

From: Terry Randel <randelfamily@comcast.net>
Sent: 9/24/2024 3:41:24 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: KEEP HOMEWOOD PUBLIC

My wife and I bought a house and moved to Tahoma as our full time residence in 2017. As native Californians, we have always enjoyed everything the Tahoe Basin provides. As life long snow skiers, we specifically moved to the west shore so we could enjoy the winters at Homewood mountain resort. We purchase annual passes and are fortunate to enjoy 25-30 days per year on this fabulous mountain. I am humbly requesting that TRPA take the necessary steps to ensure the mountain stays permanently open for us residents and the public in general. It would be a terrible consequence to have Homewood accessible to only the privileged multi-millionaires as another of their private playgrounds.

Respectfully,
Kenny and Terry Randel

From: Kathy Astromoff <kathy.astromoff@gmail.com>
Sent: 9/24/2024 3:51:15 PM
To: Alexandra Leumer <TRPALeumer@yahoo.com>
Cc: Public Comment <PublicComment@trpa.gov>; HomewoodPlan <homewoodplan@trpa.gov>;
Subject: Keep Homewood Public requests a hard reset on the Homewood project

Hello Alex - we are looking forward to seeing you in the RPC meeting tomorrow.

In that meeting, we will be asking you for a hard reset on Homewood Mountain Resort.

For over a year now, Discovery Land Company has successfully pretended to negotiate public access with TRPA and our community, while leaving open loopholes through which they can privatize Homewood after they receive permits.

Discovery Land Company develops luxury, exclusive, hyper-private resorts. They do not create public recreational areas. It is not who they are.

Please don't approve any proposal that lacks enforceable public access protections. That cannot happen.

We need a hard reset:

1. TRPA MUST REJECT THE CURRENT APPLICATION OUTRIGHT, because it lacks enforceable specifics on public recreational access.
2. The Homewood project either goes back to the approved Master Plan or starts fresh as a brand-new, completely redesigned "Community Enhancement Project" that actually enhances and serves the community.

If we don't stop this application from moving forward now, it will get harder to change its flawed public access language, since every step forward signals to the developers that they could win.

Please ensure TRPA uses its full land use planning authority to keep this flawed application from moving forward.

Thank you.

Kathy Astromoff
for Keep Homewood Public

From: Kathy Astromoff <kathy.astromoff@gmail.com>
Sent: 9/24/2024 3:48:44 PM
To: Shelly Aldean <shellyaldean@gmail.com>
Cc: Public Comment <PublicComment@trpa.gov>; HomewoodPlan <homewoodplan@trpa.gov>;
Subject: Keep Homewood Public requests a hard reset on the Homewood project

Hello Shelly - we are looking forward to seeing you at the RPC meeting tomorrow.

In that meeting, we will be asking you for a hard reset on Homewood Mountain Resort.

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Kathy Astromoff
for Keep Homewood Public

From: Kathy Astromoff <kathy.astromoff@gmail.com>
Sent: 9/24/2024 3:49:41 PM
To: Ben Kieckhefer <benontrpa@gmail.com>
Cc: Public Comment <PublicComment@trpa.gov>; HomewoodPlan <homewoodplan@trpa.gov>;
Subject: Keep Homewood Public requests a hard reset on the Homewood project

Hello Ben - we are looking forward to seeing you in the RPC meeting tomorrow.

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Thank you.

Kathy Astromoff
for Keep Homewood Public

From: Kathy Astromoff <kathy.astromoff@gmail.com>
Sent: 9/24/2024 3:50:27 PM
To: James Settelmeyer <JSettelmeyer@dcnr.nv.gov>
Cc: HomewoodPlan <homewoodplan@trpa.gov>; Public Comment <PublicComment@trpa.gov>;
Subject: Keep Homewood Public requests a hard reset on the Homewood project

Hello James - we are looking forward to seeing you in the RPC meeting tomorrow.

In that meeting, we will be asking you for a hard reset on Homewood Mountain Resort.

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Kathy Astromoff
for Keep Homewood Public

From: John Perryman <jrperryman777@gmail.com>
Sent: 9/24/2024 2:27:56 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: HMR MasterPlan "update" is a fail

Dear Sirs at TRPA

My family has owned the family cabins at 5335 and 5325 Sacramento Avenue, Homewood California since the early 1900s.

