

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Online Meeting
Via GoToWebinar

July 22, 2020

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 10:15 a.m.

Members present: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Mr. Bruce, Mr. Cashman, Mr. Wlaschin for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Members absent: Mr. Hicks

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Ms. Marchetta said Consent Calendar Item Number 3 is continued to the August meeting. It was also continued to August at the Operations and Governance Committee earlier this morning.

Mr. Yeates deemed the agenda approved as amended.

IV. APPROVAL OF MINUTES

Ms. Aldean moved approval of the June 24, 2020 minutes as presented.
Motion carried.

V. TRPA CONSENT CALENDAR

1. Release of Placer County Water Quality Interest Mitigation Funds (\$10,000), and Air Quality Interest Mitigation Funds (\$50,000) for Phase 1 of the North Tahoe Recreational Access Plan
2. Release of City of South Lake Tahoe Air Quality Mitigation Funds (\$35,000) for complete reconstruction of a deteriorated bike trail on the Emerald Bay Road corridor
3. Disbursement of \$2,204,709.40 in Excess Coverage Mitigation Funds **Continued to August**
4. APC Membership appointment for the Tahoe Transportation District primary representative, Steve Teshara and alternate, Cody Bass, and the Tahoe Basin Fire Chiefs representative, Eric Guevin
5. Allison/Lockwood New Multiple-Parcel Pier, 184 & 200 Rim Drive, Placer County, California, APNs APNs 117-010-015 & -016 & 117-010-013 & -014, TRPA File Number ERSP2020-0045
6. De Laurentinum Limited Partnership New Pier & Multiple-Parcel Designation, 9101 HWY 89 and and 9120 South Lane, El Dorado County, California, APNs 016-131-007 & 016-131-001, TRPA File Number ERSP2020-0002

GOVERNING BOARD

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Ms. Aldean said the Operations and Governance Committee recommended approval of items one and two.

Ms. Aldean said that the staff report for Consent Calendar Item Number 5 stated that there were no written comments received. She asked if there were any written comments received for either Consent Calendar Item Number 5 or 6, proposed pier projects.

Ms. McMahon said she was the planner for Consent Calendar Item Number 5 and there were no written comments received.

Ms. Good said she was the planner for Consent Calendar Item Number 6 and there were no written comments received.

Public Comments & Questions

None.

Ms. Novasel moved approval.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Wlaschin for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Motion carried.

Ms. Aldean moved to adjourn as the TRPA and convene as the TMPO.
Motion carried.

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Amendment No. 8 to the 2019 Federal Transportation Improvement Program

Ms. Aldean said the Operations and Governance Committee recommended approval of item one.

Public Comments & Questions

None.

Ms. Aldean moved approval.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Wlaschin for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Motion carried.

Ms. Aldean moved to adjourn as the TMPO and reconvene as the TRPA.
Motion carried.

VII. ADMINISTRATIVE MATTERS

A. Resolution Recognizing Bill Craven, Chief Consultant, California Senate Natural Resources Committee

TRPA team member Ms. Regan said she's had the privilege of working with many extraordinary members of staff. TRPA is fortunate to work with not only our federal delegation but both California and Nevada and the local government representatives. Today, what stands out is one incredible person that she's had the opportunity to work with for the past 10 to 12 years. Bill Craven has been the Chief Consultant at the California Senate Natural Resources Water Committee for the State of California. Truly, it stands out in her tenure at TRPA and the relationships that we've had the good fortune to work with. The people who work behind the scenes like Bill, are extremely important. They often don't get the credit for their hard work because elected officials are certainly in that role. We would like to recognize Bill for his contributions not only to Lake Tahoe but to the entire State of California which has rippled throughout the country in terms of the leadership on some of the environmental policy issues that Bill has worked on for many years. When you think of the environmental improvement program in Tahoe and the hundreds of millions of dollars that have been flowing through California here to the Basin, Bill has had a hand in that, and his policy legacy will live on for future generations.

Mr. Yeates read the resolution into the record.

Mr. Craven thanked the Governing Board for the resolution and said it's an honor. It's been great to work on issues in the Basin and even better when he could visit the Basin while working on those issues.

Board Comments & Questions

Mr. Lawrence said he heard Bill's name and reputation for many years before he had the opportunity to meet him. When they met and started working together it was under stressful and tough situations. That was when the relationship between California, Nevada, and TRPA was not at its high point. Bill's work, guidance, and perspective was key and valuable in the years that we were able to piece everything back together and have Nevada stay in the Compact and get the Regional Plan Update across the finish line. He thanked Bill both personally and from the State of Nevada.

Mr. Craven said it was important to resolve that bi-state issue.

Ms. Gustafson recognized Bill for his outstanding leadership and wisdom. He's been willing to share his perspective, honesty, and integrity. She appreciated working with him for many years and said his dedication towards our natural resource is phenomenal.

Mr. Bruce said he sent Bill a note on behalf of himself and the State of Nevada. It encapsulates the way he feels about Bill and his leadership. "Thank you for all you've done for our natural environment. We, including our children owe you a life time of outdoor happiness and adventure for your leadership and inspirational service over the years."

Ms. Regan said for those of us who do a lot of work with the legislatures understand the frenetic pace and the demands of time. Bill was always there for everyone, despite the crazy demands of his job.

Mr. Yeates said he's enjoyed working with Bill and it was Bill who got him appointed to this board. Our work will continue here on items such as getting the implementation of the vehicle miles traveled completed.

Public Comments & Questions

None.

Board Comments & Questions

Mr. Bruce moved approval.

Motion carried.

VIII. PLANNING MATTERS

A. Year in Review of Environmental Improvement Program Activities and Projects

TRPA team member Ms. Caringer provided the presentation.

Ms. Caringer said this is a 2019 year in review. With nearly 80 different partners implementing projects around the lake, it's impressive on what gets put on the ground in one year. The Environmental Improvement Program began in 1997 and is the implementation arm of the Regional Plan to accelerate the progress on threshold attainment. It's divided into four program areas: Watersheds and water quality that focuses on watershed restoration and improving lake clarity; Forest Health that focuses on protecting our communities from catastrophic wildfire and reducing hazardous fuels in the wildland urban interface. Also, restoring the forests to make it more resilient to threats such as climate change; Sustainable Recreation and transportation focuses more on the people aspect of how it interacts with the environment and improving the public access to the lake and public lands, improving air quality and getting people out of their cars and onto bike trails and pedestrian paths; Science, Stewardship, and Accountability: Applied science to ensure that all of the projects are informed by the best available science. Stewardship focuses on getting the public, the visitors, and residents involved in taking care of Lake Tahoe. Accountability is showing how we're spending all of the public and private funds for this program and making progress.

Watersheds and Water Quality: One aspect of that is the Stormwater Management Program and is largely implemented by the local jurisdictions. The local jurisdictions are continuing to exceed targets of the fine sediment, phosphorus, and the nitrogen load preventing that from flowing into Lake Tahoe and its tributaries. Cumulatively, they've prevented 476,000 tons of fine sediment from going into the Lake. That's a modeled number using scientific modeling to show where a project is implemented and the type of project and how much fine sediment reduction can be achieved based on location. Over 7,000 miles of street sweeping occurred last year by the local jurisdictions as part of implementing water quality projects and the total maximum daily load.

A couple of projects highlighted for the watershed restoration program are the Rosewood Creek and Third Creek restoration. Those tributaries to Lake Tahoe on the Nevada side have had many projects over the years. Through segment by segment on improving the erosion, wildlife habitat, water quality of those streams making it better for fish to migrate up and for less sediment to migrate down. Another watershed restoration program project is the City of South Lake Tahoe's Bijou Park Creek restoration project. The Whole Foods store opened last year in this area. That area now has a restored stream environmental zone restoration area that can capture water and take it behind the Whole Foods center and go under the road to Lake Tahoe. It was prone to flooding when it was the Knights Inn. Another project to highlight is the US Fish and Wildlife Service and the Nevada Department of Wildlife who were able to release about 5,000 Lahontan Cutthroat Trout into Lake Tahoe this past year. They did it as part of a media event at Fall Fish Festival to create a stewardship event to see these iconic native species and how they're introduced. They're all tagged and able to be caught by anglers. They're monitored to see where the Lahontan Cutthroat Trout go in Lake Tahoe and how they use this habitat to gain information for future restorations.

The Aquatic Invasive Species program is also part of the watershed and water quality program. There'll be more discussion on the Tahoe Keys later today. The other is the AIS prevention program which continues to protect the Lake from no new invasions.

Last year, one of the control projects was the Meeks Marina restoration. The former Meeks Marina was decommissioned but was infested with about three acres of Eurasian Watermilfoil. The Forest Service Lake Tahoe Basin Management Unit was able to partner with TRPA and the Tahoe Resource Conservation District to lay down mats in Meeks Creek. The mats were put down last year and are still in place. This is phase one of a bigger restoration project for that entire area of the Meeks Bay ecosystem recreation.

Forest Health: This has two programs within this focus area; Community Wildfire and Protection Program and Forest Restoration. The Community Wildfire and Protection Program focuses on reducing hazardous fuels in the wildland urban interface in preventing catastrophic wildfire. There were 5,408 parcels inspected for defensible space. That is thanks to new funding sources that the Tahoe Fire and Fuels Team were able to garner through the Southern Nevada Public Land Management Act funding and it gave more capacity for the local fire districts to increase their defensible space. It was also attributed to the homeowners being aware of the wildfire danger. The Tahoe Network for Fire Adaptive Communities has been part of the Tahoe Fire and Fuels Team and facilitated by the Tahoe Resource Conservation District focuses on informing the public about defensible space and living with fire. They held numerous block parties, public workshops, attended the local farmers markets with over 22 community events to inform people about wildfire danger and what they can do to protect themselves.

The Forest Restoration Program focuses on restoring the forest and creating healthy forest that are more resistant to wildfire. There were approximately 4,600 acres that were treated last year by a variety of different partners. The Lake Tahoe Basin Management Unit is about 3,000 acres of that and are the largest land owner in the Basin. There were 327 acres of private land treated last year which was much higher than previous years. Usually, it's around 10 to 30 acres on an average year. This was attributed to local fire districts implementing on private land. There were 535 acres treated by the State of California which was another record for one year and 300 acres were treated for the Spooner Lake Resilience Project. Highlighting two of those fire districts are the Tahoe Douglas Fire District who completed two large projects; one was a 56 acre thinning on top of Kingsbury adjacent

to the Tahoe Village Homeowners Association Community and 138 acres on private land in between Round Hill and Zephyr Cove. The North Lake Tahoe Fire Protection District were able to do two projects with Diamond Peak. Then also partnered with the Forest Service, state, and private property owners in the Crystal Bay area to get into some tough areas on a steep slope.

Sustainable Recreation Program: There's been improvements to trailheads over the past few years. As these trailheads increase in popularity, better parking, BMPs, and amenities become important to protect the environment and give visitors a better experience. One of the projects was at the top of Kingsbury at the North Benjamin Drive access to the Tahoe Rim Trail along with a couple of other hiking and mountain biking trails. Before it was dispersed parking often in the dirt with not a lot of BMPs. It improved the parking lots, trail maps, and restrooms. The North Tahoe Public Utility Districts trail improvements were at the North Tahoe Trail access point in the North Shore.

Also, for sustainable recreation there's major progress happening on the State Route 89 and the State Route 28 Corridor Planning. The Incline to Sand Harbor Tahoe Trail was open to the public last year and are seeing record visitation. The next eight miles is in planning and should happen later this year. Funding was acquired to start the State Route 89 feasibility study of the Tahoe multi-use pedestrian and bike path.

