparks Convention Authority to operate this microtransit who have come on board as a partner who will also help with that outreach to the day visitors and to folks who are staying up in Incline Village and Crystal Bay about this incredible amenity.

(Presentation continued)

Ms. Glickert gave a shout-out to TRPA Transportation staff, Ms. Smith who is leading this transit program and coordinating with our partners on transit.

Lake Link is the new addition to transportation options on the South Shore, and that is the microtransit just like on the North Shore that Ms. Hill was speaking of. The microtransit was deployed this summer and they are working to keep it going through this winter. These services are being managed by the South Shore Transportation Management Association with a heavy public private partnership from 19 funding partners, they've raised \$600,000 for operations. The service has exceeded original expectations; ridership is averaging about 345 each day. New services like this and TART Connect on the North Shore are also implementing the 2020 Regional Transportation Plans. Those were identified in our future transit vision. While she can personally attest at the success on the South Shore, that free door to door service and integration with fixed route is important. She still rides the fixed route bus in the morning to ensure that she gets to the office on time but likes to take Lake Link home in the afternoon when services aren't as frequent over here on this side of town. Like any pilot, they're learning and keeping that program going. TRPA and

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partners are conducting an annual survey on transit services missing from the systems starting next month with public workshops and around the lake. The funding for the survey is from the Tahoe Metropolitan Planning Organization planning budget and one of the ways they continue to support their transit agencies. Last but not least, here on transit is the City of South Lake's Mobility Service Study. This study started back in the spring to identify service gaps and vision for transit in the city. A visioning workshop this past summer and at the next City of South Lake Tahoe Council meeting will be recommendations to improve the transit network and feasibility of the city assuming transit services.

All of the work on improving transit services, providing different options for getting around are part of that bigger puzzle to get to success. Travel Demand Management (TDM) is the programmatic piece to the puzzle and Ms. Self, spoke a lot about behavior change and TDM is that foundation. Today, she's providing an update on Commute Tahoe Program, led by TRPA staff member, Ms. Cremeen. This program is a few years in now starting with the pilot, selecting a few employers, developing materials such as a program guide shown here on the screen that helps provide employers with the right tools to assess their own site amenities, consider some easy wins, and better understand the benefits of getting their employees to work with a car.

The image on the right side of slide 7, step 3 of the program guide includes TRPA staff member, Ms. Fink. While they know she's a great steward, they cannot talk about getting people to work without a car, if they're not addressing the other side of the equation, which is housing.

TRPA, Placer County, and the two Transportation Management Association's helped get that TDM pilot off the ground. Now, they're moving into that second phase which is a larger working group of employers from around the basin. This group will help them better understand the challenges they face and consider how we can support larger changes needed to get employees to work without a car. The employers have utilized the data portal they've created to conduct employee surveys and they're creating new materials to help them at their individual work sites as well.

Slide 8 is a report card soon to be part of that toolkit for employers. Results of the survey show that 49 percent of employees surveyed would consider leaving the car at home if they had an employer provided shuttle. One of the strategies they want to further explore is our shuttles. Data has shown that one third of the employees working in the Casino core are coming up from Carson City, and that those are great candidates for employee shuttles, especially given their various work schedules. Staff is going to be continuing outreach to employers. The working group is going to be meeting next month, so that they can grow the database and learn more about behavior and opportunities to provide transportation options and improve some existing ones.

Ms. Self will be back this winter with Destination Stewardship Plan. Today, Ms. Glickert is going to be speaking about Tahoe Transportation Performance, meeting their vehicle miles traveled targets and Regional Transportation Plan goals. This winter, the State Route 89 Trail Feasibility Study, and the US Highway 50 East Corridor Management Plan will be wrapping up as well. As for accelerating the Regional Transportation Plan implementation, she has another item today seeking the Board's approval of the Federal Transportation Implementation Program. The two plans, Safety and the Active Transportation Plan will be updated over the next 1.5 years, and it will also be utilizing the Commute Tahoe work she spoke of to consider possible updates to the Code of Ordinances.

They did receive a very late comment this morning that has been distributed by staff. The

presentation did not address it; however, she'll follow up with the individual to discuss.

#### Board Comments & Questions

Mr. Lawrence said he appreciated hearing from the Tahoe Transportation District Chair, Commissioner Hill on what's happening with TTD. As a TRPA Board member, he knows the local representatives on the Board, there's a lot of crossover with TTD but as a state representative, he doesn't often get that. Huge kudos to those involved with the work both on the South Shore and the North Shore regarding the microtransit. That is important in moving people around and to helping managing capacity, and it's for locals, visitors, commuters, and recreationists. It seems to be one of those solutions that does get at a lot of the challenges that they're facing.

Mr. Bass said this is a very passionate subject for him. He joined the Tahoe Transportation District Board 3.5 years ago, and Lake Link has been amazing and what it's shown is the real need for dependable transit. The ridership numbers they're seeing are great, and it really shows that if they had dependable transit that ran past 8:00 p.m. at night that the workforce could depend on, they would see real ridership and reduction in vehicle miles traveled. He feels that they need to look at why are they seeing some of the issues that they are? As he's looked at that it seems that the TTD as a regional transportation district is made for a real purpose, which is to interconnect regional transit services to take on major capital improvement projects. But as far as to deliver the service of one of the Regions that it serves as a TTD Commission, it seems that it doesn't become the highest priority of the District, and that is just because it serves five counties, a city, and two states.

Trying to deliver a service to just two of those counties, and one of the cities should probably be done with a different model or a different agency which is complex because there is Douglas County, El Dorado, and the City of South Lake Tahoe. But there are models like the JPA with solid waste. They need to come together and that's kind of why the City put the resources into doing a study to look at is it feasible to look at a new service model to deliver transit on the South Shore? When they look at the North Shore, they have a model where the money goes straight from TTD to Placer County which operates TART under Public Works, and it seems to be that they're efficiently able to deliver the service model. He also sits on the board of the El Dorado County Transportation District who also doesn't operate transit, they have El Dorado Transit which is made up of Placerville and the areas that it serves.

He feels it's the right time, they've got the studies for them to look at South Shores transit moving into a board that is served by the agencies and municipalities that it serves and that way they are not sitting at a TTD Board meeting and talking about bus stops in Meyers and Commissioner Hill is thinking where in the world is that street in Meyers? Because that's far outside of her district so, it's just something that they're going to get to, and it will change and transform the way that people use transit on the South Shore. They have to have buses past 8:00 p.m., the workforce works until midnight and after. There needs to be better level of transit and since he's been on the Board, they went from 7.3 million in state and federal funds to 10.3 million, but they still don't have buses past 8:00 p.m. That points to the need for efficiency improvements and something that they need to work at and at the same time, they've had to have Heavenly, and Vail operate their own transit needs which is something that you know there willing to subsidize TTD for or a new service model. The time is now to make real moves for transit on the South Shore.

#### Public Comments & Questions

Bob, as a citizen of the public, said he appreciated Mr. Bass' logical thinking and explanation of everything that goes on. He feels half the time these meetings are kind of piloting through chaos. He is not a public speaker in any way, he's just a citizen making sure that the protection of the basin is upheld above everything. One problem that he does feel is an issue in South Lake Tahoe are some of the scooters. He's watched all these scooters ride up and down the sidewalks past the elderly people to where basically the other people fell down to the ground. These things are not supposed to be riding on sidewalks but that's all they do. These things are not supposed to have two people riding on one scooter. He's sees families with kids and their backpacks. It's usage and maybe changing some of the ideas of how people use things but presenting them there. It's not going to stop and maybe end when a couple of people get killed on them. It's very unjustified to present these things to the city, now, they're just laid out everywhere. As Mr. Walker was talking about the garbage out in the Forest, do you guys have any comments on those things just being scattered throughout our city? Is that beautiful? Does that make our city look better? I don't think so, and the picture that's standing behind you here, there needs to be an addition to it, because there's going to be a huge cell tower right in the center of that hill. That beautiful spot right there is going to have a massive plastic, shedding with lead cell tower right on top of that hill. Thank you for all your service and your public engagement and protecting all of us.

Alan Miller, South Lake Tahoe resident and avid E-biker. He's responding to comments made about E-bikes causing fires. He doesn't really think that's much of a concern. The batteries are all enclosed and sealed. There's a lot of other worse fire threats to consider such as cell towers, for instance, which can fall down cause fires or start fires, or illegal camps sites. The fire danger has just gotten so extreme, the Caldor Fire last year was a real wake up call for that those of us who live here. He's all for anything that can be done to reduce fire threat but doesn't think E-bikes are the way. There is adequate assurance of etiquette and shared use even though E-bikes may have a top speed of 20 miles per hour, which doesn't mean everybody's racing around at that speed. It's just like in a car, you must maintain control.

Ben Lebovitz said really fantastic presentation, inspired by Mr. Walker and some of the work that you guys are doing, he thinks is needed. Parking garage facilities are needed, especially with the idea and option and threshold for reforesting the roofs. He thinks it's also a better place to sort of organize around having and mitigating some of the traffic concerns. He lives off Ski Run Boulevard and it's atrocious in the winter. He has to constantly help people that slip and slide and get into an accident. He knows that the scooters are also an issue up there. He housed an ER nurse for a season, and she said 50 percent of their intake were caused by the scooter accidents. These kids are riding yelling I'm going 30 miles an hour, with no helmet and wearing flip flops. The road conditions are horrible.