We are very concerned about the grossly insufficient "updated" planning by HMR marked for approval by the TRPA staff. There are four areas of concern to my family

1. The original 2011 plan that was approved had 1100 persons at a time and parking for that number of people. In 2016, HMR has gotten permission to have 1700 persons at a time, but has not added parking for the additional 600 people (and employees to serve them). That means that about 250 additional cars will park on the three adjacent one lane roads (South Street, Sacramento Avenue and Fawn Street), or on Highway 89 (taking spots away from those businesses). This will turn the streets I need to use to get to my house into a parking nightmare that will block access to my property, especially during winter. Failing to note this is an unforgivable error by the TRPA staff that reviewed the "update".
2. The updated "plan" calls for public contact at the southbase to be eliminated, and all the overflow parking problems and street traffic to be concentrated at the North Base. This concentration has not been studied and will make the nightmare worse, especially on the street leading to my house.
3. The updated "plan" calls for an amphitheatre to be built up the mountain, overlooking the neighborhood. Unless you prohibit electronically amplified sound at the amphitheatre, the amphitheatre will be a noise nuisance for the entire neighborhood.
4. The "updated" plan does not provide sufficient employee housing for the additional employees needed for the additional 600 persons at a time. This is relevant primarily because East Placer County has made poison pill regulations for seasonal and short term rental in its efforts to fight Airbnb. The employees will almost certainly be seasonal and will not be able to find housing or parking at a price they can afford.

TRPA should not approve the massive changes to a fifteen year old plan, that fails on the major issues damaging Tahoe (parking, traffic, overcrowding).

Keep Tahoe Public has expressed concern that the public will be excluded from HMR. To the extent that HMR is getting a free pass on proper planning in exchange for fake "amenities" for the local community, I agree with Keep Tahoe Public.

The "update" to the plan should be rejected and HMR should be told to go through a proper planning process supervised by government officials, with ample access by local property owners and residents.

John Perryman
jrperryman777@gmail.com

From: Sara L. Breckenridge <breckenridge@smwlaw.com>
Sent: 9/24/2024 3:07:34 PM
To: Cindy.Gustafson <cindygustafson@placer.ca.gov>; Public Comment <PublicComment@trpa.gov>
Cc: Joseph D. Petta <petta@smwlaw.com>; Josh Kirmsse <jkirmsse@smwlaw.com>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; fvaguilar@sos.nv.gov <fvaguilar@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Ben Kieckhefer <benontrpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; TRPA <trpa@trpa.gov>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>; BOSFive@edcgov.us <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Paul Nielsen <pnielsen@trpa.gov>; Kimberly Caringer <kcaringer@trpa.gov>; Graham St. Michel <gstmichel@trpa.gov>;
Subject: Regional Planning Committee Discussion re Homewood Ski Area Master Plan Amendment Application, TRPA File Number CEPP2014-0636-03
Attachments: [image001.png](#) , [Ltr to TRPA re KHP MPA Amendment Public Access 9-24-24.pdf](#)

Ms. Gustafson,

Please find attached a letter from Joseph Petta, on behalf of Keep Homewood Public, regarding the Homewood Ski Area Master Plan Amendment Application. Please confirm your receipt of the letter and contact our office with any questions. Thank you.



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September 24, 2024

Via Electronic Mail Only

Cindy Gustafson
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449
E-Mail: cindygustafson@placer.ca.gov
publiccomment@trpa.gov

Re: Regional Planning Committee Discussion re Homewood Ski Area
Master Plan Amendment Application, TRPA File Number
CEPP2014-0636-03

Dear Ms. Gustafson:

On behalf of our client Keep Homewood Public (“KHP”), I am writing to urge the TRPA Regional Planning Committee to reject JMA Ventures, Discovery Land Company, and Mohari Hospitality’s (“HMR”) attempt to clear the way for privatization at Homewood Mountain Resort via its Master Plan Amendment Application (“Application”).

As currently proposed, the Application would allow HMR to privatize Homewood by conflating club members and property owners with the general public. Approving the Application—and, by extension, condoning privatization—would betray TRPA’s mission and jeopardize the Community Enhancement Program (“CEP”) status and consequent benefits TRPA granted HMR in the original Master Plan approvals. In fact, HMR already enjoys benefits conferred by its CEP status and approving the Application as it stands will confer further development concessions without holding HMR to its end of the bargain. TRPA must not approve HMR’s attempt to freeride off the CEP program.

Approving the Application would also require TRPA to disclose and analyze new significant impacts to public recreation, transportation, and other changes, which were previously assessed assuming public access to the ski area. The Application—which also omits several important, required materials—should not be seriously considered until and unless HMR follows through on its original commitments and adopts an enforceable public access definition and operating plan that concretely foreclose a transition to membership-based operations that exclude the general public.

KHP recognizes TRPA staff's efforts so far to understand the substantial changes to Homewood proposed in the Application. And KHP acknowledges the work involved in preparing for the September 25 informational item. Notably, however, the agenda packet omits the elephant in the meeting room: TRPA's "proposed permit language appropriate to ensure [] consistency" between HMR's current plan for public access and the approved Master Plan, CEP status, and the certified 2011 Environmental Impact Report/Environmental Impact Statement ("EIR/EIS"). (Agenda Packet at p. 184). Although KHP appreciates this public opportunity to share its and the community's views with the Governing Board and staff, there can be no meaningful conversation about the practical and legal effect of the proposed Amendment until the public sees the language TRPA states it is developing.