Transportation: Highlighted projects are the Meyers roundabout that was implemented by Caltrans and the Tahoe City Community Revitalization Program phase one project for the roundabout and the new bridge crossing over the Truckee River. In the City of South Lake Tahoe there was the Sierra Boulevard complete streets project that was finished last year through the City and the South Tahoe Public Utility District.

Science Program: The Tahoe Science Advisory Council is continuing to look into lake clarity and the divergence between winter and summer clarity. They're actively working on ways to investigate how the Lake is adapting to climate change. A few items to highlight are the White Satin Moth defoliation on the Nevada side near Spooner Lake. In 2017, there was an infestation of the White Satin Moth and the Nevada Division of State Lands, the Nevada Division of Wildlife, and the Institute for Natural Science partnered to look at the effects of that infestation on bird, nesting, and wildlife habitat. They should have the results of that study next year. The Tahoe Keys science investigation that happened in 2019 collected over 1.5 million data points to better understand the Tahoe Keys ecosystem and inputs and drivers of the weed infestation.

Stewardship and Accountability: The League to Save Lake Tahoe's Pipe Keepers program continues to grow, and this past year launched a new training program online. Volunteers are able to take a training course and help participate in the monitoring and data collection amongst pipes entering Lake Tahoe. As part of this program, volunteers learn how to sample stormwater, survey aquatic invasive species, and microplastics. In 2019, nearly 50 new pipe keepers were trained, and 40 new pipes were added to the monitoring list.

The Environmental Improvement Programs has around 80 partners implementing projects around the Lake. The collaboration cannot be understated. Over the last year the Tahoe Interagency Executive Steering Committee oversaw more than 14 different EIP working groups to help coordinate, implement, and leverage funding to implement all of these projects. It was this foundation of collaboration that the basin was able to rely on as the 2020 Covid pandemic started. This was proven to be very valuable for communication, coordination, and getting consistent

messaging out to the public on many aspects how the pandemic was affecting visitor and resident use in Lake Tahoe.

As part of the stewardship program there was Take Care messaging developed about mask wearing and social distancing. The Sustainable Recreation Working Group that was put into place a few years ago, now has over 30 active organizations meeting weekly to talk about how they're handling recreation, opening, messaging, troubleshooting hot spots and being able to support each other while operating under unprecedented conditions.

One of the messages at the Lake Tahoe Summit will be the continued commitment to the Lake Tahoe Restoration Act and funding for the Lake Tahoe Basin. Last year, they spent almost \$80 million on environmental improvement projects that came from a variety of different funding sources. A vital part for the federal share was the Lake Tahoe Restoration Act. In Fiscal year 2019, \$15 million was appropriated and was a key part in getting new projects on the ground. Those types of projects that need collaborative large scale planning are the Tahoe Keys project, Meeks Bay ecosystem restoration, and the feasibility study for the Tahoe Trail in Emerald Bay. The Lake Tahoe Restoration Act funds have been vital in getting those large complex projects off the ground. They'll continue to ask for a commitment to the Lake Tahoe Restoration Act this year when they get the federal congressional delegation here as part of the Tahoe Summit.

Ms. Regan said this year the annual Lake Tahoe Summit will be held on August 25 and will be hosted by Senator Cortez Masto on a virtual platform. TRPA is partnering through a summit working group under the charter of the Tahoe Interagency Executive Steering Committee. Coordination is being done with the Tahoe Fund, the League to Save Lake Tahoe, many stakeholders from both states, and the public and private sector to support Senator Cortez Masto's office.

Presentation can be found at:

[Agenda-Item-No.-VIII.A-EIP-Year-in-Review.pdf](#)

Board Comments & Questions

None.

Public Comments & Questions

None.

B. Status Update on Transportation Matters:

1) Progress Report on Bi-State Consultation on Transportation

TRPA team member Mr. Haven provided the presentation.

Mr. Haven said the two states following the 2017 Regional Transportation Plan convened a committee to look into transportation priorities. They're looking at a nearer term than the 25 years laid out in the Regional Transportation Plan to see where the states could align on transportation priorities as well as have alignment with the regional and local partners who are delivering those projects. That effort under previous governor administrations was concluded in 2018 and developed a ten year action plan on transportation. It was a broad list of transportation projects that the state could support and came

from local and regional efforts. In 2020, the Bi-State Consultation was reconvened by the states under the new administration of Brad Crowell, Director of the Department of Natural Resources in Nevada, and Wade Crowfoot, Secretary of Natural Resources in California reconvened the group in January to focus on top priorities. It's the initial set of projects that the states could align on with the region and local partners to support along with the extra step of looking into funding and how to get the projects on the ground.

Then the Bi-State consultation delegated that to a planning committee which was a subset of the full Bi-State Consultation to dive into understanding the transportation priorities, working with implementation partners and began to narrow that list. The committee has met over the past seven months under the leadership of Elizabeth Williamson, Deputy Secretary of External Affairs, California Natural Resources Agency and Jim Lawrence, Deputy Director, Department of Conservation and Natural Resources. Their work was to zero in on the top priorities and potential funding.

Some of the regionally significant projects include the US 50 Stateline Revitalization Project in the South Shore. The Highway 89 Emerald Bay Corridor, they'll look at those initial low hanging fruit projects to improve the parking, access in that corridor to make it safer, and in addition the trail around Emerald Bay. The Placer Resort Triangle Transit Priority Project, Placer County is looking to promote giving the transit priority access through State Route 89 and eventually State Route 267 corridors and having more of the managed land situation that makes transit more attractive and drives ridership. The State Route 28 corridor is working on building out the Stateline to Stateline bikeway of continuing the next eight miles from the new trail between Sand Harbor and Incline Village. It will extend this new trail from the terminus at Sand Harbor to Spooner Summit where there'll be improvements on parking and transit. The committee spent a lot of time on the free and enhanced transit to understand the priorities for developing and evolving the transit system to serve recreation, commuters, and ensuring that we can maintain a free system within the basin. That's in place now with Covid funding but that's going to need some effort to keep it going.

With those priorities identified, the next step was to look at the funding strategy. They discussed potential funding sources for these projects looking at the existing fairly limited fixed revenue formula funding. They also looked into discretionary competitive grant sources that would be available and eligible for these projects. It includes a number of California and Federal programs. There's still an additional funding need which is dependent upon the success of getting those discretionary grants. Even with some of those formula funds and success with those grants, there remains a funding gap that needs to be worked on as a region.

The next steps are in preparation of the August Lake Tahoe Summit and looking to develop these priority projects and funding into an action plan summary that can be highlighted at the Summit and be accepted by the full Bi-State Consultation. Hopefully with unified state and regional priorities established this broad support for those discretionary grants and a coordinated effort on generating any new transportation revenue is good timing for that exercise.

Board Comments & Questions

Mr. Lawrence said we convened the first round of the Bi-State Consultation on Transportation in 2017. Largely what was driving that idea was building on the success of a Bi-State Consultation when they were able to get consensus and help get the Regional Plan Update completed and adopted. The transportation system is stressed and it's a challenge in the Tahoe Basin. When this

started in 2017, his office was receiving a lot of calls on transportation and mixed messages on what the problems and solutions were. That's when the Bi-State was formed to get a better understanding of the issues, challenges, and to get a collective vision on priorities, solutions, and funding sources. As Nevada and California continued to implement climate policies, it was important to be able to align transportation efforts in the Basin with the two resource department efforts regarding state climate policies. They've gone a long way in getting more of consensus on vision and priorities. The next step is to take a look at these funding gaps from the short term priorities while not losing site of the long term priorities. There are funding issues regarding transportation and to get large scale funding solutions will take time. They'll need to address some of these challenges early and not wait for a final funding solution. The projects that have been identified by the group are those key projects spread out through the Basin that can make a significant difference if we can get those implemented right of way.

Ms. Gustafson said she's appreciated the collaboration of being candid through the bi-state process to share the concerns of the different local jurisdictions and looking at the priorities. Transportation is key to everyone and getting both states educated and understanding the efforts and support that will be needed to institute changes has been critical.

Mr. Yeates said hopefully we'll get buy in from both states as we move forward on putting together an action plan to present at the Summit. The South Shore Revitalization Project was a unanimous approval by the Governing Board. Emerald Bay is in critical need of some changes and there was success with the State Route 28 Bike Path. Those projects are ones that both states can endorse and then the question is how we can fund it.

Ms. Aldean said in addition to amending Article IV in the Bi-State Compact relative to the Tahoe Transportation District, there needs to be some legislative amendments in Nevada and possibly in California. If one of the funding sources involves the imposition of basin user fee; toll booths cannot be constructed on existing roadways in Nevada. There would have to be a legislative amendment to permit the charging of fees at the points of entry from Nevada into the Basin. Are legislative changes being looked at to implement such a fee?

Mr. Lawrence said if a fee is seen as the consensus solution, what's the path forward on legislative changes? Items such as toll roads would need statutory changes. The Tahoe Transportation District is looking at the Legislative Oversight Committee as a vehicle to look at legislative changes. We need to look at transportation through a lens that there is an immediate need. What can we do short and long term and make sure we're working parallel and that the short term builds a foundation for the long term. He doesn't believe that we have consensus that the basin user fee is the solution. He believes that there are people in support, others who are not, and some that are still undecided and have questions. Regarding legislative strategy, it's always best to get some of those foundational questions answered. The Bi-State hasn't had a full meeting discussing the pros and cons of a basin entry user fee. They are having discussions on the pros and cons of different approaches and strategies to transportation implementation and what does the Basin need.

Ms. Aldean said because the Nevada Legislature only meets once every two years, if consensus can be achieved on the implementation of a user fee then we need to expedite teeing up any legislation in order to move the funding source from an idea to implementation.

Mr. Yeates agreed that it's an issue.

Ms. Williamson, California Natural Resources Agency said overall she's pleased with the bi-state process and where that group has gone with looking at different priority areas around the basin and transit. We're in a good position and is happy with everyone coming to the table because there is such a need for the Basin. Having this core ten year action plan to focus the efforts on, getting buy-in, and having unified messaging will be critical to determine the funding needed.

2) Tahoe Transportation District Report on Regional Transportation Funding

Mr. Yeates said Mr. Hasty made this same presentation to the Tahoe Transportation District board and encouraged him to make this presentation to TRPA. We need to get TRPA and TTD on the same page. One of the reasons we went into the second round of Bi-State Consultation meetings was to get alignment from everyone in the Basin on what the priorities are. Once there was agreement on the priorities and which ones were ready to move forward then it's what is the likelihood of funding. Even some of the funding that was presented in Mr. Haven's presentation is questionable because of the formulaic manner in which transportation is funded and the competition for that funding. In addition, the work that transportation did on the ONE Tahoe project. His concern is he didn't want that out in front of all the other work that's being done to try and get projects that we can sell to both states to get their support for the funding needs. He asked for this presentation so we understand the Tahoe Transportation Districts needs and the work they've done to try and come up with solutions to resolve the regional transportation funding source that maybe we could tap into ourselves.

Mr. Hasty, District Manager, Tahoe Transportation District provided the presentation.

Mr. Hasty said the process that's been underway has been constructive and helpful. The conversations that have happened at TTD and their board have also been constructive. The presentation will refresh the board and bring them up to speed with where they are on the issue and how they can help fund getting the Regional Transportation Plan on the ground. As an implementing agency they have a lot of experience in getting tough projects on the ground. They've also dealt with transit and taking on a system that was in bankruptcy and learning about keeping a system on the ground as well as how to grow a system in the region. TTD looked at their own authority which has not been bringing anything to the table. It's not been a useful authority under the Compact, this is speaking to the funding authority.