From that perspective, just to touch on what Bob had mentioned as well. He thinks the general consensus that he heard from the Governing Board was the care for the resources, you all mentioned the volunteers that that clean up the Lake went from 1,500 pounds of trash last year to 3,000 pounds this year. It's easy to pick up a plastic bottle, it's really difficult to pick up over 25,000 pounds of PVC material that looks like a pine needle that contaminates the soil and water quality. That's a huge number admitted by a company in a zero-discharge policy which we have in basin. He'd like them to reconsider the plans and whether we need towers to look like fake trees, he doesn't think so. Big Sky, Montana, none of their towers have monopines, that's Yellowstone. They should be looking to these other places that take better care of their resources.

Zoe Segal said she lives off Needle Peak and Ski Run Boulevard would like to make comments on the atrocious cell phone tower that's being put up next to her home.

Ms. Gustafson said that agenda item is going to be heard this afternoon.

Zoe Segal said scooters are really fun but as a road biker, riding in the bike lane, she has scooters coming at her, from tourists that don't know the difference. It's clearly an issue for people who live here and hopefully, they can sort that out. She thinks with transportation and with cycling and scooters, the portion between Ski Run Boulevard, Nevada Beach, and Kahle Drive is horrific. She lives off the top of Ski Run Boulevard and loves to go to the beach and ride through town. She wants to ride her bike, but that section needs some TLC. The bike lane is very narrow compared to some of the other ones around town. You guys have all done a great job, or whoever's in charge of the bike lanes as they're expanding new sections through town and the forest is really amazing, but that's a really dangerous area. Especially when there's concerts or events, locals and in tourists want to get around and not have to park or create more traffic, so, if we could make a serious initiative to adjust that space and make it really smooth bike lane through mid-town all the way to the beach. Let's get outside and explore nature.

Doug Flaherty said although he enjoyed the Forest Service Representatives presentation, he was a bit concerned about his comment regarding the Forest Service policy, since 1908 for the greatest good for the greatest number of people, which is the route that TRPA seems to have been taken on many of their projects including transportation which adds human capacity. Having said that, he does appreciate anyone who is in support of microtransit or shuttles, they're great things and should have gone down that road ten years ago. He does want to tie in the overarching issue which some of you have heard this a little bit before in past committee meetings, but he wanted to go on record with the Governing Board with this information. According to the recent UC Davis State of the Lake Report, the Lake Tahoe Basin is in an environment free fall, out of equilibrium and harmony, as required by the Bi-State Compact. Through its malfeasance the TRPA has mismanaged it's charge under the Bi-State Compact and failed to adequately monitor, measure, and provide substantial project cumulative impact data and analysis, since it's 2012 Regional Plan Update to ensure equilibrium and harmony within the Tahoe Basin, and has failed its responsibilities to protect our cherished Lake Tahoe water clarity.

Cumulative impact is the impact on the environment which results from a tyranny of incremental impacts and small decisions when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such actions. Cumulative impacts result from individually minor but collectively significant actions taken over a period of time. The long-term failure on the part of the TRPA involves the use of a sham environmental checklist. This TRPA sham environmental checklist circumvents a process which would otherwise ensure that the Lake Tahoe Basin cumulating impacts are properly analyzed. Instead, the TRPA has been on a on march of agenda driven, increased human capacity, increased growth, and relaxation of building regulations. Increased parking, and transportation construction projects, human capacity initiatives, including promotion of high-density growth without any real and adequate cumulative impact environmental assessment.

The Forest Service according to the UC Davis report, use of wildfire during actual wildfires, in other words, growing wildfires has become a main polluter of the Lake Tahoe Basin and water clarity

creating increased algae.

Board Comments & Questions

Ms. Novasel said this is huge issue. El Dorado County especially understands the issue on the South Shore. Yes, they want to work with the City of South Lake Tahoe and Douglas County to move forward. El Dorado County did give some funding for the microtransit this year and are committed to helping where they can with impacts, not just from their neighbors, but from their tourists, in particular. They're using Transient Occupancy Taxes to come back into our communities to help on several levels. She appreciated the concerns because she feels them. She's a big bicyclist fan and loves E-bikes. There are E-bikes that are great and some that probably shouldn't be on our roads and is why in El Dorado County there's an ordinance that she helped put into place which allows for E-bikes that are not considered motorized vehicles. Those are E-bikes that go over a speed that they consider a safe speed on the bike trails and it's working. Along those lines, motorized vehicles include those scooters which they don't allow in the County. They believe in sustainable tourism and especially our transportation, but they do need to make sure they address it properly and it's safe for everybody.

Mr. Bass said in relation to the long-range transportation plan, which is rail, and he's brought it up many times with TTD but very much thinks that in their 25-year plan, they need to be looking at passenger rail into the South Shore, up and over Spooner Summit. They really need to be getting to the Nevada people that sit on this board a rail line that goes from Reno to Carson City that would have eventually interconnect. They're doing high speed rail and upgrades all throughout the country and you'll be able to go from San Francisco to Reno in two hours. With a proper high speed rail line to Carson City, and then up and over Spooner, they could get people from San Francisco to Tahoe in three hours in the next 25 years. When you look around the world and Alpine environments, rail is a critical way to get people here without a vehicle.

Presentation can be found at: [Agenda-Item-No.-VI.-Briefing-on-Transportation-and-Sustainable-Recreation-Initiative.pdf](#)

B. Transportation Advisory Committee Charter

TRPA staff Ms. Glickert provided the presentation.

Ms. Glickert said in April 2021, with the approval of the Regional Transportation Plan, TRPA Governing Board adopted a new Sustainable Communities Threshold Category and associated Vehicle Miles Traveled (VMT) per capita standard. Along with adoption of the new standard the Governing Board adopted a new goal in development and implementation priorities, with additional policies that include a suite of adaptive management actions to achieve and maintain the new Sustainable Communities Threshold Standard. Policies within the goal include convening a technical advisory committee to provide guidance on program modifications necessary to attain, maintain Sustainable Communities Threshold standard and included reporting requirements for the committee.

She'll provide a brief presentation on the contents of the charter, that's the first step. The membership that was approved in March 2022 by this Board, and then focus on the principles and tasks for the committee that are included in the charter.

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The membership is required to include local and regional transportation program members, so, they have included all the counties within the basin, the two Departments of transportation, the Tahoe Transportation District, the US Forest Service and the two Transportation Management Associations, the League to Save Lake Tahoe is representing the environmental community that was identified and Carole Black is the general public representative. The committee serves as a forum for a multi-disciplinary, multi-jurisdictional professionals and environmental agency stakeholders to build capacity, leverage partnerships and harness collaboration to guide transportation performance that will achieve all the Tahoe transportation goals.

There are three primary objectives of the charter. The objectives really are the work plan as well. The committee will be responsible for development of key metrics for Phase 1. That means reviewing all the data that they collect, what they need to collect, and what they don't need, measuring what matters. Second up for the committee is reporting framework, so, they're going to be helping them design that reporting framework that's required every two years for the VMT standard and the Regional Transportation Plan. Third, is evaluate and adjust. That means development of the management framework as they track their progress, what needs to change to ensure they're either get back on track or stay on track. An example could include not meeting their safety goals. Through Tahoe Metropolitan Planning Organization's role, they have a regional grant program, and they could prioritize funds for projects that approve safety through the review and scoring process for those grants. This something they do today with their Bi-State priority projects. This year is about doing this work to set up the framework for evaluation of VMT and the RTP goal achievement. In 2024, they'll prepare a performance report on the 2020 Regional Transportation Plan including the Vehicle Miles Traveled Standard that will inform the next RTP for 2025.

This past July, they held the Transportation Advisory Committee kick off and approved the charter at their second meeting to start discussions on transportation metrics and laying out the performance metric.

Today, staff is requesting approval of the charter and then they'll continue with the committee on those other two tasks to approve the metrics, and then dive into performance. Staff will be back to the Board in December or January to review everything with the Environmental Improvement, Transportation, and Public Outreach Committee, and seek Board approval.

Presentation: [Agenda Item No. VI.B Transportation Advisory Committee Charter](#)

### Board Comments & Questions

Ms. Aldean said there's a reference to acronym TSC 1 but there's no definition. There may be a reference embedded as a link to the Regional Plan Amendments but suggested adding that to the Charter for folks who are not familiar with TSC 1 which is to reduce annual daily average VMT per capita by 6.8 percent. It might be advisable to include that as a footnote in the Charter.

Ms. Glickert said staff will add that.

Ms. Aldean referred to page 247, under Responsibilities, it talks about the Governing Board reviewing the recommendations, and if the Governing Board does not accept any of the report's recommendations, it shall provide a written justification explaining the basis for its adoption of alternative measures. In her experience, is customary to refer the matter back to the Agency or the



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department that has proposed the recommendations. She suggested they give the Transportation Performance Technical Advisory Committee Charter (TPTAC) the opportunity to perhaps amend the recommendation to comply with any comments received from the Governing Board rather than just arbitrarily having the Governing Board adopt alternative measures.

Possible language could read something to the effect, explaining the basis for its actions referring to the Governing Board, and may adopt other alternative measures. "If the Governing Board does not accept any of the report's recommendations, it shall provide a written justification explaining the basis for its actions, and may adopt alternative measures, or refer the rejected recommendation back to the TPTAC for revision." It gives them a little more latitude so, the Governing Board doesn't have to come up with an alternative measure but could provide feedback. It has the option of doing that but in most instances, they respect our technical advisory committees that they would probably refer it back for further consideration unless that becomes ungainly for meeting scheduling.