I. All available evidence makes clear that HMR intends to privatize Homewood.

KHP represents concerned individuals with a longstanding commitment to maintaining public access at Homewood. In recent months, HMR has tried to lull the community and TRPA into a false sense of security by insisting they have no present intent to privatize the ski hill at Homewood. But the business practices and public statements of the companies involved tell a different story. Discovery Land Company in particular has a long history of pivoting to limit public access to recreational facilities after it receives development approvals. For example, regulators in San Martin required Discovery to maintain a degree of public access to CordeValle golf course as a condition of Discovery's use permit.¹ After it had obtained the benefits of that use permit, however, Discovery reneged and converted the course to a membership-based country club. In fact, most if not all of Discovery's facilities follow the private membership model. Discovery is best known for developing the Yellowstone Club, a hyper-luxury private resort which demands six figures for buy-in, charges five figures for annual membership, and requires members to own a home in multi-million-dollar neighborhoods nearby.

¹ See *Public Golf Play Issue at CordeValle Unresolved*, Hollister Free Lance (June 10, 2003), accessible at <https://sanbenito.com/public-golf-play-issue-at-cordevalle-unresolved/>.

HMR has also repeatedly stated their intent to privatize ski operations at Homewood and shift to a country club-style membership model. JMA did so explicitly in two letters to TRPA in 2022 and 2023. (Letter from Art Chapman to Paul Nielsen, Feb. 21, 2023; Letter from Art Chapman to TRPA, Nov. 8, 2022 [detailing the same plan]). As recently as March 2024, Mohari Hospitality openly discussed “privatizing” Homewood and making the area a “mini version” of the Yellowstone Club. (Allen Smith, Managing Partner of Mohari Hospitality, link in footnote).² The Application threatens to deliver on that promise, in spite of HMR’s attempts to whitewash past statements and hide the ball from TRPA and the public.

II. Without an adequate “public access” definition, an operational plan, and guaranteed public ski hill capacity made enforceable by specific conditions of approval, the Application subverts the purpose of TRPA’s grant of CEP status to the Homewood project.

The Application’s cover letter states that Homewood will “remain publicly accessible and will host all the community and recreational amenities the public and Agencies originally expected with the approved Master Plan.” (Introduction Letter for Master Plan Revision (“Introduction Letter”) at 1). But HMR has already made clear that it believes it can privatize ski operations under the original Master Plan. (*See e.g.*, Letter from Art Chapman to Paul Nielsen, Feb. 21, 2023; Letter from Art Chapman to TRPA, Nov. 8, 2022 [detailing the same plan]). The cover letter statement is not the commitment HMR purports it to be.

Equally significant, the Application never actually explains what “publicly accessible” means in context, nor does it provide specific and enforceable public access standards to which HMR must adhere. Given HMR’s refusal to commit to meaningful public access, approving a Master Plan Amendment without such definitions and standards fundamentally compromises the “community and recreational amenities the public and Agencies originally expected.” (Introduction Letter at 1).

HMR and TRPA made clear in 2008 that Homewood is a significant public recreational resource when TRPA designated the Homewood Master Plan as a Community Enhancement Project through Resolution 2008-11. To secure that designation and the attendant development concessions, HMR agreed to specific development and operational conditions. (Homewood Mountain Resort Ski Area Master Plan CEP Project, Final EIR/EIS, Appendix FF [discussing “requirements for continued participation] in the CEP program]).

² <https://drive.google.com/file/d/1NXp71FiH5t3xzy0XgmYqKIoZqz23aO8a/view?pli=1>

One such condition is public access. The Homewood CEP designation committed HMR to maintaining public access consistent with Homewood’s recreational capacity allocation, as measured by Persons-At-One-Time (“PAOT”). PAOTs are a recreation-use metric that quantifies public access capacity and refers to the number of simultaneous members of the general public that a given area can support. (EIR-EIS at 3-8). A PAOT allocation is both a limit on capacity and a target. (*See e.g.*, Tahoe Regional Planning Agency, 2015 Threshold Evaluation Report, Chapter 11 – Recreation at 11-13 [“To achieve a fair share distribution of recreation opportunities throughout the Region, in 1987 TRPA established and implemented a “persons at one time” (PAOT) recreation capacity allocation system . . . The PAOT allocations are used as both a target for desired recreation capacity, and a maximum limit to the recreational use that can be supported in the Region.”]). Homewood has a winter daytime PAOT allocation of 1,704 persons. (EIR-EIS at 3-8). To earn its CEP designation, TRPA required HMR to show that the development of the ski hill under the Master Plan “does not propose to reduce the existing PAOT allocation” and that “[b]y keeping the ski resort open, existing PAOTs assigned to Homewood would remain in operation.” (Homewood CEP Matrix (Sep. 30, 2011) at 5). Thus, to maintain its CEP designation—which was a defining characteristic of and fundamental predicate to approval of the original Master Plan—HMR must commit in a binding and enforceable manner to provide winter recreational access for 1,704 members of the general public at any given time. If HMR fails to do so and Homewood loses its CEP status, the entire Master Plan must be reassessed.