The Compact direction is the multi-modal transportation system in order to protect the environment and preserve the quality of the experience, sustain the economy, and achieve the climate goals. To get the kind envisioned transportation system on the ground has taken about 40 years. When they look at funding and the ability to fund a lot quickly, its been missing.

Based on the 2017 Regional Transportation Plan there's about \$60-\$70 million annual shortfall. Many are working on the update of the RTP that will go before both boards later this year. They're having discussions with the Bi-State on the different ways they can fill the gap. The list that Mr. Haven laid out is a very optimistic one in terms of the success of those discretionary funds. There are very important nuances to whether they have the match to be competitive. The gap that was shown on Mr. Haven's slide could even be larger depending on the success of that discretionary arena. They think of the gap as more of a range and it depends on the type of projects. Operations and maintenance accounts for about 62 percent of total costs and the operations includes not just

addressing roads but includes transit operations such as transit capital and transit operations. It's a challenge for any jurisdiction and is no less of a challenge at Lake Tahoe.

They went through a stakeholder process of 18 plus months with about 28 to 29 different ideas from stakeholders and the general public asking what revenue ideas that they could support for establishing a type of regional revenue. The TTD authority has not proven itself workable. The existing authority that TTD has is a sales tax authority that has to be implemented in all jurisdictions at the same time which has proven to be impossible. It was attempted twice in the 1980s back when the City of South Lake Tahoe was acting as the administrative body for TTD and failed more so the second time. It's never delivered anything to the transportation program as a funding authority.

Going through those 28-29 ideas that came forward, one of them was tolls. What Morse Associates Consulting has recommended are user fees. There's a legal distinction between tolls and fees. Part of the criteria they looked at was if it was equitable, effective and efficient to the different types of user groups such as the non-commuters, commuters, resident businesses and non-residents who are the day visitors, and extended visitors. Because of the way fees are set up there's full transparency.

The idea is to levy this as a basin-wide fee, the US Department of Transportation is encouraging communities to look at alternative ways of funding transportation needs and services because the federal transportation system (transportation act) doesn't fund what it used to and there's the expectation that it's not going to change in the foreseeable future. California is a good example and Nevada has done the same thing in terms of where it's gone in Washoe and Clark County with the largest population where they've indexed their fees. A lot of the metro areas in California have levied sales taxes county wide for the long term of 30 years which now provides the bulk of transportation revenue for transportation improvements in those jurisdictions. Fungibility is important criteria because their experience when it comes to using discretionary funds or dedicated funds like sales tax has a defined purpose for which it can be used and where it can be spent. They need a funding source that will be the glue that holds the mosaic together thinking about the discretionary and formula sources that are very specific. Something has to hold it together and is where fungibility comes into play. A user fee is ideal for playing that role.

Important in looking at different funding ideas is how easy is it to administer, how expensive is it to collect, and distribute dollars. How flexible can we be in the future? This is another benefit of fees unlike a tax. A sales tax is for a specific purpose and amount and to make changes, it will have to go back and make a much more wholesale change. If it were a utility fee, periodically a utility fee gets adjusted to respond to the needs of the system. More revenue comes in than needs to be collected, then the fee can go down. If there's updates to the Regional Transportation Plan that are requiring more or additional improvements that could require a fee change. A fee has the ability to evolve and can be done in an transparent administrative process.

Part of the recommendation that came from this process was recognizing that most of the existing dollars that come into the Basin can be attributed to the local share of about a 95:5 ratio of local allocation to visitor. This approach would balance that out which is looking more at a 95 percent visitor versus a five percent local share. A convenient way to collect this would be through the vehicle registration address. Example of entry fees: Non-residents non-commuter groups (1 or more persons) entering the basin by vehicle: \$4.10/day. Non-resident, commuter groups (1 or

more persons) entering the basin by vehicle: \$1.06/day. Resident households: \$7.00/month and resident businesses based on trip generation of land use: average \$71/month.

Article IX of Bi-State Compact is the TTD authorizing language. Looking at their ability and that the fact it's not working and there are some prohibitions. This aspect of being able to charge a fee is prohibited in the Bi-State Compact. A tax or a charge for persons entering or leaving the Basin is prohibited. It was a point of contention in the 1980 Compact deliberation. Gaming in Nevada was opposed to the idea and California was very much in favor of the idea. The compromise was to not go there at that time. It's been brought up by Congressman Garamendi at the last couple of federal events. If they were going to change Article IX then one of the asks would be to change that prohibition.

Feedback from the TTD board was if they were to remove the prohibition this would be the type of language suggested: "By affirmative vote of at least two-thirds majority of the directors, impose fees, fix appropriate fee rates and manner of collection of fees from resident and non-resident transportation system users within the basin necessary to implement programs, projects, and services identified in the regional transportation plan that do not exceed the reasonable costs of implementation of the programs, projects, and services identified in the regional transportation plan including but not limited to the costs of environmental and other studies, planning, design, construction, maintenance, operations, property acquisition, equipment and materials procurement, financing, and administration."

One, any kind of vote having to go to all voters of all jurisdictions in California and Nevada has proven itself unworkable. The effort would be to queue up and reach consensus so they can address the 2021 Nevada legislative cycle. With the update of the Regional Transportation Plan the kind of revenues that they could be looking to fill this gap even for the short list, let alone the ten year action plan if they were to be successful in 2021 they would not anticipate being able to any kind of collection until 2023 at the earliest.

Presentation can be found at:

[Agenda-Item-No.-VIII.B-Status-Update-on-Transportation-Matters.pdf](#)

Board Comments & Questions

Mr. Yeates said there isn't agreement yet about what to do with this funding idea within the Bi-State and within the Basin there are mixed issues. If you look at the priorities that we've gone through and drill down to the extent that we're at now for example, the South Shore Revitalization project along with the Main Street Management Project and combined with the Event Center that was unanimously approved. In addition, the affordable housing will be done in South Lake Tahoe and the neighborhood amenities that go with everything. The change that will occur with the Main Street is transformative to that section of the Lake. That has a big price tag to it. If you look at Emerald Bay, you could say the same thing. We're going to have to do something different to get people out of their cars, provide a shuttle service, and some other parking management ideas to address people parking illegally and creating this bottleneck at Emerald Bay. Funding is going to be an issue. If we do what the Compact suggest in trying to encourage people to come and visit, we will have a reliable system to get out of their cars and reduce the impact of cars.

Mr. Lawrence asked how the Placer County Resort Triangle fits into the transportation user fee.

Ms. Gustafson said they initially approached the Town of Truckee and some their leaders on this issue. They put that on pause while they come to consensus on this in the Basin through the Bi-State. It's an area that they're interested in working collaboratively with the Town of Truckee for the impacts shared between the jurisdictions. The ski areas located on State Route 267 and 89 contribute significantly to traffic during the winter and how they address that is going to be critical. The funding mechanism would have to be governmental structure, memorandums of understanding, or joint powers authorities in order to work across and outside of the Basin lines. This needs to be explored as soon as they have the go ahead from TRPA, TTD, the Bi-State, and California and Nevada to pursue that. Both the public and business community sentiment in the North Shore is that they have to find means to control the visitation. Due to the Covid pandemic, they are experiencing what they believe are some of the largest visitation numbers. The timing is good for the public and business community to say that they can't deal with the volumes of people that could potentially come here and protect this environment and quality of experience. The question is what can we do to use both the fee and potentially congestion management pricing to help control that and fund the solutions necessary.

Mr. Hasty said the Tahoe Transportation Districts boundary is the same as TRPA's designated by the Compact. The 2017 Regional Transportation Plan had improvements that are outside of the Basin because there's recognition of the interplay and how important it is. The ideas are the type of joint powers authority agreements and the inter-government agreements that could be developed. That kind of application through some of authorities that even Placer County has right now by amending that are all possible ideas to be companion here which allow that kind of joint powers authority solution.

Mr. Lawrence said reading news articles, it sounded like decisions had been made. This is a complicated issue and there's a lot of questions to be answered. It makes sense on the timing of addressing those questions. He said there's been questions such as how the mechanics are going to work, what about in basin versus out of basin, etc. It's important as we work together to be able to talk with one voice and answer questions accurately. There are parallels when he looks at his experience being a northern Nevada resident. It's a much smaller scale but what about the impacts of people driving up from Gardnerville and Minden to go skiing at Heavenly. That's a winter time impact and there's not a lot of basin vehicle miles traveled for those people but is a basin impact. Maybe there's lessons learned on how we can apply these different geographic locations consistently across the two states.

Mr. Hasty said there's a lot more work to be done. What this enabling language would do is to provide the opportunity. To even get to two-thirds of a vote of the Tahoe Transportation District board is going to require a lot of work. There's administrative questions and process that would need to be addressed. They're going to the states to ask for tens of millions of dollars. What they're looking at is to change the authority to make it possible, then the work has to be invested to arrive at this decision that has to have all those answers and game plan laid out and vetted. Those would be the next steps.

Mr. Lawrence said the example that was brought to him that caused questions was along the lines of equity. For example, a Nevada resident that might be living in Minden or Gardnerville and commutes over Kingsbury Grade, works at the casino, and supports the local economy. That

commuter has a pretty small vehicle miles traveled footprint but is paying \$5.00/week if they're working five days a week. That's a larger fee than somebody that lives in the Basin or someone who is visiting from elsewhere who might have a larger VMT footprint.

Mr. Hasty said the fee can be customized. There are also services that would be enhanced as a result of this kind of fee. They've watched this transit ridership increase as business have started to open back up. The Tahoe Transportation District provides transit service to connect the Minden and Gardnerville area with Lake Tahoe and Carson City. Those off the hill workers use the transit service and is one way to get into the Basin. The more transit service they provide and it's not going to have fares then there's going to be a way for a commuter to get in. Other equity types of questions have to do with income, age, and veteran status. All those are part of setting up a system that can be customized to address and balance. There all also user groups who would have better access to Lake Tahoe if they are able to provide the kind of transit inter-regionally that's has been envisioned in the Regional Transportation Plan.

Mr. Beyer said having been involved in seven sales tax measures in California, six of the seven passing. He knows how difficult it is to get a consensus of local governments to put a sales tax on a ballot and then getting the voter support. The fee situation is a different alternative. He asked if they've done any polling or analysis of what the threshold level of a fee within the different jurisdictions. When they've done sales tax measures, they did poll to gauge the level of the voter's ability to say yes to something. Any time you create a tax or a fee, there's a human behavior component that needs to be put into fee.

Mr. Hasty said they did some statewide polling as well as in Basin in the beginning of the project and again after they were considering the fee idea. In general, the public gets it. There's a huge user group for Lake Tahoe. They understand the transportation issues and would like to see them remedied. The cost and the ideas were met overall with some pretty good reception. When you get to the decision time, then the polling should be done again.

Mr. Beyer said the Reno Tahoe International Airport is a boom to the community. He asked if there's been any factoring in for the air traveler and an associated fee.

Mr. Hasty said there's the Airporter service that is utilized by some coming to the south shore and there is the North Lake Tahoe Express that is sponsored by Truckee North Tahoe Transportation Management Association that some of those air travelers will also utilize, otherwise they're arriving in a vehicle. This idea would still be capturing them as opposed to "at the gate" from the airport.

Ms. Aldean said if we're successful in encouraging people to use transit, our revenue projections in connection with collecting a basin entry user fee needs to take into account diminishing returns over time. Is that part of the equation?