Mr. Marshall said as an option that would work. The language does come out of some of the regional planning language that they adopted to implement the thresholds. The phrase as an option would work, but not as a mandate.

Ms. Aldean referred to Paragraph 12, Review and Report Delivery, it states that members also commit to review reports and advance of meetings on progress made, discuss any progress changes that may be beneficial to the group and update the charter as needed. She suggested adding "For approval by the TRPA Governing Board." She's assuming, since the initial charter had to be approved by this Board, that any changes would also have to be approved by them.

### Public Comments & Questions

Steve Teshara representing the South Shore Transportation Management Association on this committee and offered his support and thanks to a Ms. Aldean for her two comments and hopes those are incorporated in the motion.

### Board Comments & Questions

Ms. Aldean made a motion to adopt Attachment A, Transportation Planning Technical Advisory Committee Charter subject to following amendments: On page 3 of the document, and 244 of the staff packet, under Paragraph 2, Goals and Objectives, the Board recommended that TSC 1 be defined with the respect to the reduction of VMT per capita by 6.8 percent and add whatever additional language is necessary to provide people with adequate information about this particular standard. On page 6 of the document under Paragraph C, Responsibilities, language was added to the end of that paragraph that gives the Board the option of either adopting alternative measures or referring the matter back to the committee for further consideration. On page 9 of the document, under Paragraph 12, Review and Report delivery, added to the last sentence the wording for approval by the TRPA Governing Board.

Ayes: Ms. Aldean, Mr. Anderson, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Bass, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Yeates

Absent: Mr. Rice, Ms. Williamson

**Motion carried.**

Mr. Yeates moved to adjourn as the TRPA and convene as the TMPO.

**Motion carried.**

VII. PLANNING MATTERS

A. Final 2023 Federal Transportation Improvement Program

TRPA staff Ms. Glickert provided the presentation.

Ms. Glickert said the FTIP is a core document of their Metropolitan Planning Organization role, and it's how the MPO administers and tracks Federal and State transportation funding. With transportation being a focus of this Board recently, and with new members, and the Transportation Initiative Update, they felt it was important to provide this to the full Board today. The FTIP must be updated every two years in conjunction with Caltrans, the Nevada Department of Transportation, local partners, and federal agencies. It must be consistent with the current Regional Transportation Plan as well as state and local plans. The FTIP is a near-term, four-year program of projects at various stages of implementation. They consider this a living document that does require amendments to be made after the approval of one and into the next. These projects are tracked and maintained through the Environmental Improvement Program Tracker database. Amendments will be coming forward over the next six months as they as they begin to program infrastructure bill funding for transit, which they've seen increases of about 800,000, and for funds through the MPO competitive Regional Grant program they're seeing increases of about \$2 million. The financial plan and the FTIP matches up revenues with specific projects. It includes past accomplishments and federal, state performance measures that demonstrate how the program of projects will help achieve the regions performance measure targets, such as safety and system preservation.

The FTIP was publicly noticed for a 30-day comment period per federal regulations and the TMPO Public Participation Plan on July 11, 2022. On August 3, 2022 a public hearing was held for public comment and on August 9, 2022 the public comment period closed. After the close of the comment period, the draft FTIP was finalized, incorporating all the public comments received and they made updates and revisions to the document. There's a complete comment matrix within the full FTIP document itself, and the link can be found on page 257 of the packet.

In response to public comment, they've updated project funding sources and years, funding amounts for revised project descriptions, and from their project partners that they received. They've also updated the Performance Measure Workbook in response to Caltrans comments.

The FTIP implements the short-range projects in the Regional Transportation Plan which they've been talking a lot about today. The FTIP includes regionally significant Bi-State action plan priorities, and will work towards achieving goals to improve safety, increase their connectivity, and preserve the environment.

On the right-hand side of slide 4, there is a full list of projects. The 19 projects programmed in the FTIP fall into five categories: Corridor and Communities; Transit; Highway Safety; Active Transportation Grouped Projects; and Operations and Maintenance. Within the categories are

grouped projects. This project map displays 26 individual projects for Tahoe. Of those 26, they have Active Transportation Projects for the North Shore and South Shore. Fanny Bridge replacement is one of those that's a Bi-State priority project in Tahoe City. Safety projects along US 50 on the South Shore, and State Route 28 Corridor improvements which is another Bi-State priority project. The FTIP also contains transit operations and capital for Tart and TTD.

The final revenue program total is \$192 million. The draft released budget was increased by \$15 million in response to the comments received. Federal funds include the annual formula apportionments for the region. Two of the key sources are congestion management, and air quality often referred to as CMAC Program and surface Transportation Block Grant. A recent Transportation Bill, Infrastructure Investment and Jobs Act has increased apportionment amounts and established two new programs. Two of the programs are the Carbon Reduction Program and Protect that will provide future funding. Tahoe received that \$2 million congressionally designated funding for State Route 28 Central Corridor Improvements which is the Sand Harbor to Spooner segment. The funds are programmed in this final document. Examples State funds include the California Transportation Development Act which is the largest source of transit operating funds for them. State funding and California Senate Bill 1 program. Local funds come from the city and county funding sources. Transit Occupancy Tax is a pretty common one on the North Shore, and mitigation fees, for example.

The final FTIP timeline is shown on slide 6. After the close of the comment period, the final FTIP was presented to the Tahoe Transportation Commission and was recommended for approval. If approved, they'll then submit to Caltrans and NDOT to get their final federal approval.

Presentation can be found at: [Agenda-Item-No.-VII.A-Final-2023-Federal-Transportation-Improvement-Program.pdf](#)

#### Board Comments & Questions

Mr. Yeates referred to the map on page 259 and was surprised by the "large blank" on the West Shore, and then he read the paragraph on page 252, where it states that the 2023 FTIP carries over work from the 2021 FTIP, what happened to the Emerald Bay Corridor Plan that he thought was approved. The fact that they're also doing the trail work.

Ms. Glickert said she believes it's the funding source. The trails plan should be in there and is the work currently being done and the Forest Service is providing those funds.

Mr. Yeates asked if it's part of the FTIP.

Mr. Haven said no, that's a planning study. These are more capital and operations projects. As projects are funded, those will then show up in the FTIP as funding is awarded. This FTIP is an accounting document of actual dollars that have been awarded to projects. It's real money in a four-year window.

Ms. Conrad-Saydah said a few of the public comments spoke about the Tahoe Mobility Hub in Washoe County. She asked about the development of that project through all these different committees and how those public comments have been incorporated to date, and where the friction still remains in terms of public feedback and concerns over that hub.

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Mr. Haven said a lot of that detail lies with the project proponents, Tahoe Transportation District. It has a lot to do with Commissioner Hill's report out on all the work that is going on in Washoe County with the transportation study as well as the Mobility Hub. The question would best be answered by TTD for detail.

Ms. Gustafson said they also suggested that they'll be bringing back the recommended consultant, HDR for the Mobility Hub at their next meeting.

Ms. Glickert said they'll share the information about the next meeting.

Mr. Bass said the US 50 South Shore Community Revitalization is number one on the project list and knows there was money spent on that in the past four years, and is there a particular reason why it stays number one?

Ms. Glickert said there is no numbering system here.

Mr. Haven said it has funding currently programmed to it. Mr. Hasty, Tahoe Transportation District has reported that project is being reimagined. There are some Nevada elements that continue to advance and move forward, and that funding can be used for those elements. When the dust settles in terms of what the plan is for that comprehensive project, you may see some reshuffling of funding and that's these are living documents. Because there are projects that either change shape a little bit and need to get reprogrammed because they either cost less or cost more, and then there's the time, where projects are delayed, or projects that can be advanced. It's a very nimble process that they work closely with their partners on and will finally show up in amendments and other actions kind of where that dust settles in terms of how that project is going to can be delivered.

Mr. Bass said they have started to look at reimagining the project. As far as in the City of South Lake Tahoe, the alignment that was going to go through the Rocky Point neighborhood, as they know we're in a housing crisis and that's not going to work, however, their new public works director came up with an idea that was really creating a 20 percent mode shift, and if they were able to pull that off, it did show that they could use existing pavement to actually still get looped around and actually end up with a main street, but they would have to get a 20 percent mode shift, which is very difficult. However, with a parking structure at the Y and real transit services, they could absolutely reach that 20 percent mode shift. A parking structure at the Y is also the solution for Emerald Bay to have a park and ride and shut the parking lots down, and only bus people to Emerald Bay as they do in many other places, but they must have parking. It also creates the solution for Heavenly and Ski Run Boulevard in the wintertime. It's something that they need to really reimagine that project so, they don't waste so much public funds and actually get real benefit. When they look at the existing pavement and models across the State, US Highway 101 in San Francisco takes a hard right turn on Lombard and Van Ness, that is the precedent to show that they can do this and do it on existing pavement, save our housing stock, and get a solution for Emerald Bay, Ski Run, and all these things, and get real transit ridership. He'd like to see them keep that project happening but reimagine it.

His next comment is on the on the number two which is the Tahoe Transportation District Fleet and Administration facility. He brought this up at the TTD Board, and knows that they need a new

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facility, but putting it in Zephyr Cove when they're looking to electrify the fleet, has not had a lot of thought put into that, especially when 90 percent of the stops are in the City of South Lake Tahoe. The current facility at the Y could easily be reimagined. He knows that Mr. Hasty has said that the city doesn't have interest to make a swap, that's absolutely not true. They have another property that they could move their shop to, and completely make a trade to where, when they electrify the fleet, the fleet is actually close to the stops it serves rather than 20 minutes outside of the stop it serves. They need to put more thought to what they're putting public funds out to. He gets that there's a want with Douglas County to make a combination so that they can have multiple fleets and can help their fleet as well, but they've got to be practical in what they're doing.