The Application presently before TRPA elides the original CEP commitment. The Application materials do not define “public access” and only vaguely defines “general public” as anybody who accesses Homewood Mountain Resort, including resort homeowners and “members” of Developer’s trademarked and highly touted exclusive membership model. (Revised Project Narrative and Comparison (July 2024)). This definition enables HMR to allocate all of its current 1,704 PAOT allocation to private owners, members, and their guests at the expense of the true public: anyone not affiliated with a Homewood member. Consequently, the Application’s claim that the “Proposed Master Plan Revision does not propose to expand or change the allotted PAOT capacity from the capacity reserved under the original approvals” is a fiction. (Homewood Community Enhancement Program Compliance Summary at 6). So long as private members suffice as allegedly “public” visitors, HMR will have the power to effectively eliminate true public access whenever it chooses.

Any Master Plan Amendment must guarantee that HMR keeps its original public access promise. Without it, the project no longer delivers the benefits it pledged, which invalidates the concessions provided to HMR in return and undermines all of the environmental and land use review that justified the Master Plan in the first instance.

Breaking the original public access commitments nullifies the project's CEP status and forces TRPA, HMR, and the community back to square one.

III. Unless the Master Plan Amendment restricts Developer's ability to rely on property owners and private members to meet Homewood's PAOT allocation, the Master Plan Amendment must undergo additional environmental analysis.

TRPA's Compact requires a "detailed environmental impact statement [(“EIS”)] before deciding to approve or carry out any project" that may have a "significant effect on the environment." (TRPA Bi-State Compact (“Compact”), Art. VII(a)(2)). In preparing an EIS, TRPA must use “a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking.” (*Id.*). The Compact requires that an EIS consider the project's significant environmental impacts, set forth alternatives and mitigation to reduce these impacts, and find that all feasible mitigation has been adopted. (*Id.*, Art. VII(a)(2), (d)). TRPA must also consult with relevant public agencies and provide a minimum 60-day public comment period on the EIS. (*Id.*, Art. VII(b); TRPA Code of Ordinances, Section 3.7.1.D). TRPA rules also require preparation of a supplemental EIS where changes in a project or the circumstances in which it is undertaken may result in new significant impacts not considered in a previous EIS. (TRPA Rules of Procedure, Rule 6.15).

The 2011 Homewood Master Plan underwent environmental review. TRPA assigned Homewood a winter daytime PAOT allocation of 1,704 persons and analyzed the Master Plan based on the understanding that Homewood would provide commensurate public access. (*See e.g.*, EIR/EIS at 18-19 [“Therefore, Proposed Project (Alternative 1/1A) and Alternatives 3, 5, and 6 are not expected to exceed the existing TRPA PAOT capacity for HMR or result in an adverse impact on additional recreational capacity”], 18-21 [“HMR closure would cause the loss of the existing 1,704 PAOT recreational capacity in the Basin for skiing and winter sports activity,” which would be “considered a cumulatively considerable impact to the recreational thresholds”]). In so doing, TRPA paid particular attention to whether changed operations at Homewood would impact TRPA's ability to meet its recreational Environmental Threshold Carrying Capacities (“ETCC”) developed pursuant to the Compact. (EIR/EIS at 18-2; Compact Arts. I(b), V(b).) Those thresholds direct the TRPA Board to:

- *Preserve and enhance the high-quality recreational experience* including preservation of high-quality undeveloped shorezone and other natural areas;

- Consider provisions for *additional access*, where lawful and feasible, to the shorezone and high-quality undeveloped areas for low-density recreational uses; and
- *Establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public.* (EIR/EIS at 18-2 [emphasis added]).

To give effect to the ETCC thresholds “[i]n the environmental review of projects, the TRPA defines an impact based upon whether the action will degrade the quality of the recreation experience, quantity and capacity of existing recreational opportunities, or public access to recreational areas.” (*Id.* at 18-2, 18-3). In this case, TRPA assessed that the Homewood Master Plan could create a significant recreational impact for the purpose of environmental review and Regional Plan compliance if it resulted in the “[e]limination of or significant reduction to an existing recreation use” (*id.* at 18-12, Table 18-1), such as by closing the ski hill (*id.* at 18-15 [concluding that closing the ski hill would result in a significant recreation impact and “conflict with TRPA recreation thresholds to increase the amount and quality of recreational opportunities”]). The only reason the adopted Master Plan did not result in a significant recreational impact was because it promised to “renovate and enhance existing ski area facilities” for the benefit of the general public. (*Id.*).