Mr. Hasty said yes. Part of the answer is to what degree, what kind of mode split would we be able to achieve and what would that target be in terms of automobile versus transit. How much growth can be expected in visitation over time and how much are we able to offset with the entire multi-modal strategy. For example, the Tahoe Transportation District board has adopted a goal of targeting a 20 percent transit mode split. By their analysis that would allow in the foreseeable future of being able to address some congestion issues as well as absorb some growth in visitor

travel to Lake Tahoe. They don't think that they'll get to the place unless Tahoe went to other measures such as a reservation system for the entire basin or major mass transit inter-regional ability to have to even approach the basin in their car. Would we have so large of an affect that we would still not be addressing revenue to maintain that kind of operation especially if they want to maintain a free to the user type of service.

Ms. Laine said the proposed language suggests that the Tahoe Transportation District is positioning itself to be more of project lead/implementor as opposed to just a funding source that local projects could tap into.

Mr. Hasty said it would be both. The Tahoe Transportation District provides transit now so there's the operations aspect of that. There are projects that TTD does and could continue to do but it doesn't mean it has to. Within the 2017 RTP, there are dollars that would go directly to local jurisdictions for local roads, for example. There are projects that local jurisdictions are going to do. There would be an annual process of how they would be allocated. That has been proposed to marry up with the annual Regional Transportation Plan that goes on now or can be annual. There's the local jurisdictions public works department, the two state departments of transportation, TTD, and TRPA. This money would be part of the rule making, how would that be done? There's been the proposal of having this technical group that's comprised of all those entities which TRPA has taken that step to establish this technical group. Then that would be brought before decision makers which has all the implementation organizations. That annual process is how that money would be allocated to whomever is doing the project and operation of services.

Ms. Laine said her concern is that's its clunky and very bureaucratic. She asked if the Tahoe Transportation District thought of annually allocating a percentage of those monies collected so they don't have to go through hoops and compete north shore, south shore projects, for example.

Mr. Hasty said that is exactly the kind of continuing dialogue and deliberation about setting all this up. These types of "fair share" questions have come up with the Tahoe Transportation District. There's enough experience in the Basin such as the Environmental Improvement Program where it's being dealt regionally and as a system and there has a lot of successful work that's gone into it. Every year the local jurisdictions update their five year list. The capital programming changes around. The proposal from the point of their consultant group is that everyone should have to agree on any kind of decision. They have a series of recommendations that were provided to them and they are happy share. There's a lot more dialogue that has to go on and is anticipated when there are things that are exclusively to local jurisdictions that money is needed then that's where it goes.

Mr. Lawrence said where Nevada is legislatively and what that means is where they are budget wise as well. They've been working together on the East Shore State Route 28, they've been able to get the shuttle in place to Sand Harbor, East Shore Trail built, parking lot with fees, and dynamic pricing on board. He asked if they see this basin user fee taking over the need for the State of Nevada to invest in the east shore shuttle system or to have paid parking nodes at recreation sites or do they see that as an addition to make everything work.

Mr. Hasty said this could go either way, it becomes an option. That's where what makes the most sense from the user and administration of all of this. In using paid parking, it gets to a place where your using it for a different reason that you need to create greater turnover or you need to be

able to incentivize people to use other times of the day when the demand isn't so high. It opens up these possibilities and provides more tools that's complimentary to what the demand on the Lake is and what the user would like to experience.

Mr. Bruce asked where the Nevada Legislature is with respect to this sample of enabling language. Essentially saying the discretion of how the funding would be used and taxed and handled by the Tahoe Transportation District.

Mr. Hasty said that door is already open with the existing authority. It's unfortunate that the existing authority isn't workable. The legislatures years ago made that possible. This particular mechanism like anything, there's going to be concerns and some of those may be along party lines. For example, having the two thirds majority of the Tahoe Transportation District board making a decision versus a vote of the people. Those will have to be addressed and an explanation provided. They've done some vetting along those lines but not nearly enough. Covid items tend to dominate right now. They're not coming in asking for revenue, it's about positioning for the future, where's the Basin going to go in that regard. He believes there's an appetite and willingness and if there's a consensus coming out of the Tahoe Basin, that's critical. No one will tackle anything if there's not enough of a consensus to go forward. There's an opportunity with all that we know including the update of the Regional Transportation Plan and where we're heading on climate to arrive at point where they have support being able to go forward.

Mr. Bruce asked if this is where he thinks transportation is going generally. For example, does he think Monterey might do the same thing.

Mr. Hasty asked if Mr. Bruce is referring to a regional approach.

Mr. Bruce said where certain recreational resort areas and larger municipalities are saying "if they're going to do that, we want to do that too."

Mr. Hasty said if someone was to look at successful mountain resort communities, they have figured out in a number of ways of how to tap what's driving their demand which is their visitation. They have a number of sources that they have established through means that are available to them. The unique thing for Tahoe is the challenge, we don't fit any typical mold. Most of those successful mountain resort communities are located in an entire county or they are just a town and most of the state mechanisms that exist are all oriented around a full county enablement. For example, in California that's a sales tax initiative. In mountain resort communities they've done it a number of ways, there's paid parking, restaurant tax, and the transient occupancy tax. They've not got to the point where it's necessarily using an entrance fee but, in a way, you are paying an entrance fee. Lake Tahoe hasn't done that nearly to the degree that it needs to in order to put the system in place. That trend has already been there and we're catching up with that trend. This is more of an approach about our regional self-help capability. He doesn't see that this would set any trend other than allowing us to go where the direction has been and is enabling us for Lake Tahoe's unique situation which would be the Compact.

Mr. Yeates said there were a lot of comments at the Tahoe Transportation District board about this language. There were some concerns about how you arrange a two thirds vote. Depending on how the vote goes, you could have California forcing Nevada to deal with a fee that they don't want or vice versa. If this legislation were brought up to California, the question would arise about

what additional programs should be funded with this fee. What is local governments interest here and what could Caltrans interest be in possibly being able to fund things as a result of coming into Lake Tahoe by eliminating some state costs. There's a lot with this. Mr. Hasty has not got out in front of us on this issue by bringing this up to the Nevada side first without trying to at least get a basin agreement on this. He suggested that Mr. Hasty and the Tahoe Transportation District work with TRPA staff on the language so we can address some of these issues. The Compact is the one that set up this program for a bi-state responsibility for protecting Lake Tahoe. He understands the wisdom of going ahead with this language and getting the authorization but we might look tone deaf at this time by going around trying to deal with a funding mechanism when there's so much happening in both states right now as a result of Covid. And the fact that Tahoe is running around trying to get additional funding to address its transportation needs when there's some unbelievable costs regarding public health and other issues that are on the front burner right now. We can be working together on this and trying to do this through the Bi-State to see if we can get some agreement on how we might go forward at this time. He understands the concerns because of the difference between the two legislative operations, because if we miss the timing with Nevada then we have to wait and at the same time if you launch Nevada and California is not ready it's not going to happen either. If everyone is in agreement, we can get around some of those issues.

Public Comments & Questions

Steve Teshara said he serves on the Tahoe Transportation District board but is speaking more broadly today. He thanked the board and senior management for allowing this discussion to take place today. It's been extremely helpful in contributing toward the dialogue of all the parties involved in these important discussions on how to fund transportation and transit in the Basin for the future knowing that we are in the eye of many folks who want to enjoy it. We've talked for many years about how we can provide transit and transportation and multi-modal services that make this a world class experience. While the private sector may be able to provide some revenue, the businesses and community cannot financially provide all that the visitation is requiring us to do for multi-modal visions. We do need to establish an equitable, effective, and fair share self-help source that can give the Regional Transportation Plan finance plan credibility and improve the competitiveness with regard to discretionary funding. Recently, they've lost some discretionary opportunities because they can't provide the level of funding, the local match that they need to be as successful as they've been in the past. The Tahoe Transportation District effort is about making its regional authority useable in support of the RTP for the benefit of our local communities, the governmental entities, and for those who flock to the Basin to enjoy. With the regional source using the TTD Compact authority, implementing partners can leverage private, local, state, and federal sources to continue in the process of delivering the RTP as those needs grow.

Elise Fett said regarding matching funds, in Washoe County there's a 13 percent tax that's collected from the vacation rentals. They've collected an enormous amount of money over the past couple of years and it would be fair for part of that tax money to be used for matching funds. She's had many individuals over the past 25 years who have wanted to have a small second unit on their property to help pay for their taxes, etc. It has not been allowed and is asking TRPA to consider allowing people to put small second units that are deed restricted to provide low income housing for in Basin workers to reduce commuting. In addition, she's previously suggested that we incentivize by reducing fees or use of custom modular buildings. It would help reduce the amount

of traffic that is being generated locally. The TTD has talked about improving the transit service to make it more efficient. There needs to be safe bike paths for people to get to these transit stations and have areas available to lock up the bikes. Many of the businesses rely on the visitors and rather than focusing on putting a fee out there that discourages people from coming here that support our businesses, rather reduce the traffic that's created by our people every day. Ninety percent of the problems for the Lake come from the roads so by reducing that traffic with the local people is important, we shouldn't just be focusing on the visitors.

Tobi Tyler, Sierra Club asked what the status was on electric buses and if some of these fees could be used for electrifying buses.

Mr. Hasty said the Tahoe Transportation District is electrifying its buses by ordering its firsts electric buses with additional larger ones to be coming on line. They've also invested in electric charging infrastructure at the Lake Tahoe Community College. That will be the primary charging point for these electric buses as well as at their yard. The future is going to bring more of that to both the TART and TTD system.

Peter Kraatz, Placer County Public Works Department commended the efforts of the Tahoe Transportation District staff, board, and consultant team. We collectively need to keep the momentum going. The comments are correct about the umbrella we're under with Covid. We need to plan for the future with transportation in the Basin. This item that TTD is focused on is setting up the authority for the future. It's that first step of many steps that still need to happen. There's a lot of details to be worked out along the way but without a regional funding program like this, the Tahoe Basin area will continue to plod along at too slow of a pace to keep up with the high visitation that the area continues to receive. We are 10 to 15 years behind on items such as parking management, public transit, and micro transit as compared to other recreation destinations like Park City, Utah, for example. The East Shore Trail Parking is a great example of infrastructure of the good things we're doing but we need to connect those items throughout the Basin with having consistent pricing for parking. There were good comments today about how that marries up with a basin fee but there's still things that need to be worked out for a fully connected multi-modal transportation system. Funding remains an obstacle not just for new infrastructure but for operations and maintenance of what's out there today and what we still need in the future. When we embarked on the Environmental Improvement Program when he joined Placer County it was a one billion dollar need to address water quality in Basin. They addressed the water quality need and were successful at a huge financial level.

IX. PUBLIC HEARINGS

A. Draft State Route 89 Recreation Corridor Management Plan

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said the iconic West Shore also comes with challenges. We're all familiar with the traffic and parking backups through Emerald Bay, Camp Richardson, and Pope Beach and the associated issues with impacts to our natural and cultural resources, the visitor experience, and the Lake.

The corridor planning framework is how they've started to move from the Regional Transportation Plan high level vision goals that outlay the next 25 years and start to zoom in on the Basin based on

corridors and bundle projects for multi benefit results within each of those corridors. They've seen the success on State Route 28. In 2018, the Bi-State Transportation Consultation created a memorandum of understanding for the corridor planning framework which was the framework that set forth the State Route 89 corridor plan.