### Public Comments & Questions

Doug Flaherty said the East Shore projects represent the failure on the part of the TRPA to analyze not only the complete East Shore cumulative environmental impacts, but also those of the entire Lake Tahoe Basin. These projects will continue the environmental destruction of the East Shore. As an example, he'd encourage each of you to take a walk down the East Shore Trail, and take a look at the two or three cantilever bridges, you will note that there's a significant amount of erosion, it's a shocking amount of erosion that's taken place as a result of the grading to be put these bridges in and you can see the amount of algae that has been accumulated adjacent and below those bridges. These types of projects are will intentioned but you're simply not assessing the cumulative impacts of what you're about to do. Lastly, he would put a plug in for any further East Shore expansion of any trails that they be restricted to the east side of State Route 28. For those of you that have been down there during the summer, the Chimney Beach area, now, the East Shore itself is absolute catastrophe when it comes to human impact, human waste, dog waste, and trash in general. He requested that when you consider these projects, to please try to allow only construction on the east side of State Route 28. If you took a look at east side, State Route 28 East Shore Trail is very picturesque, you can still see portions of the Lake, and it is part of the forest experience.

Bob, Tahoe for Safe Tech said you guys have failed your duties. Lake Tahoe is turning into an algae bloom. He picked up algae off the beach, do any of you know how many species are now in the Lake? Mr. Marshall, do you have any idea? He counted at least six to seven new algae species in the Lake. He hates to say this, but you guys have failed your duties to protect this, Lake.

### Board Comments & Questions

Mr. Lawrence made a motion to recommend TMPO Governing Board Adoption of Attachment A, Resolution 2022-\_\_ approving the 2023 Federal Transportation Improvement Program.

Ayes: Ms. Aldean, Mr. Anderson, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Yeates

Nays: Mr. Bass

Absent: Mr. Rice, Ms. Williamson, Mr. Walker

**Motion carried.**

Mr. Yeates moved to adjourn as the TMPO and reconvene as the TRPA.

**Motion carried.**

VIII. APPEAL

- A. Appeal of Plan Revision ERSP2019-0389-01 Verizon Cell Tower, 1360 Ski Run Blvd., South Lake Tahoe, California, Assessor's Parcel Number 025-580-007; Appeal No. ADMIN2022-0036

Ms. Novasel said the Legal Committee met this morning and heard a staff presentation from Mr. Marshall, the appellant presentation from Mr. Miller, and permittee presentation from Verizon. After discussions, the committee voted unanimously to recommend that the Governing Board deny the appeal.

Mr. Marshall said the little red square on slide 3 shows the location of where the approved cell tower will be located.

Slide 4 is the overall site plan, and the tower will be located next to the existing parking lot in the lower portion of the picture.

Slide 5 is the approved cell tower, except the only difference here is this is what was applied for, the revision, which will zoom in on the on the lower part of the cell tower.

What they're here about today (slide 6) is change in the map foundation on the left and being extended down an additional 6 feet to what is drawn on the right. That is what Verizon came in for a plan revision for that dropping of the concrete mat foundation 6 feet. That application came in after the original application was granted and then appealed to this Board. That original application is now being litigated in the Eastern District Federal Court in California. The real issue for today has to do solely with the increase in excavation depth from 7.5 feet to 13.5 feet, and whether or not the application for that additional increase in excavation was appropriately granted. That's really the only question before the Board. You will hear comments about the cell tower RF emissions, microplastics, etc. but that already was decided by the Board in the prior hearings. All they have jurisdiction to look at today is the drop in elevation of the foundation. That was anticipated that they might need to come back in the original permit, which included a permit condition, as described in the staff report that allowed Verizon to come back in and apply for a plan revision to drop the excavation level and that's what has occurred.

There's really kind of two categories of issues that are addressed in the staff report; one is process, was the appropriate process followed, and then substantive whether or not there was actually any interference with groundwater.

Slide 7 is the drill log from the soils hydro report that was included within Verizon's application for the increased step. It is the same report that they used to get their initial excavation depth of 7.5 feet, and what it shows is there was no encountering of ground water with depth down to 19 feet. What they're really concerned about in this appeal with the excavation section of the Code of Ordinances is whether or not there's going to be interference with that groundwater flow that would otherwise flow to someplace else but would be concentrated here, and then you'd have to deal with the potential sediment load, etc. from that interception of groundwater, that's what they're really concerned about.

Slide 8: The original application allowed excavation to 7.5 feet, and those grounds were not appealed and while the permit is being litigated, Verizon has the ability to excavate to 7.5 feet.

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Once the appeal was filed, on the drop for another 6 feet, they also included a request for a stay which Verizon agreed to a stay that they would not pour concrete until after the appeal was heard today. In the meantime, they went ahead and commenced their excavation, in part because it allows us to look at the soil cut. They went down to 7.5 feet first, TRPA went with their soils consultant and found that there was no evidence of groundwater, either actual or evidence of redox or other indicators that would show the presence of groundwater. After about 7 feet or so, they hit bedrock and that kind of goes with along with the boring in a slightly different location hit bedrock at about 19 feet.

Slide 9 shows the same excavation down to the level of 13.5 feet. Remember, they're talking about the deepest point which is this far southeastern corner of the of their pit. TRPA went back out again, looked at the site and basically the 6 feet was excavating through bedrock, and there was no evidence of groundwater. In that aspect, the permit revision was appropriately granted, because there was no either indication of interception groundwater in the first instance, and that was confirmed when they went down to 7.5 feet, which they had the right to do. And again, when they bottomed out at 13.5 feet.

Major arguments on process: This is a plan revision and for TRPA purposes, they look at a plan revision in relation to what was approved already in the original project, and there was a special use designation with that the original cell tower, and so went to the Hearings Officer, and then eventually appealed to the Board. For the plan revision because there was no impact and was just limited to that drop of 6 feet, there was no reference back to the special use finding. Under TRPA Code, the initial actor was staff and staff processed the application, which was received from Verizon, determined that it was supported by the already approved drill log and granted the plan revision. The appellants complained about a couple of things. The first one was that there was no additional initial environmental check list prepared for the plan revision application. Remember that the Board for the last tower approved on a checklist and that's the checklist that essentially for the project, and there was no basis to require a further checklist because of the finding that there was not going to be any interference with groundwater. Essentially the plan revision relies on that original environmental checklist, plus the finding of no significant impact. They complained about a lack of notice for the application. Notices are controlled by TRPA Rules of Procedure and again for excavations, there is no requirement to provide any prior notice, unless it's linked to some other element of the project that would require the public notice. When it was linked to the special use findings, they provided public notice and hearing. But in this case, it was not linked to any special requirement for public notice or hearing, so, under the Rules of Procedure, notice was not required. It was done at staff level without public notice.

The other key things that they heard at the Legal Committee was an argument that the cart was put before the horse here. That the amount of evidence that was presented by Verizon for the Plan revision and the interception of groundwater was not adequate to show there would be no groundwater interference. Staff reasonably relied on the boring site that they showed on an earlier slide. That's the basis upon which they made a determination that additional information was not necessary. Therefore, they issued what you saw in the staff report, the soils hydro findings that they were not going to interfere or intercept groundwater, but went on to say that even if it was interfered with, there was two exceptions. Those exceptions were for public safety, and to support the above ground structure. Staff can talk more about those things if necessary.

Mr. Miller registered Civil Engineer representing the appellants. To start, he doesn't agree with the

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voting procedure that was put forward in the staff report, he doesn't feel it's in accord with the Compact. Mr. Miller had a 25-year background with the California Regional Water Quality Control Board working as regulatory supervisor at Lake Tahoe and elsewhere. He has always considered himself a problem solver as well as a guardian of the basin. He felt he'd been brought here somehow to help do what he could to keep water quality pristine. He comes here as a former associate of TRPA and wants to see TRPA flourish and do the right things, but he sees that they are setting precedence here with this project for all the other monopines to come and some of those that they've already seen since this approval.

The problem is very simple, TRPA is not following the law. He doesn't agree with anything that the General Counsel said about what this hearing is about this morning. First, this hearing was rushed it didn't follow the rules, Mr. Marshall makes up the rules as he goes and pushed us early to a hearing against the law, so they are here in protest of that and that's just one example. The most simple thing here is a failure to follow permitting basics for excavation prior to approval. It's a new project application and the approval were done with no basis. There was no environmental evaluation done, it had been three years since the prior, that's improper. The law requires, as part of a complete application, that an environmental checklist be submitted by the applicant. The applicant failed to provide that, and the staff failed to call that out as a deficiency, and then moved ahead with no information whatsoever, saying, that they had what they needed even though he identified a number of potentially significant impacts. That basic requirement of law has been three years and there's no legal provision for a supplemental Initial Environmental Checklist. This is a form that the applicant fills out, then staff reviews, and then they make an environmental determination based on that. Either it's a Finding of No Significant Effect (FONSE) or it's an Environmental Assessment (EA), or an Environmental Impact Statement (EIS). That got skipped and went right for that approval, it's improper. If they hadn't done that and filled out the IEC since it was three years since their project was approved, we have a new project here and they have to fill it out in accordance with what's going on now.