Consequently, altering the Master Plan without a robust public access definition would undermine the environmental review conducted for the project, particularly with respect to its analysis of recreational and transportation impacts. Indeed, if HMR reduces actual public access by sneaking property owners and private members into their definition of “public” (and thus into their accounting of PAOTs), the project’s environmental assessment will be rendered obsolete.

In that circumstance, TRPA’s Rules of Procedure require supplemental review. TRPA must conduct supplemental review if “subsequent changes are proposed in the project that involve new significant adverse effects not considered in the prior EIS.” (TRPA Rules of Procedure, Rule 6.15.1(a)).³ The Amendment gives HMR the power to

³ The Supplemental Review provisions encourage additional review even more than similar standards in the California Environmental Quality Act (“CEQA”). (*Compare* Cal. Pub. Res. Code § 21166(a) [stating that “no subsequent or supplemental environmental impact report shall be required by a lead agency . . . unless one or more of the following events occurs: *substantial changes* are proposed in the project which will require *major revisions* of the environmental impact report”] [emphasis added], with TRPA Rule

dramatically restrict public access compared to the original Master Plan, which would change the prior assessment of recreational impacts, transportation impacts, and potentially other environmental impacts. Consequently, any Master Plan Amendment that would allow HMR to exclude the general public by prioritizing access for property owners and private members must undergo supplemental environmental review.

As the court held in *League to Save Lake Tahoe v. TRPA*, 739 F.Supp.2d 1260 (E.D. Cal. 2010) (“*League*”), TRPA’s actions to approve projects “must avoid impacting recreational access” to resources over which TRPA holds jurisdiction. (*Id.* at 1287, *aff’d in part, vacated in part*, 469 Fed.Appx. 621 (9th Cir. 2012)). In *League*, the court held that TRPA could not simply conclude that a pier project on Lake Tahoe would not impact recreation, based on TRPA’s “unexamined assumption” that the State Lands Commission would “pick[] up TRPA’s slack” to mitigate or avoid recreational impacts if TRPA “shirk[s] its own duty” to do so. (739 F.Supp.2d at 1287). Similarly here, TRPA cannot simply assume, based on HMR’s hollow assurances, that the Project will not negatively impact recreation by limiting access by the general public in favor of property owners or exclusive members. TRPA must actually analyze—meaning quantify—the potentially significant impact on public recreation and propose alternatives or mitigation. This should include binding, enforceable conditions on the resort’s daily ski operations to reduce or avoid the potential impact.

IV. The Application also omits several important and mandatory materials and is incomplete.

In addition to hiding the ball on public access, the Application fails to meet several key requirements for a master plan amendment. For example, the parcel map does not include the boundary overlay for former Plan Area 157 (“PAS 157,” Homewood’s recreational zone) nor show the western or southern boundaries of the parcels. (Revised Parcel Map, Lot Configuration Exhibit). A variety of items in the Initial Environmental Checklist, including risk of upset, public services, air quality, and water quality make assumptions and statements that lack any enforceable specifics. (Initial Environmental Checklist for Determination of Environmental Impact at 9-13, 19, 23). The list of proposed improvements needed to qualify for continued CEP benefits is cursory and lacks enforceable specifics or plans about its obligations, despite these obligations being

6.15.1(a) [stating that “TRPA *shall require* preparation, circulation, and certification of a supplemental EIS if: *subsequent changes* are proposed in the project that involve new *significant* adverse effects not considered in the prior EIS”] [emphasis added]). Unlike CEQA, the statute states the agency obligation affirmatively and does not require a “major” revision nor a “substantial” change, so long as the subsequent changes involve a new significant effect.

central to the viability of the project. (*See e.g.*, Homewood Community Enhancement Program Compliance Summary at 2 [stating that HMR will transfer and bank applications to TRPA without any enforceable specifics]; 3 [stating land coverage removal and restoration without providing specific comparisons to line-item data in 2011 Master Plan]; 4 [providing cursory discussion of employee housing without stating whether the project will further contribute to Placer County’s affordable housing mandates]). These deficiencies are merely a sample of the missing, incomplete, or unsatisfactory elements of the Application that HMR must submit before TRPA seriously considers any Master Plan Amendment.⁴