The steering committee for this plan is TRPA, the Tahoe Transportation District, and the Lake Tahoe Basin Management Unit. The consultant team is led by Design Workshop and includes transportation consultants and ORCA who are a team of ex-Disney officials who focus on that visitor experience. In addition, there's also the project development team that have been involved in the planning process from the beginning. They've also done extensive outreach with a stakeholder group that includes more non-profits, businesses, homeowners within the corridor to get a full view of everyone's needs, challenges, and what they see moving forward.

They've done 15 days of data collection and produced an existing conditions report that summarizes all of what they've heard on the ground from quantitative and qualitative methods. There's been dozens of meetings, online surveys and there are more webinars to come. They've received thousands of comments and questions from hundreds of full time residents, second homeowners, and visitors.

The key issues are the demand for this corridor that has exceeded the recreation infrastructure and is impacting the transportation system, visitor experience, and lake. Congestion and traffic are also of concern especially along the west shore particularly when you think about wild fire and emergency response.

The future vision and what they've heard from those challenges is creating this balanced and managed multi-modal corridor recognizing that the corridor has something for everyone and there's many different needs to be served through different techniques and strategies.

The desired conditions behind this vision are about finding that balance to cooperatively manage the corridor, to gain environmental improvements, and quality travel experience. The draft corridor plan lays out a number of additional metrics and monitoring for success that will be done throughout the corridor. It's about balancing the natural and cultural resources, visitor experience, and infrastructure and operations that everyone heard about during Mr. Hasty's presentation.

From all the work and stakeholder input, they generated a plethora of ideas within this corridor from projects to management strategies, to new types of recreation. They took all of the input and tested those against those corridor goals and desired conditions. Those were organized around a set of corridor wide tools and strategies around transit, trails, technology, and communities just like the Regional Transportation Plan and different strategies that all work together.

The key part about anyone individual strategy is that they will not be successful on their own and need to be interconnected in order for them to work.

When looking at the future of how people get to, from, and around the State Route 89 corridor, the team did a mobility alternatives analysis. That looked at four different future scenarios within the corridor based on how many people would be arriving by vehicle, bike, or transit. They looked at it through the auto dominant mode which is what there is today where most people are arriving by car and all the way to the other side of a car free future.

Looking at the travel model they focused in on the baseline which is from the data collection and what they would consider a busy summer day within the corridor. They looked at the peak visitation within that corridor which is the Emerald Bay and Pope to Baldwin segment. Within that they broke down the travel analysis to look at how many people they could realistically look to shift. They understand that not everyone is not going to be able to ride a bike or take the bus. On average there's 16,000 people who visit Emerald Bay on a busy summer day and about 10,600 have been identified as that high potential person to shift to alternate modes. Within the Pope to Baldwin segment the unique challenge is the roadside parking and congestion. They assume that all of the parking lots that currently exist at Pope, Baldwin, and Kiva beach would continue to exist and most likely move over a reservation system or some other type of parking management system but eliminating road side parking through that segment to reduce congestion and allow emergency vehicles to respond quicker. That equates to about 2,200 high potential transit or bike users within that corridor that they can offset.

When they looked at the assessments, they took into consideration not only the physical capacities but the operational feasibility. At full buildout in 2045 if every visitor moved through the corridor on transit it would be a fleet of 92 buses operating during the day coming to a bus stop every two to three minutes. While that would meet the environmental goals and move people out of their cars, the operational side doesn't make that as feasible. They took a step back and looked at some of the options in the middle. The travel models assumed no changes in visitor patterns.

Two examples in their case studies that fit in this scenario is Muir Woods, north of San Francisco and the Griffith Observatory in Los Angeles. They both have high demand for the recreation and public access with similar characteristics with their infrastructure. Muir Woods used the paid parking and transit system to flatten the peak. They were able to reduce their peak during the day by 50 percent. For the State Route 89 corridor plan they've assumed a 35 percent reduction from the peak which would be an overall 20 percent reduction from the average.

They're looking at three phases within the corridor plan as a possible framework for moving forward. The first phase would be to add a shuttle route from the existing Taylor Creek Sno-Park parking lot to Emerald Bay. This would run every 30 minutes. This is very analogous to the East Shore Express on the North Shore that runs from Incline Village to Sand Harbor. It's projected to be about the same size, similar operating costs and will result in 7,500 fewer cars going to Emerald Bay every summer month. This will result in getting 15 percent of people out of their cars in Emerald Bay. This will require many support projects such as parking lots, parking management systems, new bus stops, etc. that will need to happen along with the bus route in order to work.

The second phase of framework is where more layers of travel options are added and expanding the transit routes. It will go from having a shuttle from the Taylor Creek Sno-Park to Emerald Bay to expanding it to a shuttle route from the North Shore to the corridor. They're also working with Homewood Marina and Camp Richardson who have expressed interest in expanding their already existing water taxi services through a public private partnership to provide more public access to these recreation spots. This moves the needle on mode share and overall, for the corridor they could move one third of the people that normally arrive by vehicle in an alternate mode. This equates to 25,000 fewer cars in the corridor every summer month.

The final phase will be an expansion of the existing fleet and infrastructure. Muir Woods was able to phase their parking and transportation system by building upon it as people got use to the system.

At full buildout in this preferred framework it could be 60 percent less vehicles going into the corridor to enjoy the recreation and amenities. That equates to 37,000 fewer cars in the corridor. While this framework focuses on the summer months, they understand that there's need for year round access through this corridor. This system is being built to serve the peak summer visitors through the full transportation system but also to ensure access in those off months when there's no water transit or a full service bus route.

The transit routes and bike paths are part of the overall system along with a set of corridor wide recommendations that this plan has outlined. It is key and lynch pinned around a coordinated management approach and having the team that built this plan along with the partners to continue to work together as the implementation is done.

There's also the remaining section of the Tahoe Trail that currently ends at Meeks Bay in the north and Spring Creek Road in the south. Currently, there are request for proposals for a consulting firm to do the feasibility study for that missing eight miles of trail. For the highway right-of-way there's a lot of recommendations including restricting roadside parking, developing recreation speed zones, and enforcement. Because they're relying so much on technology and reservation systems and real time information, underlying technology will be important, as there is a lot of dead zones around through this corridor.

There's always going to be a need for increased operational resources. State Route 28 has set up some very unique funding mechanisms where they're able to share resources that are generated from the paid parking and to do the operations and maintenance of that corridor.

The corridor project management team will be developing an implementation memorandum of understanding that all partners will sign on to. While this presentation is being made to the Governing Board, all of the partners have their own processes and ways of integrating this corridor plan into their daily operations.

The Draft Corridor Plan will be available today at www.trpa.org/sr-89. Presentations will be made to all the partner agencies and their decision making bodies. There'll be additional stakeholder engagement through an interactive workshop the week of August 3. Also, there'll be two additional public webinars on August 10 and September 21. Go to www.trpa.org/sr-89 to sign up. Anyone interested in a presentation can contact Mr. Middlebrook at dmiddlebrook@trpa.org. The final corridor plan and recommendations will be brought back to the Governing Board in September.

Presentation can be found at:

[Agenda-Item-No.-IX.A-SR89.pdf](#)

Board Comments & Questions

Mr. Rice said he's concerned about the enforcement and safety aspect. People ignore the no parking signs and, in some locations, has created safety issues on the Nevada side of the lake. He asked how there will be adequate enforcement of these rules and regulations when law enforcement is stretched so thin.

Mr. Middlebrook said there's a variety of strategies the plan has outlined such as physical barriers, ticket pricing, etc. Those parking restrictions near Cave Rock and Zephyr Cove happened without any

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other alternative or strategies being implemented. The corridor planning process is what brings it all together. If there's going to be no more roadside parking then there'll be another bike lane, transit options, or a parking management system, for example. In terms of the physical restrictions of parking, it will be more than just signs and red paint. It will need to be physical improvements to the roadway to prevent that from happening. That multiple integrated strategies are how to avoid the issues that Mr. Rice cited on the East Shore.

Mr. Rice said unless people have an available alternative that they're willing to use, the problem will continue.

Mr. Lawrence said for many years State Route 28 had no parking signs that were not enforced. It took the corridor team to bring in the Nevada Highway Patrol and set up alternatives like the East Shore Express to make a situation where law enforcement and the courts were willing to enforce it. In regard to the first phase, are there infrastructure improvement costs included or what does the infrastructure estimate to make phase one a reality?

Mr. Middlebrook said the cost listed on slide 17 are just for the transit component. They understand it's not just purchasing the bus; the Tahoe Transportation District would also need an expanded bus yard to store the extra fleet. It would also not include the charging infrastructure for the electric buses. In Mr. Haven's presentation there was the bi-state project list with an estimate of \$20 million for State Route 89 which was a more accurate representation of the first phase. Some of the recommendations are farther along with better ball park estimates and have all the information available in detailed spreadsheets.

Ms. Novasel asked how they're addressing the homeowner associations.

Mr. Middlebrook said they reached out to at least ten of the homeowner associations. Some were hard to contact as they are defunct and didn't have websites. They did a specific focus group at the beginning of the process with just HOA members. There's been multiple presentations for HOA boards in the Rubicon area, Meeks Bay, and Spring Creek Road area.

Ms. Novasel asked Mr. Middlebrook to send her their list of homeowner associations that they contacted.

Public Comments & Questions

Amy Berry, Tahoe Fund on behalf of Cory Ritchie. She asked for additional information about bike safety along the corridor.

Mr. Middlebrook said safety throughout the corridor for all travelers is one of the goals. In some of the hot spot areas where there's a lot of traffic they've identified the need for expanded bike infrastructure. The Pope Beach to Baldwin Beach bike trail segment is already heavily used by a variety of bikers, skateboarders, walkers, etc. They've identified the need for cycle tracks through those high speed areas.

Laurel Ames asked what growth numbers were used. What's the total increase in cars in the projected plan now?

Mr. Middlebrook said within the State Route 89 corridor the model analysis didn't necessarily look at the growth of people, it looked at what can this system realistically and feasibility move. The baseline data collection is 2018. The overall sentiment from the team was that there was no desire to greatly increase the visitation from 2018 and even some desire to match the resources better with the visitation. If they can get more resources, there's better ability to handle current visitation. If there's less resources, then it's more of an adaptive management piece. Overall, for visitation growth to the Tahoe Basin is the work that's being done in the Regional Transportation Plan update and the model working group. Their system is looking at is how much can the transit and bikes travel and move through the corridor. The bigger conversation about what happens to those people that they can't move needs to happen at that basin wide level. You can't control Emerald Bay or Camp Richardson without having it move around the Basin somewhere else. They are dealing with what the transportation system can accommodate and it's not a massive growth or any growth from 2018 baseline level. The bigger conversation around visitation growth to the Basin as a whole is happening as part of the model working group with the Regional Transportation Plan update.

Cory Ritchie said Ms. Berry asked her question. It was specific to road biking because they travel at a higher speed than people typically do on a bike path. Her other question was about the shoulder, which Mr. Middlebrook addressed with the cycle tracks.

- B. Tahoe Keys Target Aquatic Weed Control Methods Test–Draft Joint TRPA Environmental Impact Statement and CEQA Environmental Impact Report, TRPA File# EIPC 2018-0011, Tahoe Keys, City of South Lake Tahoe, CA, Project Number 510-101-00

Ms. Marchetta said today is the first public webinar on the Draft EIS since its release on July 6. It presents the possible test alternatives and technical analysis of those alternatives. The first week of its release, three webinars were held. The first was to a stakeholder committee who was convened and has worked collaboratively to develop the control alternatives to the test. The second webinar was to an extended group of stakeholders who were the stakeholder consultation circle of approximately 30 organizations, agencies, and individuals who represent different interests in regard to these tests. The third webinar was presented to the Tahoe Keys Property Owners Association.