There's a new city ordinance, for example, which has additional citing requirements to be considered. And the most egregious thing, is that they have now have new information about these towers shedding plastic and that was not included as a new impact that needed to be considered. That alone screams EIS. They saw this Board push past that with the appeal, totally improper in his view. That's why you're being sued. And if water quality declines, we all lose. He goes back to the words of Charles Goldman who came here in the 1950s and sounded the alarm that they've got a problem if they don't get on top of this it's game over, it's very short, maybe a decade. He's here to sound the alarm the same way, he's not Charles Goldman but he has a background and knows a little bit. He sees plastics everywhere in the environment here at Lake Tahoe, and he sees that TRPA has approved a lot of them in the water environment. There are all the docks, marinas, all the shores on facilities, all the stream environment zones filled with boardwalks. They're going to study the problem since you won't, and they'll bring you the evidence of the impact because the biggest problem that he sees here, is again going back to the faulty legal advice and the faulty scientific advice which is relying on the absence of evidence to say there's no impact when you don't bother to look at whatever evidence is there, you don't go and gather your own evidence, and you don't evaluate any evidence provided by the public, and so again there's no basis to provide a new FONSE which is the minimum that you need to act here. You need to step it up here and look into this microplastics issue. It was a wakeup call and he thinks they'll wake up one day, and you know what someday they're going to be looking through plastic debris on the surface of the Lake. It will be floating around there and we'll have our own little gyre, and there's going to be a lot of other



dissolved plastics, and they're all going to affect clarity. These are just his scientific speculations. Basically, what they have here is always a fall back to say, Oh, the absence of evidence is evidence of absence, and they have that when it comes to fire impacts, new plastics, wireless radio emissions, and it also applies to these groundwater requirements. From what he sees, TRPA requirement is actually the other way; you're supposed to show absence of groundwater that would be affected, and if not to design mitigations around that, none of this was done. TRPA didn't require a sufficient groundwater investigation, TRPA has abandoned that as far as he can tell with the telecoms because they've moved away from groundwater protection to just requiring a single bore hole from a Geotech. It's an engineering report, it's not a soils hydrology report and doesn't provide the information needed. It's data insufficient all the way down the line, and that's what they would have had to put in an IEC if they would have applied it. He doesn't know why you've abandoned science for Verizon. But you have to precede these impacts, this is a simple groundwater 101, you don't do the impact until you do the evaluation. In this case, they said they were just going to go out and do it afterwards, to him it was a moot point, it's about the process. TRPA is just violating all its requirements.

Slide 15: The requirement is that they have to have all reports and studies necessary to show compliance with the applicable provisions of the Compact, the Regional Plan, all the rest. This was another backstop to require proper soils and hydro report, besides the permit condition, 3F that TRPA ignored. There were no findings, no basis to issue this. There was no FONSE, which again is a simple form that has to be filed for a new project. No basis to consider safety factors either, no provisions for even snow and ice loading on this tower. He thinks the tower is unsafe, they haven't been given any assurance otherwise. Here's TRPA citing these dangerous facilities, with no environmental review whatsoever. And now this one with the toxic waste, following the faulty guidance of your General Counsel. You're approving these toxic emissions all over our basin under color of law, which I think is just the most egregious thing you could possibly do, and it ought to damage your reputation and if it doesn't, there's something very, very wrong.

The Lahontan Regional Water Quality Control Board has issued orders in California to the monopine facilities. They're out there doing their job to begin to start to clean up as best they may, the monopine messes that you have approved and continue to approve. He came to TRPA in good faith, offering the best advice, he could muster at the time when they were going through the permitting process and the appeal, and it was all just about shutting down any tractors, just about pushing this through the sausage mill, ends justify the means we do whatever we want, regardless of the law, we don't care about the law, we are TRPA. We're the bureaucrat, and we can twist the law however, we want. Your laws are complex enough that most people can't follow them anyway. He can follow your laws and can see that they're routinely being violated.

Slide 21: The coverage issues were again just an oversight in the rush to get permit out. Verizon sent its plans in and as designed exceeded the allowable coverage that you all decided was appropriate for the project. The staff didn't catch that, and they went ahead and approved the plans, anyway. If the project is built, it will be anywhere from 49 to 165 feet over covered, and that right there is enough to pull the plug on this project. It was the fall to Verizon for not verifying the plans, and it was the fault of the TRPA staff for not verifying before they stamped it that all the coverage was in limitations. Staff did not address these violations in any way in the staff report, and so, there's no evidence that there's any compliance here. They were allowed 736 square feet, depending on which, drawing you look at they may be up to 165 square feet over that. This is all about whether TRPA is going to follow the law and science to gather evidence to support their

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positions, gather input to support the plastics discharges. This basin is going downhill in terms of water quality, and you don't know why. You have an absence of evidence. We have new conditions here, we have all the fire threats, why not do an EIS, uphold your mission, uphold the appeal. This is the time to begin.

Ms. Duarte, SAC Wireless on behalf of Verizon Wireless presenting their response to the appeal of 6 foot deeper excavation for its Ski Run Boulevard facility in South Lake Tahoe. The deeper excavation complies with TRPA regulations and the California Building Code, so they ask the Board to deny the appeal. They emphasize that this project will provide critical wireless coverage to the Heavenly Valley and Bijou Park areas, benefiting residents, visitors, and emergency personnel. Mr. Albritton with Mackenzie and Albritton, LLP who will further respond to the appeal.

Slide 25 is the application timeline for this project. In July 2019, a Geotechnical engineer with Terradyne Engineering prepared to report confirming that their on-site investigation found no evidence of groundwater to a depth of 19 feet at the project location. Also, that year Verizon Wireless filed its permit application with TRPA. In January 2020, the South Lake Tahoe City Council denied an appeal and approved a use permit for the facility. In May 2021, TRPA approved land coverage calculations for the existing site, and on October 2021, the TRPA Hearings Officer approved the permit. In February 2022, Verizon Wireless filed a building permit application with the City of South Lake Tahoe. In March 2022, the TRPA Board denied an appeal of its permit thereby granting final approval. In April 2022, Terradyne Engineering issued a supplemental report, confirming that increasing the excavation depth by 6 feet to 13.5 feet is feasible. On July 28, 2022, the City of South Lake Tahoe approved the building permit. On August 2, 2022, Verizon Wireless filed a request with TRPA to increase the excavation depth by 6 feet to 13.5 feet. TRPA staff approved the deeper excavation on August 5, 2022, and approved plan revisions reflecting the deeper excavation on August 17. On August 22, 2022, an opponent appealed staff's approval of deeper excavation and request to stay of all construction. Verizon Wireless responded to that stay request within 48 hours as required and on August 24, 2022, agreed to a compromise to stay point of concrete until today so the Board can hear the appeal. In the meantime, TRPA sent its soil scientists to the project site on September 1 and 14, 2022 to inspect the excavation to 13.5 feet, and she found no evidence of groundwater.

Slide 26: A condition of approval of the TRPA permit for the site initially allowed excavation to a depth of 7.6 providing that if the final design required deeper excavation that Verizon Wireless could apply for approval. After consulting with TRPA staff about the process, Verizon Wireless filed its request for 6-foot deeper excavation on August 2, 2022, consistent with the condition of approval. Staff approved the deeper excavation in a letter dated August 5, 2022. The minor 6-foot increase was reflected in the plans and approved and stamped by TRPA on August 17, 2022.

Slide 27: There are two factors relevant to the excavation depth. The California Building Code requirements are based on formulas and site conditions. slope, tower location, mat dimensions and soil properties. Also, geotechnical requirements specified that the mat foundation must be embedded a minimum of 5 feet below the existing grade elevation according to the report by Terradyne Engineering.

Slide 28: For these reasons, the excavation for the Tower foundation was increased by 6 feet to adapt of 13.5 feet. The California Building Code clearly requires increased depth, and the geotechnical recommendation required a slightly deeper excavation to ensure a safe tower design.

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Engineer, Amelia Valerie Hernandez is in attendance to answer any questions regarding the excavation.

Slide 29: When Verizon Wireless excavation reached a depth of 8 feet and hit bedrock on September 1, 2022, TRPA consulting scientist, Marcelle Munnecke. was on site to inspect, and determined that there was no evidence of groundwater. The excavation continued until it reached 13.5 feet, and September 14, Ms. Munnecke again inspected the site along with TRPA Senior Planner, Ms. Roll, who had approved the deeper excavation, and TRPA General Counsel, Mr. Marshall. Once again, there was no evidence of groundwater intrusion which is the appellant's main concern.

Slide 30: Verizon Wireless also asked Geotechnical engineers from Krazan and Associates to inspect the excavation area, and on September 20, 2022, Krazan issued a report stating that the inferred average groundwater elevation in the area is approximately 127 feet below the excavated area. Krazan concluded that there was no evidence of groundwater in the excavation, including any evidence of current seepage or dampness in the sidewalls of the excavation.

Slide 31: The appellant also raised the topic of vegetation management of the site. Best Management Practices (BMPs) are included in the approved plans which have been carefully followed by Verizon Wireless and are shown on pages 7 and 8 of its construction plan. These were implemented before construction started. Prior to construction, a TRPA inspector signed off on Verizon Wireless' BMPs allowing excavation to commence. Verizon Wireless has complied by following and maintaining the BMPs throughout construction. If the project were to fall out of compliance, TRPA would notify Verizon Wireless what measures would need to be addressed. As shown in the photos, Verizon Wireless took several vegetation protection measures, for example, trees were wrapped with orange construction fencing along the drip line as shown on the BMPs in the plans. Site fencing and hay rolls were placed to contain any debris.