Additionally, the Application does not assess the potential residential development that has been proposed in PAS 157. The original EIR/EIS considered the Master Plan in the context of all twenty Homewood lots. It recognized that Lots 12 and 13, zoned for recreational use in PAS 157, were owned by a third party rather than HMR. (EIR/EIS at 3-3, Table 3-2). But TRPA nonetheless considered the effect of developing an access road across those lots on the overall impacts of the Master Plan. (*See e.g.*, Master Plan at 10 [depicting the easement area]). Recently, the owner of Lots 12 and 13 has approached the County with plans to develop residential projects. KHP understands that no application is yet pending before TRPA. But the potential for residential development—which would require analysis and discretionary approval by TRPA (EIR/EIS, Appendix E [residential development in the recreation zone requires a special use permit])—could significantly compound or change impacts related to other Master Plan developments. The current Application and the proposed development of Lots 12 and 13 are thus inextricably linked. Analyzing the Application without also considering the development proposed for Lots 12 and 13 piecemeals TRPA’s consideration of the true consequences of the Master Plan build-out, and would almost certainly obscure of the impacts of the proposed development.

⁴ Furthermore, although the staff report does not directly address the sufficiency of the Application or the accuracy and adequacy of its supporting documentation, the report implies that staff may be willing to take HMR’s analysis of the Amendment’s potential impacts at face value, without conducting TRPA’s independent inquiry. *See e.g.*, Agenda Packet at p. 189, stating that “[c]ompared with the original 2011 Master Plan proposal, the [Developer’s] traffic analysis concluded that the Master Plan Amendment further reduces trips in both winter and summer due to the reduction in residential density; hence, this revision supports [TRPA’s] goals of trip reduction.” (emphasis added). Without exercising its independent judgment in evaluating HMR’s self-serving conclusions, TRPA will have failed to take the “requisite ‘hard look’” at the Amendment’s impacts. *League*, 739 F.Supp.2d at 1289.

V. Given these issues, TRPA must only consider any Master Plan Amendment with two contingencies: a true public access standard and enforceable conditions of approval.

TRPA can only act on the Application—and HMR can only lawfully proceed with any project changes—if two conditions are met. First, TRPA must require the project to adhere to a public access standard that guarantees the same access for the general public, as for any owners or members, as HMR originally promised and the Master Plan’s CEP status and the original environmental review require. Ultimately, TRPA and HMR must guarantee the mountain’s true public capacity approaches what the public enjoys today. KHP recommends the following standard as a starting point:

Homewood Mountain Resort will remain a key gathering center for Lake Tahoe’s West Shore and will maintain its heritage as a ski resort that can be enjoyed equally by local residents and visitors. To that end, and to ensure a fair share of the region’s capacity for outdoor recreation is available to the general public, Homewood Mountain Resort will provide access to the general public, for a fee that is reasonable (relative to Tahoe Basin resorts with similar terrain) or for no fee, for recreation purposes on a daily basis. For the purpose of this Master Plan, “general public” means any visitor who is not an owner, shareholder, resident, member, or family member or guest of any resident or member or owner or shareholder, of Homewood Mountain Resort or any of its affiliates. “Visitors” include ski lift pass holders, hikers, cyclists, and customers of Resort retail establishments. The general public will have year-round access to Homewood Mountain Resort’s retail establishments and recreation facilities, including ski facilities and other outdoor recreation amenities, on equal footing to any Resort owner, shareholder, resident, member, or family member or guest of any resident or member or owner or shareholder, including but not limited to access to the same ski runs, ski lifts, hiking trails, restrooms, and days and hours of operation.

Second, TRPA must ensure, through concrete and enforceable conditions of approval, that HMR and any successors in interest actually maintain equitable public access. TRPA and HMR entered into an agreement when HMR sought CEP status, and TRPA has the power to hold HMR to its end of the bargain. (See Homewood CEP Matrix at 5 [“the existing count for PAOTs associated with new and existing lifts *shall be verified* as a condition of approval] [emphasis added]; see also *id.* at 4 [HMR shall “provide proof of an *irrevocable commitment* to providing proposed transit services”] [emphasis added]; 5 [HMR must maintain a “recorded *irrevocable agreement* that reserves the appropriate portions of the Mid Mountain Lodge as a public use area”] [emphasis added]; TRPA Code of Ordinances, Section 33.3.D(3); Compact, Art. VI(a)-(b)). TRPA must ensure that HMR adheres to its public access and capacity commitments.