This is not at the stage of any final solutions for the Tahoe Keys. What's being presented are different methods for treating invasive aquatic weeds and rigorously designed tests of those methods either alone or in combination. This EIS isn't proposing any long term comprehensive solution for the infestation. They need to test methods first in the environment of the Tahoe Keys to get better information about how these different methods would work in the Tahoe Keys. This information will be used later when they're proposing a final solution on how to put methods together for the 170 plus acres of infestation. Tests also needed to be done first to be extra cautious that the remedy when selected would be effective and not have negative effects that had not been studied, anticipated, or planned for. This EIS looks at these testing options and the decisions on these tests will be later in the spring of 2021 and will be about what methods to tests.

Ms. Caringer, TRPA Environmental Improvement Program Division Manager will present on some of background and collaborative partnership, Mr. Zabaglo, TRPA Aquatic Resources Program Manager will summarize the test alternatives that were analyzed, Mr. Tucker, Lahontan Regional Water Quality Control Board will be filling in for Mr. Norman and will summarize some of the complex regulatory context and some of the special standards of this project. Following Mr. Tucker will be Mr. Good, Environmental Science Associates who is the environmental review consultant firm who will

present the technical analysis and findings of the Draft Environmental Impact Statement. While many topics were reviewed in the EIS, the heart of the issues are in water quality. Most of today will focus on the water quality because the stage we're at to seek input on the technical adequacy of the analysis that Mr. Good is presenting. Then Mr. Zabaglo will provide a recap and next steps at the end.

We all know and have learned from long experience to solve Tahoe's toughest problems like this invasive weeds problem at the Tahoe Keys takes a collaborative approach to reach a total solution. It wasn't until recently here in the region that we started treating the problem of weeds in the Tahoe Keys not as the property owner's association problem alone but rather treating it as a collaborative solution. Up until a few years ago, it was treated as the Tahoe Keys problem. A few years ago, the mindset was shifted, and they made the Tahoe Keys weed infestation our collective problem. We agreed to stand together with the property owner's association and go forward together in this common interest to protect the Tahoe Keys, Lake Tahoe, and its ecosystem along with the \$5 billion dollar economy. They began working with the property owners and other key stakeholders on this more collaborative and shared path. That public private partnership is now proven, we are not just in collaborative work together but also shared funding. The Lake Tahoe Restoration Act funds had paid for the environmental impact analysis for the EIS. Those funds are also helping pay for the collaborative facilitation of the stakeholder's group and some of the necessary methods test and monitoring.

Ms. Caringer said a major parity of the Environmental Improvement Program is to monitor, control, and eradicate the aquatic invasive species in the Lake. It's not just because they're an unsightly nuisance to beach goers and those who recreate but they also degrade Lake Tahoe's water quality, clarity, and disrupt the natural ecosystem and the natural habitat for the native species. The weeds proliferate and are persistent making them hard to eradicate. Over the past decade public and private partners have joined together to control the spread of the invasive weeds in the Lake by collaborating across different jurisdictions, engaging with scientists, prioritizing different control areas, and trying new and innovated ways to remove weeds. Lake Tahoe scientists and natural resource managers have ranked the Tahoe Keys Lagoons as the top priority for weed control because of the size of the infestation and the high recreational use by boaters that can cause spread of weed fragments to other areas. Despite the concerted efforts by the Tahoe Keys Property Owners Association to control the infestation, that population of weeds continue to grow.

Over the past few years, the homeowners and the Environmental Improvement Program partners including TRPA, the League to Save Lake Tahoe, and the Tahoe Resource Conservation District have worked together to determine where to start to solve such a daunting challenge. The infestation covers 172 acres of waterways and doesn't allow for an expedient or easy solution.

The infestation is within the private residential area but is a major public recreation access point to the Lake. Solving the weed issue garners an interest from stakeholder's region wide. This is a lake wide problem, not just a Tahoe Keys problem.

The Tahoe Keys Property Owners have tried many methods of weed control over the past 40 years and engaged with experts to try and find solutions. In 2018, after years of research, TKPOA asked TRPA and the Lahontan Regional Water Quality Control Board if they could expand their toolbox to consider aquatic herbicides. While aquatic herbicides are used in many other parts of the country haven't been permitted as a control method in Lake Tahoe. While some believe it's the only solution to significantly knock back and gain control of the infestation in the Tahoe Keys, others would prefer

it be the last option or never be introduced. They agreed that before the agencies could make a determination on using herbicides there would need to be a comprehensive analysis of the potential environmental impacts. They also agreed to initiate that broad stakeholder engagement process. Over the past few years, they've formed several stakeholder committees and what's resulted is a lot of good information sharing and discussion of many viewpoints. Through this process they've found that stakeholders want to work together to solve one of the Lake's most pressing environmental challenges. People felt that we needed to learn more about the different options and is what will be presented today. The stakeholder committee helped shape the current proposed project used to conduct a test of a variety of different control methods in the Tahoe Keys. This testing program would occur over three years with two additional years of project monitoring. It would allow TKPOA and resource managers to study, analyze, and compare the options in the unique environment of the Tahoe Keys. Both herbicide and non-herbicide options are on the table prior to developing, evaluating, and implementing a future large scale project in the Tahoe Keys.

The document being presented on today provides the environmental analysis of the tests; it doesn't provide a project recommendation but rather provides the analysis of the environmental effects which will be a tool in eventually making a decision. This document is a result of an intensive scientific study over the last year. Staff is asking for input on the adequacy, completeness, and conclusions of that analysis. If a control methods test is approved, resource managers will collect that data to inform the long term strategy which is still a few years out. Another environmental analysis will need to be conducted before that bigger project could be implemented. The process is intended to be thorough and based on scientific fact finding.

Mr. Zabaglo said they've been implementing aquatic invasive species control projects for several years now with a lot of success. With that success, they've learned is that multiple methods are needed. The Tahoe Keys is a huge challenge and number one priority. It's 30 times larger than any project that's been implemented to date. The conditions are difficult with the size and the loose organic "muck" layer that resides at the bottom causes poor visibility that makes other successful methods much more difficult to employ. A test approach was shaped in this collaborative setting with the stakeholders and includes the examination of new tools. Besides the testing of aquatic herbicides there are also innovative methods included such as ultraviolet light and laminar flow aeration. While ultraviolet light and laminar flow aeration have had some exciting results, they've been done at very small and limited scales. This test approach will incorporate all of these methods in standalone applications and in combination.

A massive data collection effort has resulted in over one million data points that allowed them to understand the existing conditions that are necessary to analyze the potential impacts of the test project. In addition, a nutrient cycling model was built with this information to understand how nutrients are moving through the system.

Multiple workshops were held last summer obtaining feedback on a scoping period. They received over 300 comments with a broad support for a test approach. There were numerous comments that suggested physical modifications should be considered as well as support for and against herbicide use. The boat back up station at the Tahoe Keys Property Owners Association west side continues to be used and is complimented by the bubble curtain and sea bins to prevent fragments from leaving the Tahoe Keys. Slide five represents the proposed project by the Tahoe Keys Property Owners Association and was refined by that stakeholder input. The test project would be implemented over a three year time frame and is intended to test the initial treatment methods that are likely to achieve

extensive weed reduction in a one time application in that first year. It would then be followed up with maintenance and spot treatment methods in years two and three.

The initial treatments in year one is referred to as Group A methods that include specific aquatic herbicides, ultraviolet light, and the laminar flow aeration. Group B methods are intended to be follow up or spot treatment methods that can handle plots of weeds after the initial treatment. That includes some of the more traditional methods with bottom barrier where feasible and suction and hand pulling. The ultraviolet light can also be used in this application.

Those alternatives include a non-herbicide only alternative and then one that also relies on dredging the substrate to control the weeds. Lastly, there's a no project alternative that's the status quo. The goal of this test is to understand what methods are likely to reduce weed infestations and bring them to manageable levels, reducing the chance of re-infestation and improved beneficial use of the Tahoe Keys such as water quality and recreation.

The control methods test would be implemented in 21 locations and were selected to ensure that the test accounts for the inherent variability within the Tahoe Keys and to have that triplicate testing of methods to ensure a scientifically rigorous design. The test area is a little over 41 acres.

In response to comments received the alternative (slide 9) is using non-herbicide methods similar to the proposed project but removing the herbicide component. It would include the use of ultraviolet light and laminar flow aeration. The ultraviolet light uses a specific wave length that when plants are exposed, cell walls in the DNA of the weeds are damaged and result in the dying of leaves and stems. The laminar flow aeration is intended to provide a consistent oxygen level from the surface through the upper layers of sediment. The sediment is often lower in oxygen levels, so if that can be increased, it is expected to break down that "muck" layer and results in fewer plants in the affected area.

The second alternative would use dredging as a primary means of control and would rely on excavation of the bottom substrate to remove the plants, roots, turions, and the organic "muck" layer. It could then be replaced with a more core substrate that may be less suitable for plant growth. The team brought in a Geo-technical expert to help craft this alternative because of the number of comments suggesting that this method should be considered.

During scoping they received several comments that suggested that they take a hard look at what a no project alternative would mean to the rest of the Lake. The team conducted a detailed analysis that's not typically done for a no project alternative. In this scenario, the Tahoe Keys Property Owners Association would continue with harvesting, fragment collection, and other activities allowed within their existing approvals. The test would not take place, nothing would be learned, and would increase the time to address this issue.

Some of the key regulatory considerations because aquatic herbicides have been proposed, any potential discharge requires more analysis and considerations in permitting that wouldn't normally be required for some of the other methods that might be able to be used. The California Environmental Quality Act and TRPA reviews are required. Aquatic herbicides are being considered because of the severe situation that we're in with the aquatic weeds. The Tahoe Keys Lagoons are part of Lake Tahoe and its Outstanding National Resource designation and with that has an anti-degradation requirement.

The Lahontan Regional Water Quality Control Board has a prohibition on herbicide use but does have an exemption to that process which the Tahoe Keys Property Owners Association is seeking. The analysis is helping inform that with the anti-degradation analysis. This provides the highest level of protection for waters like Lake Tahoe. The anti-degradation analysis will be available this summer and is a complimentary piece to this environmental analysis.

Some key considerations and requirements for that Basin plan prohibition is that the environmental impact report must be conducted per the California Environmental Quality Act. If herbicides are approved, a National Pollution Discharge Elimination System permit will be required. Any use would need to be in compliance with the anti-degradation policies and demonstrate that the minimum amount of any potential herbicide to be used is being implemented for an effective treatment. In order for an exemption to be granted, a description of why other non-herbicide methods have not effectively addressed the target weeds present in the Tahoe Keys. The property owners are also required to have peer reviewed monitoring, reporting, and mitigation plan program.

The anti-degradation policy states that there cannot be any long term degradation to baseline water quality that exists in Lake Tahoe. Even when there's a restoration project it has to ensure that there's no long term degradation. Short term is allowed when your implementing restoration or conservation type projects. That short term degradation is weeks to months and not years. Any degradation of water quality would have to be temporary. This anti-degradation analysis will help inform using information from this environmental analysis but also some additional information that's being created, developed. This will help inform whether or not these treatments would have that long or short term degradation in order for them to be used.

Mr. Good, Environmental Science Associates said he's been leading the evaluation of water quality and other aquatic resources. The environmental impact statement covers a lot of different potential resource effects from recreation, air quality, and traffic. Today's presentation will focus on the water quality and beneficial uses. All of the activities proposed in this project are in the lagoon waters.