Slide 32: Verizon Wireless also followed best management practices for disposal of material. Only large rock has been removed from the Tahoe Basin, as most of the excavated soil will be reused as filler after removal of any rocks over 6 inches. The photo in the lower right shows the sifting process with excavated material passing through equipment that separates larger, non-compactable items from usable soil. They emphasize that inspectors from both the City of South Lake Tahoe and TRPA regularly visit the site at each stage. Both have determined that Verizon Wireless construction practices comply with the regulations. SAC Wireless, Construction Manager, Jason Kidd is in attendance to answer any questions about the excavation and construction process to date.

To conclude, this project has been through an extensive approval process with the City of South Lake Tahoe, and TRPA has denied all previous appeal attempts by opponents. Three geotechnical investigators have found no evidence of groundwater in the excavation area, confirming that TRPA staff properly approved the deeper excavation. They asked the Board to deny the appeal and allow Verizon Wireless to complete construction of this critical communications infrastructure to benefit the community.

Mr. Albritton, outside council for Verizon Wireless said they believe that Mr. Miller here has elevated process and his interpretation of process over the actual evidence and substance of what's happening with respect to this particular application. They concur with the TRPA interpretation of

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the process, and how it was followed. Verizon Wireless from the beginning, understood that this with no water at 19 feet and hitting bedrock that this was going to be a difficult foundation. And for that reason there's this condition of approval that was in the final approval that the Board granted in March that the elevation for the excavation would be reviewed before it was finalized in terms of putting in this mat foundation.

Mr. Miller speaks of no evidence but, there's quite a bit of evidence that he ignores that Ms. Duarte mentioned about three hydrological reports on this particular property, as well as the various other reports that have been provided. The evidence clearly shows that there's no evidence of groundwater intrusion, no perching, and no redox, no evidence of any kind of groundwater intrusion that would affect this excavation. The substance is that this is a well-designed mat foundation to support this facility. It takes a great deal of science between the soil's engineers, structural engineers and tower engineers to come up with this this design, which they are implementing as carefully as they can with the BMPs. They hope that you see the evidence and the substance. They unfortunately believe that this was an effort to try and delay the project past your October meeting, which would have delayed our construction until next year, some, 7 or 8 months, and that they appreciate the cooperation in their compromise to defer, accept to stay with respect to pouring concrete until today and encourage the Board to deny the appeal.

Mr. Miller said Mr. Albritton characterized this as he's putting process over substance, and he would say no, he's putting process as part of the substantive requirement that you need to follow as an agency to approve any project, whether it's this project or any other one. Again, rushed us to hearing which was a disadvantage to them and that followed a postponement of the hearing for the Eisenstecken appeal. TRPA plays it however they want. If they want a hearing later, they get that, if they want it now, they do that. It's just an example of how things go here. He doesn't agree with the with the fact that they don't require an IEC, it's in the Code. There's no basis to excuse it, there was no basis in the staff report put forward, other than just it wasn't required when in fact, it was required by the law, but it wasn't asked for by TRPA staff. Again, they are looking for any way to look away from any impact and the impacts are there, we're going to show you and if you haven't heard them yet, no more monopinies, and they're going to keep saying it until you hear it. And if it's not this project, it'll be the next or the next, until finally it catches up. The California Attorney General has gotten very interested in the plastics Issue. He's going after the big plastic manufacturers, the fossil fuel industries who have hoisted this Earth destructive program of plastics manufacturing on us using subterfuge. The monopine industry is part of it., the PVCs have lead in them, they've tested it, they know. The Water Board has taken action and there's going to be a lot more information to come. This is the place to start if you just want to keep ignoring the laws on this project that's fine, he never recommends violating the law, it's not our job as agency people. It's not your job, you swore an oath to uphold the laws, and yet you don't even read the material, you don't question the staff; you just go along with whatever recommendations put forward. It's a recipe for disaster as far as he can tell. You don't care about coverage issues, you don't make the right findings, don't provide any backing for this excavation that you've allowed, because you don't even follow your own Code. You try to look to the earlier findings and say, that covers it all. No, it doesn't, not legally, and not scientifically. It's a long-term problem, microplastics are in Lake Tahoe. They don't know all the kinds, there's a lot more coming from what he's seen around the Tahoe Keys and marinas that he used to inspect. These things fall apart, PVC ages out, it's going to get in the water and the problem with Lake Tahoe is 600 years of residents' time. So, any plastic that goes in there is just going to keep accumulating just like the ocean, 600 years. It's not going to take very long at the rate they're going, because they've already got a lot of non-point source stuff that they

can't control. They control the point sources that they can and this is an exact point source and is why the Water Board said this is coming from those towers and they need to control that. But you shouldn't be looking to the Water Board to do your job, you shouldn't be approving these things, so they have to go out and clean them up, as you have for the last 20 years after FONSE, after FONSE until finally as Mr. Flaherty said the cumulative effects are considerable, yet you don't even have a program looking forward as more and more towers are proposed. There seems to be an endless number, they always need more business, it's a profit-making industry. There's always another phone to you know serve there's always another computer that needs to download a movie. This facility isn't needed for public safety, he made that very clear in his comments. It's a very dangerous facility it was designed to class two standards, they cheaped out. This is a dangerous facility and it it's not going to be there in emergency. There's no basis to conclude that it will and again there's no basis to conclude that there's any excavation requirement whatsoever. There is the no legal requirement demonstrated. The California Building Code, and the International Building Code state you can't specify design standards. Any standard that meets the intent of the law can be approved, and they just proposed this, and they don't have any basis for it. They don't need to excavate.

Presentation can be found at: [Agenda-Item-No.-VIII.A-Appeal-of-Plan-Revision-Verizon-Cell-Tower-1.pdf](#)

#### Board Comments & Questions

Mr. Lawrence said he always find it amazing that two topics that seem disparate and unconnected actually become connected again. They were talking transportation issues earlier; they were talking about parking garages and things like that as a necessary fix. His recollection is that the original Regional Plan prohibited excavation beyond 5 feet, and then the basin found problems and solutions because of bedrock and things. And then there was an exception made for excavations greater than 5 feet, provided there is proper soils hydrologic studies. It allows for important garages to be added to residences, because they needed it for their safety and their convenience. It allows for public projects that they need, such as parking garages, and in this case, it applies to us the cell tower. Listening to the different testimony, he understands the exceptions for the excavation. He's a firm believer in being consistent whether it's a public facility, local government, private residence, or a business. During the testimony, he was getting the sense that somehow this soils hydrologic study was less than what we typically require but then hearing the Verizon folks saying, well, the original study was to 19 feet. They excavated to 6 or 7 feet, and then they came in for additional, but was within the 19 or 17 feet. Was what was requested for the soils hydro study consistent with what they asked from other applicants when they're looking for the exception beyond the 5 feet.

Ms. Cornell said her understanding is when a soils hydrology application is submitted, TRPA does ask for evidence that what groundwater would not be encountered for the depth of the excavation that is being requested. That is generally and most often demonstrated through a soils profile. As has been mentioned here, the original soil profile data that was presented three years ago was to a depth of 19 feet, even though at the time they were only requesting 7.5 feet. When the time came to re-look at the deeper excavation depth, they already had in the application materials from the original soils hydro application, the information that was needed to make the determination about the deeper excavation depth. To answer the question of what they submitted, consistent with anybody who submits a soils hydrology application? That answer is, yes. What they look for with the soils hydrology application is if there is evidence that groundwater would be encountered, is

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there any evidence that groundwater has been up to that depth over whatever period of time would be reflected in the soils profile.

Mr. Bass asked if the soils test expire and are they still valid in that amount of time.

Mr. Marshall said no, that would be up to their professional staff as to whether there may be some change, soils don't change that quickly, but they determine whether or not that the age of the report somehow undercuts its conclusion but there was no finding like that in this case.

Mr. Bass asked if this was considered a new project with the August 5 permit revision. As he read some of the appeal it says that it's considered new when you go to revise it.

Mr. Marshall said this is a plan revision. It is not for a new project or a new application. It's an application for a plan revision. In that sense it is an application but you're not applying for a new project, they were applying for what they wanted to revise the permit that they already had. In this case it was to revise the permit to the maximum depth from 7.5 to 13.5 feet. That was the subject of the application.

Mr. Bass asked staff to address the coverage issue and expanded coverage from the 49 feet or what's being claimed that they've gone over what they originally granted.

Mr. Marshall said Ms. Cornell looked into that thinks it's Exhibit I, were Ms. Cornell's notes on that issue.

Ms. Cornell said when the question was raised a month or so ago, she went back through every perspective in the plans that they had, and she couldn't see this inconsistency in the land coverage. They would not be able to approve coverage beyond what it has already been verified there on site, just given the existing conditions on the site. To clarify, sometimes there's reference to allowable coverage, in this case they are referring back to what has been previously verified on site. They know that the site already, the existing conditions exceed the base allowable coverage. That they know is already being exceeded, so Verizon will be held to what has essentially already been grandfathered in on the site. She could not follow where the appellants representative was suggesting those inconsistencies were. Part of the confusion may have been that there's four different perspective shown on the elevation where the cut is. From one perspective it shows a slab at the ground surface but slab at the ground surface is actually the perspective where you see the equipment shelter on that side of the tower. If the equipment shelter is "here" and the tower is right next to it and you're looking at it from this perspective, you'll see the side view of the coverage from the other perspective. But that isn't the tower foundation. Maybe that was the confusion and looking at it from an elevation perspective from the four different perspectives that were shown.

Mr. Bass asked what would happen if they do find that they have exceeded the coverage of what they were granted.