Cindy Gustafson
September 24, 2024
Page 10

VI. Conclusion

KHP respectfully urges TRPA to set aside the Application until a robust public access definition and related conditions of approval are established, and a complete Application is submitted. Without TRPA's vigilance, HMR will privatize Homewood and deprive current and future generations the opportunity to visit and enjoy one of Lake Tahoe's local treasures.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph "Seph" Petta

cc: Alexandra Leumer, TRPA
Shelly Aldean, TRPA
Ben Kieckhefer, TRPA
James Settlemeyer, TRPA
John Marshall, TRPA
Kathy Astromoff, Keep Homewood Public
Ted Peterson, Keep Homewood Public

From: Ann Copenhagen <acopenhagen@yahoo.com>
Sent: 9/24/2024 4:24:47 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Keep Homewood Public

My name is Ann Copenhagen and my family owns a home in Homewood.

Three generations of my family have enjoyed the Homewood area for more than 50 years. Two of those generations learned to ski on the family friendly mountain. I would hate for our community access to be lost.

I want continued public recreational access to Homewood Mountain, while unlocking the redevelopment promised in the 2011 Master Plan. But I no longer believe the developers are negotiating in good faith with either the community or TRPA.

I think the developers intend to privatize after receiving approvals. They're actively disrespecting not only our community, but also the communities surrounding other global Discovery resorts. And - both the application and the staff report for this meeting fail at adequately defending public access.

So I'm asking you for a hard reset. TRPA must reject this application outright. If we don't stop this project from moving forward now, it will get harder to change its flawed public access language, since every step forward signals to the developers that they could win.

Please make sure Discovery Land Company, JMA Ventures, and Mohari Hospitality all hear your unambiguous message: Homewood is a public recreational mountain, and TRPA will use all its powers to ensure it stays that way.

Thank you.

Ann Copenhagen

From: TRPA <trpa@trpa.gov>
Sent: 9/20/2024 3:25:43 PM
To: Public Comment <PublicComment@trpa.gov>; HomewoodPlan <homewoodplan@trpa.gov>
Subject: Fw: Homewood Master Plan Informational Presentation September 25/Letter submittal
Attachments: [image001.jpg](#), [TRPA CEP re Homewood.pdf](#)

From: Peggy Sornborger <peggysornborger166@gmail.com>
Sent: Friday, September 20, 2024 2:14 PM
To: Hayley Williamson <hayley.a.williamson@gmail.com>; fvaguilar@sos.nv.gov <fvaguilar@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Belinda Faustinos <belindafastinos@gmail.com>; TRPA <trpa@trpa.gov>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; bosfive@edcgov.us <bosfive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>
Cc: Mary Porteous <mary.porteous@comcast.net>
Subject: Homewood Master Plan Informational Presentation September 25/Letter submittal

Please find below my Letter for Public Record.

Dear TRPA ,Government Officials & Interested Parties : Regarding JMA's & Discovery Land Co. Application revision for Homewood Ski Area.

We, The Homewood Community Residents, are asking for a hard reset on Homewood Mountain Resort. JMA & Discovery Land Company has not been negotiating in good faith & has failed to provide specific language with enforceable penalties to ensure Homewood Ski Area remains fully accessible to the Public.

TRPA is obligated to reject JMA's Application since specific language acceptable to "Keep Homewood Public" has not been included, and there is no longer any community support.

The 24 pages of the TRPA Community Enhancement Program (CEP) repeatedly outline TRPA's Goals and Responsibilities with ensuring Public Access and Support.

Please find the following excerpts from TRPA CEP published August 2007.

"The program is competitive and is designed to encourage the "best" projects that will demonstrate the **desires of the community** captured in the regional vision and outlined in the Special Projects code section

The CEP is front loaded to shape projects early in the design stages to **ensure they meet the criteria**, rather than react to projects that are completely designed before submittal

The CEP is not a code avoidance program. Community Enhancement Projects are intended to **provide clear public benefit, feature public-private** partnerships and help form possible improvements to local/regional codes and regulations.

II Goals and Objectives

Gathering Places

- Enrich the Lake Tahoe region and **improve resident's** quality of life by providing new and improved gathering places, community services and cultural centers

Lake Tahoe Community Enhancement Program
August 1, 2007 TRPA & Regional Planning Partners 5

B. Special Project Goals and Objective

Provide **public access and opportunities** to recreational facilities such as trails, bike paths, beaches, and playgrounds/parks

Provide a reduction in overall land coverage

. Process Goals and Objectives

Projects that feature a public/private partnership for cooperative implementation.

Provide projects that have **clear public benefits with strong public support**

Lake Tahoe Community Enhancement Program
August 1, 2007 TRPA & Regional Planning Partners 6

III. PROJECT DEFINITION, PRE-APPLICATION CRITERIA AND PREREQUISITE INFORMATION REQUIREMENTS

Only those proposed projects that meet all requirements listed below, as determined by TRPA and the applicable local jurisdiction, are eligible to move forward in the process. TRPA retains the discretion to accept or reject any or all pre-applications or applications

7. Establish **successful relationships between all partners (public and private)** including **public** and local jurisdiction **support**,

Lake Tahoe Community Enhancement Program
August 1, 2007 TRPA & Regional Planning Partners 15

C. Process Goals and Objectives

Goal 8: Projects that feature a **public/private** partnership for **cooperative** implementation.
Provide projects that have **clear public benefits with strong public support**"

All of the above was copied & pasted from the TRPA CEP published August 1, 2007.