There were five steps in the approach to evaluating the water quality effects. First, they had to decide which water quality constituents could be affected. There are dozens of water quality standards in TRPA's threshold standards and the Basin Plan water quality objectives. Some of them don't apply to the activities of this project for example, the water quality objective for radio-activity. A lot of TRPA threshold standards are specific to stormwater or tributary waters. Second, they did an extensive baseline monitoring in 2019. Third, they defined 13 specific water quality and environmental health issues. Fourth, they evaluated both direct and indirect effects for each one of those 13 issues. There's a lot of information available for public review that shows their work in detail on all these evaluations. There were five PhD specialists in different areas of aquatic scientist working on this project.

For the first step in these water quality constituents based on the initial study and in consultation with staff from the Lahontan Water Board and TRPA had ten constituents of focus: Water temperature; Dissolved oxygen, pH; turbidity; floating materials; phosphorus; nitrogen; harmful algal blooms; detectable concentrations of herbicides and degradants; and aluminum.

They collected measurements and water samples in the lagoons almost every day for about six months. This was to have an in-depth understanding of the physical, chemical, and biological components of the lagoon and ecosystems and how they're interacting to perform the functions

ecologically.

The baseline data collection included continuous 15 minute interval measurements of dissolved oxygen, temperature, and pH at 13 different stations throughout the three lagoons at shallow and deep depths. There's a lot of variability of water quality in the lagoons so the conditions present during the afternoon when photosynthesis is happening compared to at night and early morning when photosynthesis is shut down is very different. It's also different for the near surface and near bottom waters, particularly when there's strong stratification and not a lot of mixing. They also had a rain gauge and water level recorders on the lagoons collecting that data at 15 minute intervals. Twice a month they measured depth to ground water in wells that were installed around the perimeter of the lagoons. They measured water quality profiles of temperature, oxygen, and pH at one foot intervals from near the surface to the bottom. That is important for documenting the amount of water circulation or stratification that was happening which has a large bearing on other water quality components. Once per month, they collected water samples in the lagoons and sent them to a laboratory for analysis of nutrients and chlorophyll. Several times over the season they collected ground water samples for lab analysis for nutrients and measured turbidity in the lagoons. In June and October, they did the fish and macroinvertebrates surveys. July was the one-time sediment sampling and when the TRC conducted the terrestrial biology and wetland delineation surveys.

The issues around water quality are in two different sections: Section 3.2, Environmental Health that has a lot to do with beneficial uses. The six issues identified: EH-1: Herbicide applicator exposure and health; EH-2: Herbicide persistence; EH-3: Protecting drinking water supplies; EH-4: Toxicity to non-target plants and animals; EH-5: Aluminum toxicity; and EH-6: Harmful algal blooms.

For water quality, these seven issues are around compliance with water quality standards: WQ-1: Water temperature effects; WQ-2: Sediment disturbance and turbidity; WQ-3: Dispersal of aquatic weed fragments; WQ-4: Changes in pH; WQ-5: Changes in dissolved oxygen; WQ-6: Increases in total phosphorus; and WQ-7: Increases in total nitrogen.

The fourth step in evaluating direct and indirect water quality effects they started with a description of the methods and assumptions for each one of those 13 issues and are summarized at the beginning of those environmental health and water quality sections. They focused on protecting the lagoon receiving waters because the water quality standards apply in the lagoons. They don't rely on any dilution in the greater Lake Tahoe. If the standards are met in the lagoons, it will be pretty safe with the greater Lake Tahoe water quality. The evaluations boiled down to three key questions: How long would herbicide chemicals be detectable? Would water quality standards be met? And would beneficial uses be protected?

How long would herbicide chemicals be detectable? They started with the aquatic pesticide application plan that was prepared by the Tahoe Keys Property Owners Association in 2018. They considered the chemicals that they proposed for testing and eliminated penoxsulam because it requires multiple applications to be effective and it has by far the longest persistence in the water. Second, they considered the application rates that TKPOA had proposed based on their mesocosm study and literature review. It was decided to conservatively base their evaluations on the maximum allowable application rates. They also needed to research the lowest attainable laboratory reporting limits. Through contacting contract laboratories that are able to analysis these herbicide chemicals they determined that one part per billion is the lowest reliable

reporting limit. Using those maximum application rates and the one part per billion reporting limits, based on information on degradation rates of the herbicide active ingredients and assuming no dilution they came up with ranges of persistence in the environment that went from a low 6 to 36 days for Florpyrauxifen-benzyl and up to 120 days for Triclopyr. It will ultimately be up to the Lahontan Water Board to make a determination on how these estimated persistence periods fit with that requirement that those herbicide chemicals cannot be detectable for more than weeks to months and not years.

Would water quality standards be met? The 2019 baseline survey showed that already pre-project the water quality isn't good in these lagoons and the standards aren't met for at least six water quality constituents. The question is would these water quality conditions get any worse from the control methods tests or the alternatives.

Several items considered in this evaluation; one was what is the proposed timing and extent of the activities. Second, what are the protective measures that are built in to the design of how those activities would be conducted. Third, they considered whether real time monitoring of water quality could be conducted and used to adjust the methods or pace of the work to assure that water quality standards are met. They also prescribed additional mitigation measures to get a greater safety factor that water quality standards would be met. They considered literature including monitoring information from other similar projects. All of these considerations went into developing their expectations for what the extent and the duration of effects could be.

For turbidity they expect short term increases would occur during bottom barrier removal. Under the dredging alternative during suction dredging or discharge of the dewatering effluent. The turbidity could be minimized or controlled by using turbidity curtains at the dredging sites and implementing spill control and treatment of dewatering effluent. For any of the alternatives, turbidity monitoring can be conducted in real time during the activity to adjust those activities as needed to meet turbidity standards.

For dissolved oxygen they found no concerns for direct oxygen demand from the herbicide products themselves. As far as the oxygen demand from decomposing plants, those effects could be minimized by treating the plants when they're small so there's less biomass that's decaying. Second, by deploying aeration during decomposition of the plants which was one of the mitigation measures that was added in. For pH there was also no concerns for direct pH changes from herbicides largely because the herbicide products are applied in a small quantity compared to the volume of water in a lagoon treatment site.

With phosphorus and nitrogen there was an in depth evaluation that was based on the nutrient loading and cycling model that was developed and can be found in Appendix F. Some of the key findings were that most of the nitrogen and phosphorus in lagoons is not in the water, it's in the plant tissues. Plant decay becomes the biggest nitrogen and phosphorous source in the main lagoon when those plants die back and decay. It's a different situation in Lake Tallac where there's a much larger watershed and more incoming ground water. Together those external sources of nitrogen or phosphorous are more than the internal sources from plant decay. They've found that the algal productivity is correlated strongly in the main lagoon to the concentration of nitrogen and phosphorus in the water. However, that was not the case in Lake Tallac because the tannins in the water inhibit algae productivity. In the main lagoon they expect greater sensitivity in terms of algal blooms from increased water nutrients that could happen during decay of plants. The

phosphorous and nitrogen can be minimized by treating plants when they're small and another mitigation measure of applying Phoslock to inactivate phosphorus. Phoslock is made from bentonite clay and contains a rare earth mineral called lanthanum that binds with phosphorous. If this product is sprinkled on the water, it will bind to the phosphorous molecules as it moves down the water column. The phosphorous then remains bound in the sediments where it's not available for algae blooms for aquatic plant growth.

Would beneficial uses be protected? In terms of impacts to human health from herbicides, there was information from the product registration and safety data sheets. This information showed that there's no potential to exceed drinking water standards. There's also no acute risk or chronic exposure to workers applying the chemicals. Also, the containment and protective measures and the monitoring and contingency plans in the aquatic pesticide application plan provide a safety factor that they believe will protect people. In terms of the potential or increased harmful algal blooms occurrence at these test sites during the nutrient release from decomposing plants, the aeration systems that would be deployed would create circulation so the water wouldn't be as stagnant and warm, therefore, it would be less conducive to algal blooms. The phosphorous activation (Phoslock) would effectively starve the algae of an essential nutrient. Since 2017, the Tahoe Keys Property Owners Association has undertaken a testing and public notice program. If during the course of test there was cyanobacteria identified, it would be sampled and depending on the level of those toxins, warning signs and other public notices would be issued.

Regarding impacts to non-target aquatic life from the herbicides there was the 2019 baseline surveys on the fisheries and Benthic Macroinvertebrates. They have information on the aquatic toxicity and the product registration and safety data sheets and used the Environmental Protection Agency risk assessment methods for this evaluation. The most protective measure for aquatic life is pretreatment surveys. It would mean getting out there before any herbicide applications occur and doing aquatic plant surveys to identify any stands of non-target plants that should be avoided. The boundaries of these test sites would be adjusted so that those areas would be avoided. They would expect some loss of individual non-target plants but the impacts on the overall plant community would be negligible.

There are some other potential impacts to non-target aquatic life. Some plants and invertebrates would be burned by ultraviolet light or buried by bottom barriers. They do expect at the community level those impacts would be minimal. Fish and other mobile organisms would swim or crawl away as soon as they sense the activities. Deoxygenation during plant decomposition would be managed by aeration. The potential for aluminum toxicity to fish would be managed by controlling sediment disturbance and the sediment disturbance would be managed by ongoing real time turbidity monitoring. The rapid recolonization and long term benefits to native plant and animal communities that would be coming from aquatic weed control on a little over 20 percent of the total lagoon area that would be tested. To the extent that those tests would be affected in controlling the weeds, there would be a net benefit to these beneficial uses of aquatic life.

Mr. Zabaglo said Mr. Good and a team of scientist conducted an in depth and independent analysis that looked at multiple natural resource areas. What's being reported by them is if a control methods test can be implemented with careful protective measures, impacts are expected to be less than significant. Some of those protective measures identified in the analysis is that regardless of the methods approved, treating the weeds at the right time is critical. The treatment needs to occur early in the growing season when the biomass of those plants is low and use aeration which would help

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prevent oxygen depletion and excessive nutrient release and potentially the formation of harmful algal blooms. Real time monitoring should also occur in order to make adjustments during implementation to ensure standards are being met. Pretreatment surveys would be completed to avoid non-target plant communities and having appropriate test sites. What they're trying to understand in this analysis of a test, is can all those proposed tests or methods be tested. They would like input on whether those potential impacts been addressed adequately, are the protective measures sufficient and is the range of alternatives reasonable.

The DEIR/DEIS can be found at <https://www.trpa.org/document/projects-plans/>. The 60-day comment period ends on September 3, 2020. Comments can be made via email to TahoeKeysWeeds@trpa.org or mailed to or mailed to Dennis Zabaglo, Aquatic Resources Manager, P.O. Box 5310, Stateline, NV 89449.

The Final EIR/EIS and response to comments will be in the Winter of 2020/2021 and with certification from the Lahontan Regional Water Quality Control Board and TRPA's board in the Spring of 2021 with potential implementation of the Group A test methods in late Spring of 2021 and Group B test methods in 2022/2023.

Presentation can be found at:

[Agenda-Item-No.-IX.B-Tahoe-Keys_DEIR_DEIS.pdf](#)

Board Comments & Questions

None.