Mr. Marshall said then they would have to remove coverage. Remember that they could do that on any part of the site, because they look at coverage on the site, not just this particular project. If they increased coverage by 25 square feet then they would have to remove it someplace on the parcel.

Mr. Bass asked staff to address the Environmental Impact Statement process that's being claimed, and why this would be an exemption, or why they didn't follow that.

Mr. Marshall said they're talking about permitting for the tower, and then the application for the revision of the maximum depth of excavation. For the tower which the appeal was heard and is final, staff prepared an Initial Environmental Checklist, and that Board made all the findings for the tower, including a depth to 7.5 feet excavation. That was done on an IEC with a finding of no significant effect. There was no finding that went further to say that they needed an EIS or EA. When it came to the plan revision and on the plan revision, all they're looking at is if there is any additional impact associated with dropping the maximum depth of excavation, 6 feet. There was nothing that staff saw that indicated there was going to be any impacts associated with that, because the record evidence showed that down to 19 feet there would be no encountering groundwater.

Mr. Bass said when it went through the original environmental review, did they take into consideration these the plastics and the things that were falling off or was that at a time when that wasn't happening.

Mr. Marshall said it was the eventual findings the Board made included conditions for the permit to use the best technology available to decrease or eliminate shedding. Then the inspection required twice annual inspection, plus cleanup. With those conditions the finding was that the tower would not have a significant environmental impact.

Mr. Bass asked if TRPA is right now underway with creating a basin wide plan for telecommunication towers that will direct where the best possible place for these is with environmental minded thought and not just allowing Verizon to decide where they should be.

Mr. Marshall said no.

Ms. Conrad-Saydah referred to Exhibit I where Ms. Cornell drew in these additional responses to explain the difference in coverage. She wanted to make sure that Mr. Miller had seen all of this as well to see if that cleared up any confusion or if there was any additional response to that. It definitely helped her in the review.

Mr. Miller said yes, he looked at the response that staff provided and the comment there said I don't understand where you got these numbers. And then further, it looked like she just deleted the foundation as coverage, and said, the foundation isn't coverage, but in fact, she said that the foundation isn't coverage, but if you look in the coverage table it says 304 square feet allocated for coverage. He doesn't believe he made any coverage calculation errors; he did this routinely for years, and he used to catch TRPA errors all the time. He commented on that in the appeal statement. This was not uncommon for him to send plans back to say you're all over the map here, you don't know what you're approving, it's overcovered, or it's not correct in some other way. It wasn't a big deal as long as it was caught in time. Here I caught it, your staff didn't provide any kind of response. His measurements were very carefully made from the scale drawings using a ruler. It's not rocket science.

Mr. Bass asked if this were to be approved, has Verizon looked at where you guys would move this

tower to especially with the new city ordinance, and this tower definitely would not comply with their city ordinance. Has there been an analysis of where this would go if this were to be approved?

Mr. Albritton, outside counsel for Verizon said if it is approved, it will be placed where it's been proposed. If it were denied, they would have a prohibition of service situation with respect to the city's current code, which doesn't allow facilities within 200 feet of a residential property line. They would have an impossible situation for them to provide the kind of coverage they need. The South Lake Tahoe area has excess demand, and their network is currently unable to serve the area during high capacity. It's mostly providing service by Harrah's antennas on top of their building and is desperately needed to fill in capacity requirements for that area. They would likely have to challenge the ordinance in order to fulfill the coverage and capacity gap that we need to fill.

Mr. Bass said the capacity issues really relate to the connection to the towers, the fiber optic connections, and the fact that they don't have proper capacity in our fiber network and that's why when they have huge influxes in tourism, it's not that they don't have a cell service signal but rather can't get through to the call which has nothing to do the cell tower. It has to do with the fiber connection to the cell tower, is that not accurate?

Mr. Albritton, outside counsel for Verizon said this is unrelated to the excavation, may he answer the question?

Ms. Gustafson said yes.

Mr. Albritton, outside counsel for Verizon said the data that they submitted to South Lake Tahoe, showed TTI occupancy, and that's the number of phones that the network is able to address as well as the downlink speed. This is also the correlation of the maxing out of the of the available spectrum of the phones that can be served at one time, which also led to a decrease in the throughput to below standard levels at the same time. This is all information that is gained through the switch, real-time data, showing that the antennas themselves, and providing signal to the number of devices that are requesting is overloaded. The fiber end of that has no relationship between the capacity requirements. They do have sufficient fiber but there are problems when the fiber goes out in and that does happen in in the area. They do have the ability to overcome that using microwave antennas to connect their network but they're not the fiber company, and certainly, encourage any improvement to the fiber network.

Ms. Gustafson asked staff if they wanted to address the rush to hearing comment.

Mr. Marshall said TRPA Rules of Procedure govern appeals. There's a distinct section discussed in the staff report that when you have a stay request, one of the considerations that the chair undertakes is what is the harm for any stay to get you to the next scheduled hearing date, which would be the next Board meeting. There is a rule that, if you want a hearing at a certain date, you have to submit your statement of appeal "X" number of days before the Board meeting. That doesn't give you any sort of right to a particular board meeting. If you're asking for a stay and particularly where there is a partial stay in place, is that they go to the next scheduled Board meeting. It's not any different than any other situation where there's a stay, unless the parties agree that they want to extend the consideration date, but here Verizon did not agree to that.

Public Comments & Questions



Bob apologized for any rudeness, unkindness, or aggressiveness, but his passion sometimes takes over. First, Mr. Marshall is not a very good lawyer. The depths of the foundation from the beginning, the core hole to 19 feet, if they're planning on going 5 feet why would they dig to 19? Can any of you ask that question? The plan in the very beginning was always to go that deep. They knew that they couldn't do a pier foundation because they would hit the groundwater because the stream environment zone is right there. They've kept it really hidden from everybody from the beginning that this is directly within the Bijou Creek Water zone. It's a stream environment zone, it's all protected, yet they wash right over it, and you guys gave the green lights. All of you need to ask the question, are you okay with polluting the drinking water for 12 million people? It seems that you guys are because it's been going on for 20 years. They just brought this to your attention. This piece fell off in Meyers and came within a foot of where the firemen lay their hoses out. He took the materials and sent it to a lab and the lab said that it contains lead. Mr. Albritton just came to him and said it's plastic. Lead is metal. Ms. Cornell's needs to go back to math class. Microplastics is the new lead. It's in our Lake, in our bodies, it's everywhere. You guys have the ability to stop it right now, and push this back to an appeal. They've stated in the very beginning, the permit expired, Verizon is running on an expired permit from the city. It was null and void after one year. They said that a letter from somebody on TRPA staff states that the movement is still going, that doesn't pass muster. You can't just send a statement, say no they did not exercise, they failed. Mr. Albritton failed, Mr. Marshall failed, Ms. Cornell failed, and all of the staff failed. Ms. Novasel failed. This is a chance to turn it around and let this game play out correctly. It's in Federal Court, he contacted the FCC's top citing attorney, she said, oh yes, an environmental impact statement, a complete report is required. She quit the FCC from this and now works for the National Resource Defense Council. You guys have been wrong from the beginning, Mr. Marshall and Ms. Regan and all of you guys are basically buying it up, just lapping it up like it's Kool-Aid.

Melina Wallisch said she and her husband are raising their kids here in South Lake Tahoe. She's speaking on behalf of the over 5,000 signatures that they collected from their community members that opposed the installation of this tower. In addition to violating the law, the TRPA has failed to listen to the people. They've ignored important studies and discounted expert advice, and has it applied inconsistent reasoning and finding that the tower at Ski Run does not pose any reasonable risk to man or the environment. There's a giant hole there and of course, it's going to affect the groundwater. It's right next to a stream environmental zone where an endangered frog lives, and she's brought this up before, and nobody seems to want to talk about that. It's also in direct violation of our city ordinance as Mr. Bass mentioned. It's not critical, she lives on Ski Run, owns a business, she streams videos, her kids do Zoom, and they've never had an issue with connection. There are already three towers on Ski Run, so there's no connection issue and there's never been one. This exception for Verizon/Plan revision/illegal excavation was not approved by the city. So, if it doesn't affect the groundwater then prove it because you guys have just sent your soil scientists to say that there isn't. Also, she got a little hurt that you called them complainers because they're just concerned citizens expressing their concern and feels like that's what they've always been looked like to you is complainers. She's spoken at plenty of these meetings, including the one this morning. People that we're born and raised here are fleeing their homes because of this tower and so are the animals. I hope that you listen and please for once do the right thing and uphold the appeal.

Ben Lebovitz said Mr. Marshall and your counsel would like you to believe that you were doing the correct methodology from the get go. That you've looked at all of the evidence prior, all of the

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reports prior, and you're entrusting fully in the applicant to be honest and trustworthy. When they say that this is the best position for the tower to be successful, they have a genuine interest in its placement there, from a monetary perspective and from the Verizon retail store down the street. He's sure if this appeal were upheld, they would find another location, it wouldn't be a problem.

The other aspect of this is that the assumption that anything mentioned other than excavation is unwarranted, it absolutely is warranted in particular this is the first time that they've ever listed the amount of faux material that they would put on it to help it pass scenic degradation issues. That number is 10,000 pounds of lead-based plastic and fiberglass material that needs to be accounted for. They deplete every five years. In your trust, and total faith in the group here, they hired a special photo simulation expert, they cut down 40 some trees, he doesn't think that's policy. He has five neighbors that have been trying to build a garage, that can't and have dirt access. So that comment about the garage and the foundation seems a little odd to him. The biggest thing in his mind is that there is no way this 112-foot tower will live below the tree line and when he told the job foreman at the site, he started laughing and said yeah, maybe if they grow 30 years, by the time we get done. That's how it unscrupulous it is, and he'd, implore you before you approve this this site go visit the site itself. Have any of you walked there and seen how close it is to the other homes, we're talking 200 feet, it's in violation of that. There's a condominium with hundreds of people living there. They're asking you to do the right thing for once.