From the above stated goals and **responsibilities of TRPA, JMA's application cannot be approved since they failed to provide specific language with enforceable penalties.**
This language is critical to ensure public access as required under the terms of the CEP. It is TRPAS responsibility to only approve CEPs that have the strong support by the community. The current Homewood project with their disingenuous negotiations clearly does not have community support.

Thank you for doing your job to protect Lake Tahoe and our Homewood Community.

Margaret Sornborger
6150 McKinney Dr.
Resident & Homewood skier since 1996

PS: If JMA/Discovery Land Co. was truly interested in our Homewood community, the ski area with its desperate need of improved ski lifts would have been their first priority—not their last.

On 09/17/2024 2:34 PM PDT HomewoodPlan <homewoodplan@trpa.gov> wrote:

Hello!

Thank you for requesting to be updated on the Homewood Mountain Resort Master Plan proposal.

The Tahoe Regional Planning Agency (TRPA) has scheduled an informational presentation on the proposed master plan revisions for **September 25** to the TRPA Governing Board Regional Planning Committee. There will be no staff recommendation or Governing Board decision at the meeting. All are welcome to attend virtually or in person. The agenda will be posted to the [Meetings and Notices](#) page on Wednesday, September 18.

This is the first informational briefing to the Regional Plan Committee on the Homewood Master Plan. The purpose of the meeting is to provide the committee an overview of Homewood's application, answer questions, and garner feedback from the committee members and members of the public on the proposed elements and next steps.

The next step in the process will be an informational briefing to the TRPA Advisory Planning Commission, tentatively scheduled for **October 9th**. We are keeping the [Homewood Resort Master Plan webpage](#) updated with status, links to application documents, and public input opportunities as they are scheduled. Please check the website occasionally for new information and watch for emails from HomewoodPlan@trpa.gov.

We appreciate you reaching out to us. Your comments will be included in the public record and shared with Governing Board members throughout the application process.

TRPA Staff

Paul Nielsen
pnielsen@trpa.gov
Special Projects Manager

Jeff Cowen
jcowen@trpa.gov
Public Information Officer



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September 17, 2024

Dear TRPA: Regarding JMA's Application revision for Homewood Ski Area.

The Homewood Community Residents are seeking specific language with enforceable penalties to insure Homewood Ski Area remains fully accessible to the Public.

TRPA is obligated to reject JMA's Application if specific language acceptable to "Keep Homewood Public" is not included.

The 24 pages of the CEP repeatedly state TRPA's Goals and Responsibilities in assuring Public. Access and Support.

Please find the following excerpts from TRPA Community Enhancement Program published August 2007.

"The program is competitive and is designed to encourage the "best" projects that **will demonstrate the desires of the community** captured in the regional vision and outlined in the Special Projects code section

The CEP is front loaded to shape projects early in the design stages to ensure they meet the criteria, rather than react to projects that are completely designed before submittal

The CEP is not a code avoidance program. **Community Enhancement Projects are intended to provide clear public benefit, feature public-private partnerships** and help form possible improvements to local/regional codes and regulations.

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Lake Tahoe Community Enhancement Program
August 1, 2007 TRPA & Regional Planning Partners 5
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Lake Tahoe Community Enhancement Program
August 1, 2007 TRPA & Regional Planning Partners 6

III. PROJECT DEFINITION, PRE-APPLICATION CRITERIA AND PREREQUISITE INFORMATION REQUIREMENTS

Only those proposed projects that meet all requirements listed below, as determined by TRPA and the applicable local jurisdiction, are eligible to move forward in the process. TRPA retains the discretion to accept or reject any or all pre-applications or applications

7. **Establish successful relationships between all partners (public and private) including public and local jurisdiction support.**

Lake Tahoe Community Enhancement Program
August 1, 2007 TRPA & Regional Planning Partners 15
C. Process Goals and Objectives

Goal 8: Projects that feature a public/private partnership for cooperative implementation.

- A. Provide projects that have **clear public benefits with strong public support**

All of the above was copied & pasted from the TRPA CEP published August 1, 2007.

From the above stated goals and responsibilities of TRPA, JMA's application cannot be approved without the specific language with enforceable penalties as requested by "Keep Homewood Public"

This language is critical to insure public access as required under the terms of the CEP.

Thank you for doing your job to protect Lake Tahoe and our Homewood Community.

Mary Porteous
6150 McKinney Dr.
Resident & Homewood skier since 1996