Zoe Segal lives on Needle Peak and Ski Run Boulevard across from Hansen's Resort site of the soon to be cell phone tower. She feels like she lives closer than 200 feet. She agreed with previous commenters and just asking you all to as the TRPA experiencing your strength, your power in this community, what you can do, and what you have access to say no to. She's been trying to rebuild/remodel their home. It seems as though you have the community's best interest at heart. She assumes you all live here, or close by. You do have a tremendous amount of power and yes, maybe this is an appeal to the specific excavation, was this the right process, all of that? But also, they are members of this community and can say what goes and what doesn't go. When a corporation gets to come in and decide to put a huge cell phone tower right next to people's homes in the eyesight where we have tons and tons of tourism, and also people who are building a community and raising children. There's the water shed that she lives across the street from. It is absolutely way too close to that water shed, you can't even build a house on the corner of Ski Run and Needle Peak. This is just kind of ridiculous that they're still talking about this. There is so much space that is far away from people's homes and would be less impactful. Everybody will get the cell phone service they need. Verizon has no problem, T-Mobile and other cell phone providers do have a real problem. The only place that you don't get cell phone reception is at the top of Heavenly, and this is not going to help that. Why don't we put it on their property? Hope you can do the right thing and listen to all the evidence and make a decision, flex your power, you have it.

### Board Comments & Questions

Ms. Gustafson said in addition to those of you who spoke today, the Governing Board has received many, many, many emails and have continued to get comments throughout this meeting. They do read those and take those into consideration.

Ms. Aldean said it appears that they're rapidly approaching or maybe exceeded certain level of community fatigue with regard to cell phone towers. She thinks that Mr. Bass' question about a master plan is a reasonable question to ask. How many more are going to be needed logically to

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provide the service that everyone seems to demand? This has nothing to do with the action proposed today but developing one going forward. They have to abide the constraints of the action that they are being asked to take today which has to do with the depth of the foundation and not with these ancillary issues.

There was a question raised about mandatory setbacks. Is a cell tower less than the required setback for facilities of this nature?

Mr. Marshall said there's two things that you may be hearing. For the City's ordinance preferred area is an area where it's outside 200 feet of adjacent to a residence. That was passed after the City approval.

Ms. Aldean said obviously they are not here to enforce City Code requirements.

Mr. Marshall said if you're talking about the side setbacks from the lot, he'll ask Ms. Cornell to speak to that.

Ms. Aldean said no, she's talking about if TRPA Code contains any required setbacks from these facilities.

Mr. Marshall said no.

Ms. Aldean said she participated in the discussion at the Legal Committee meeting earlier this morning, and the one thing that she had to focus on as a member of this Board was not only to comply with the action that they are contemplating taking today either to uphold the appeal or to deny the appeal. There are multiple concerns about microplastics and a variety of other issues related to electromagnetic radiation. One of the concerns seems to be the safety of these facilities and will this giant tower fail one day and fall. To her, deepening the foundation is a guarantee against that, potentially. In her deliberations earlier today, that was her primary focus. Was there anything associated with deepening this foundation which would make this facility less safe? Her conclusion was that there is not. Deepening it by an additional 6 feet in her estimation, makes the facility safer, in terms of protecting the general public and the people who live within close proximity.

Ms. Conrad-Saydah said it's great to see everyone involved weighing in on this. In this discussion earlier this year, they did bring up a lot of these concerns, and thinking about a broader view. She echoed what Ms. Aldean was saying about looking at this in a broader view and to Mr. Bass' question as well. She doesn't know that they necessarily need to establish a cell tower plan, but does think they need to have a workshop or deeper discussion on the trade-offs that they make in making these decisions. Whether it's the monopine, versus scenic trade-offs, versus waste in the Lake. and having a deeper discussion about those trade-offs because that came up again in March and is obviously not what's before them today, but it is going to continually come up. She's not suggesting that they map out the cell tower needs in the entire basin but am suggesting that they have an open discussion and dialogue about residents, needs and residents' concerns over development of this type.

Mr. Bass said he disagrees. He thinks that as the land use authority that was given Congressional authority to protect Lake Tahoe, they absolutely have a duty to lay out a plan for

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telecommunications facilities in the basin the same way that they do in a national park. They need to take that authority that they hold and make that happen. The FCC has passed a very egregious law that takes local control away from local governments to do that, to tell them where they would like these. They have a 60-day shot clock when they receive an application from Verizon to make a decision on possible approval. He believes this Board has the authority with Congressional authority to go back and say we are Lake Tahoe, and we are going to make a demanded map of where cell towers can be, and they must co-locate on these cell towers because they all want cell tower service. He's not speaking against that they don't want good cell tower and cell phone service and Lake Tahoe but they need a plan. If they don't, you have to realize in a capitalistic society with four major telecommunication companies, they're going to all have their own towers. Why would they pay rent to each other, or to a somebody that owns a tower unless they're forced to, they're going to build their own. So, instead of having 30 towers at the Lake, there will be 120, every one of them will have their own tower. It's just economics and how capitalistic Boards work. They are the Governing Board and regulative authority to protect Lake Tahoe, they must stand up against this. When they were founded in 1980, it was about regulating local government, and this time it's about helping our local governments not have to keep dealing with telecommunication companies that are going to continue to basically go against any plan that they would try to put forward. The City has just passed an ordinance, saying that they don't want these within 200 feet of our residents because they have diesel generators with emissions that are unhealthy to be breathing. Mr. Albritton just got up here and told him that he would challenge that ordinance. That's what this TRPA Governing Board needs to take a look at. That is wrong, they have the authority to stop that, and they need to take that step

Ms. Novasel made a motion to grant the appeal.

Nays: Ms. Aldean, Mr. Anderson, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Yeates

Ayes: Mr. Bass

Absent: Mr. Rice, Ms. Williamson

**Motion failed.**

Ms. Gustafson thanked the public that was here. She knows that+ our processes and all local government and bi-state government processes have legal requirements that are not what you're here to talk about today, you're here to talk about the larger issues and she completely understand that. She believes that all the members of the Board greatly appreciate your comments and thoughts on this, and they look forward to working with you in the future

## IX. REPORTS

### A. Executive Director Status Report

Mr. Hester said the Tahoe In Brief – Governing Board Monthly Report is in the packet. Please let staff know if you would like to see any changes.

Staff is working on the 30/120 report that will be included hopefully starting in October. Staff is a transition to moving to the Accela and changing the processes that Mr. Stockham presented to the

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Board.

Please check your calendar for a two-day meeting in October. It's anticipated that the Executive Director interviews will be held on October 27. Staff is also going to be in agency for Wednesday, November 2, should the Board not be able to reach a decision on October 27.

They are almost ready to open the newly remodeled lobby. They've changed the physical setup; they've changed it to work hand in hand with going online and people being able to use the technology when they get here. It will be a much nicer experience for the customers. The new receptionist position will be under Ms. Regan.

### 1) Tahoe In Brief – Governing Board Monthly Report

#### B. General Counsel Status Report

Mr. Marshall said the reference to litigation at the appeal was brought by Ms. Eisenstecken and various groups on the approval of this cell tower plus some larger claims under the ADA Fair Housing Act.

The petitioners filed a third amended complaint, they moved to dismiss as well as Verizon, and the City of South Lake Tahoe. They're finishing the briefing on that this week or next week. Given the recent with the Eastern District Court in Sacramento, it will probably take a year to get a decision on whether or not all the issues as articulated in the complaint will go forward or will either portions or all of the complaint be dismissed.

Mr. Hicks asked if the Court entered any type of injunctive relief against Verizon from proceeding past this point after they pour the cement.

Mr. Marshall said no injunctive relief has been requested by the plaintiffs, and so none has been considered.

#### X. GOVERNING BOARD MEMBER REPORTS

Mr. Bass asked about a future agenda item relating to wireless telecommunication planning and how that process would start. Maybe it's an Ad Hoc committee. That is something that they need to explore.

#### XI. COMMITTEE REPORTS

##### A. Local Government & Housing Committee

Ms. Novasel said the committee will be meeting immediately after the Governing Board meeting.

##### B. Legal Committee

No report.

##### C. Operations & Governance Committee

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No report.

D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

E. Forest Health and Wildfire Committee

Mr. Hicks said they'll be meeting in November, and they'll have a number of presentations at that time with some from fire personal.

Ms. Gustafson said she was down at the fire quite a bit and SPI had about 15,000 to 18,000 acres of timberlands in Placer County in the path of the fire and did lose some of it. She was talking to one of the lead folks about some of what they're able to do now on a 100 percent slopes with equipment. It's very interesting technology that the contractors have.

Mr. Hicks said they changed their procedure in the past couple of months. That is one of the good points of advancing technology.

F. Regional Plan Implementation Committee

No report.

G. Ad Hoc Executive Director Search Committee

Ms. Aldean said the committee will meet at the conclusion of the Local Government and Housing Committee.

XII. PUBLIC INTEREST COMMENTS

None.

XIII. ADJOURNMENT

Ms. Novasel moved to adjourn.

Chair Ms. Gustafson adjourned the meeting at 3:25 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

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