Public Comments & Questions

Jesse Patterson, League to Save Lake Tahoe said aquatic invasive species is the number one threat to the Lake's unique and fragile ecology. Where we are is the draft environmental document and where we need to go sooner than later is a long term management plan for the largest infestation at Lake Tahoe. Around 2013, the League identified that in order to address aquatic invasive species, the Tahoe Keys would need to be addressed. They were fortunate to have formed a very strong partnership with the Tahoe Keys Property Owners Association and many others at that time to start working through the process. It started with him presenting to the Keys for the first time ever and then it moved on to several good partnerships with citizen science programs and the League committing funding and technical assistance to solve this issue. One of those items was the bubble curtain protecting the west channel. What they've found through all those iterations of working groups and collaborative processes, is that more tools are needed in the tool box. They believe that this combined methods test with a wide stakeholder engagement, public and private investments, excellent facilitation, and extensive outreach opportunities gets us to that point where we're moving forward. This draft environmental review was well written and easy to understand despite all its technical information, science backing, and everything else involved. Its science based and pragmatic approach to this exploratory and innovative solution for the Tahoe Keys is ambitious but achievable.

He thanked both lead agencies; Lahontan Regional Water Quality Control Board and TRPA for taking this on. To the Tahoe Keys Property Owners Association for their patience, diligence, and being

adaptable. Lastly, to all the stakeholders who have been on this journey.

Moving forward, we need to keep our eyes on the prize. It took more than seven years to get to this point and feels that Lake Tahoe doesn't have another seven years to figure out what to do to address this infestation. The Lake remains at risk until there's something done in the Tahoe Keys despite all the efforts to date. Testing as many methods in isolation or combination is one great way to do it.

This draft environmental document pointed out that all potentially significant impacts from the proposed project can be mitigated leaving no significant impact. They'll continue to read the anti-degradation analysis from Lahontan and the rest of the document.

Trish Friedman asked what kinds of cyanobacteria toxins have been found in the Tahoe Keys, What is going on with the fertilizer use by the Tahoe Keys residents and has there been any testing done in the air in regard to the algae blooms.

Mr. Yeates said staff will respond to Ms. Friedman's questions offline. This is a public hearing to accept comments on the draft environmental document.

Tobi Tyler, Sierra Club said they have some initial comments while they're still reviewing the draft environmental document.

First, the anti-degradation analysis is not included in the draft. Though, inclusion of this analysis was promised during the scoping phase of this project. Since the anti-degradation analysis is essential to allowing herbicide use in Lake Tahoe for the first time, and since it's mentioned in the draft at least 60 times, they assert that the public comment period should be 60 days from the release of the anti-degradation analysis instead of 60 days from the release of the draft Environmental Impact Statement/Environmental Impact Report.

Second, they haven't been able to find any discussion of the cost of Action Alternative Two, the dredging option, it's quite clear from the description that this alternative will be extremely expensive. It would meet one of the Sierra Club's goals for complete removal of the weeds and their seeds from the lagoons, but are the lead agencies expecting the public to pay for expensive dredging, disposal, and replacement so Tahoe Keys property owners can continue boating from their back yards. The result of dredging and replacement will be unnatural lagoons in which the process of fine sediment deposition and weed infestation will resume all over again. This option doesn't solve the problem and the risk of aluminum toxicity to aquatic life are too high. Restoring lagoons to a marsh and completely removing the habitat for weeds would be a cheaper alternative and the public would be more likely to support restoration.

Third, Action Alternative One, the non-chemical treatments alternative is clearly the environmentally superior alternative and is identified as such in the draft document. They remain opposed to the proposed project as herbicide use in Lake Tahoe and the Tahoe Keys doesn't solve anything. It would open the door to more use and should never be used in Outstanding National Resource Waters. They support action Alternative One but even this alternative to test only non-chemical methods doesn't protect the Lake from the infestation that continues to threaten it. The staff report on page two cites a critical issue for the need to act quickly on the environmental threat of the spread of aquatic weeds. A physical barrier must be placed at the entrance to the Lake to close off the Tahoe Keys until the environmental threat is completely removed or until the lagoons are restored to marshes. Why

aren't physical barriers included in the draft document as one of the alternatives for protecting the Lake?

This public process during the Covid pandemic doesn't adequately satisfy the needs of all citizens of who would like to comment. Some citizens don't have computers needed for virtual participation. The process is too highly controlled and doesn't allow any of the spontaneity for public meetings. Now, one has to not only prepare and submit their comments the day before the meeting, you have to preregister for the meeting ahead of time. There's also no option to reply to comments during the meeting. The technology doesn't always work for everyone who tries to participate. For instance, raising one's hand doesn't always guarantee an opportunity to speak. The opportunities for public participation do not adequately satisfy the California Environmental Quality Act and the National Environmental Policy Act requirements. Lake Tahoe deserves careful high quality management and real solutions, not band aids like the proposed project. Lake Tahoe is not a chemical testing ground and applying a band aid to a severed artery is not a solution. The health of Lake Tahoe comes first. Allowing the use of aquatic herbicides without due exploration of alternatives such as the restoration, barriers, and thoroughly testing non-chemical methods first would be dereliction of our duties to protect this national treasure.

Elise Fett said the bubble curtain is not currently working. The compressor blew out and there's one on order. It was mentioned earlier that this is becoming a lake problem. It's a collaborative and it seems that we need the collaborative to help maintain these tests, including the laminar aeration tests. It turns out that the bubble curtain was not running throughout the winter. CLEAN-FLO installed the system and has been clear that these tests have been very successful, this system has been used for ten years successfully to eliminate nutrients, but it has to be ran 24/7 year round. The system was shut down at the Tahoe Keys for the winter and was supposed to be turned on in April but wasn't because of the compressor. It had to be ran all year long, so it was as successful as Ski Run Marina where it eliminated over 20 inches of nutrients. It does this by increasing the natural enzymes which bring the nutrients up and then the microbes digest the nutrients and then eliminates the nutrients. That resolves the source of the problem that has been pointed out over and over again. Mr. Good said they wanted to use aeration, if you were to use the testing of aquatic herbicides anyway, then shouldn't it be installed now and start trying to reduce the source of the problems which are the nutrients at the base. The system eliminated four feet of muck from Lake St. Catherine in Vermont in 2014 after four years of testing. It takes time but has to be done properly. We need large scale non-chemical methods to be running permanently and a collaborative that does these tests the way that they need to be done to show that they work.

David Blau, Board Member and Program Chair for the League to Save Lake Tahoe said they've been a key player in the stakeholder group for several years. They helped fund and design the bubble curtain as a containment method along with the laminar flow aeration technology experiments. He has 36 years' experience preparing National Environmental Policy Act and California Environmental Quality Act documents and resource management plans. He's read the entire environmental document and said this document has many strong points. It's very comprehensive, it meets the requirement of full disclosure which is required by law and was happy to see the no action alternative treated as a distinct alternative all the way through the environmental impact chapter. This is rarely done, usually the no action is one or two pages that dismisses if we don't implement the action, we don't achieve the project objectives. The way this has been done; it's been taken through the entire environmental analysis. It makes a case for the urgency to solve the problem and protect lake ecology. The no action alternative ended up with the most significant impacts from any of the alternatives. They were happy

to see that the proposed project has no significant impacts. The conclusion by the authors as pointed out by Mr. Good, was less than significant in environmental health, water quality, and aquatic biology.

Their one concern is the labeling of Action Alternative One, the non-chemical alternative as the "Environmental superior alternative." This is required by law, but it doesn't mean you have to go with it, rather it only needs to be identified. Their concern is that the logic was based on one criterion that the proposed project has barriers that would block off about half the boaters in the Tahoe Keys for possibly three plus months of the first year of testing. To block off those boaters in the spring of year one for three months in return they get years and years of cleaner channels, seems like a small sacrifice. They asked for all to take another hard look at the designation of the environmental superior alternative. It has nothing to do with environmental health, water quality, or aquatic biology. It's only based on recreation boater obstruction in the Tahoe Keys. They don't favor one tool over any other at this time. They feel it's essential that all the tools in the tool kit be tested that are in category A and B to get a true picture of the pros and cons of each tool. They can't afford to waste possibly three years looking at an alternative that doesn't come anywhere near reducing the biomass by 75 percent. That wasn't mentioned in the presentation but is one of the four primary goals of the project. They're asking to test all the tools and find a solution and a mix of tools that meets the objective of reducing the biomass by 75 percent.

Julie Soules said the environmentally superior alternative would be the way to go. The idea that the chemicals are safe is something that seems largely unproven. If you look back over history, years and years of things we thought were safe end up having long term unintended consequences. If there's an option to clean and control the weed situation without introducing chemicals, that has to be the first choice. She grew up in Lake Tahoe and appreciated the quality of the water and remembers drinking it all the time when swimming. Future children shouldn't be fearful of doing that because we've introduced new chemicals and unsafe items into the water system. The weeds to be dealt with but if there's an option that doesn't involve introducing foreign chemicals, it should be pursued first. Unless that fails, why introduce foreign chemicals into the Lake.

Eric Ronning said he also grew up in Lake Tahoe and 40 years ago he would dive down and drink the lake water. Prior to testing any aquatic herbicides that can potentially cause more nutrients and mutation of weeds that could make them stronger and more difficult to eliminate, take the time to test all the non-chemical methods properly. This needs to be done on a large enough scale with enough time to see results before introducing chemicals. No Round Up for Lake Tahoe and let's try the natural method first.

Laurie Kemper, 35 year resident of Lake Tahoe who worked for the Lahontan Regional Water Quality Control Board for 33 years. She's speaking as private citizen today. She commended staff and the experts that put this document together. We know that eradication is not possible, rather it's a long term management strategy. It's important that we take the time now to evaluate the methods to determine what's possible and achievable with the non-chemical methods. It's also important for the Governing Board to understand that the Lahontan Basin Plan requires that non-chemical methods be done first and evaluated prior to the Lahontan Water Board making a decision to allow pesticides or herbicides to be used at Lake Tahoe.

This draft environmental document could be used to do a longer term test and evaluation program where the non-chemical methods are tested first and done very well to see if we can meet the 75

percent. If not, then make a decision to try herbicides. Don't tie a decision to test herbicides ahead of knowing what's possible with all these creative ideas that are explored in the draft document. Decisions and permitting can be done conditionally and can be done over a series of decisions. She said herbicides could be considered as a possibility after the other options have been thoroughly evaluated. The environmental impacts may be considered less than significant; a violation of the non-degradation standard that's in place at Lake Tahoe because of the Outstanding National Resource Water designation, the allowance of herbicides would violate that standard and that would be considered a significant impact. Under the California Environmental Quality Act there can be a statement of overriding consideration that would allow that to happen looking at the benefits over the impacts. It's not genuine to say there are no significant impacts when you're talking about adding a foreign substance to Lake Tahoe that's never been done. Just the existence of that herbicide violates that objective to keep the Lake with levels of pesticides that are non-detectable.

Laurel Ames said we need to know how much better we can do with the non-chemical methods. The Sierra Club is opposed to using herbicides in Lake Tahoe and tributaries which are considered by the Environmental Protection Agency to be part of Lake Tahoe. If 75 percent of the weeds are removed, that leaves 25 percent of the weeds. These weeds just grow and grow, it means that Lahontan and TRPA will have to deal with weeds for the rest of time unless they close it off from the Lake. Once they close it off from the Lake, it's not a tributary anymore. They believe that a barrier that prevents the waters in the Tahoe Keys and their weeds and the poisons will not be discharged to the Lake. That includes the groundwater. She hopes that there will be a re-jigger and a reset while the agencies proceed to work on the project and solutions with greater emphasis than they have to date.

Madonna Dunbar, Tahoe Water Suppliers Association said they were a member of the stakeholder working group and have been involved for many years on the development of the project plan being presented. They've come along ways over the past few years and recognized everyone's collaborative spirit. They've shared ideas, concepts, and possible solutions and are moving forward from a much larger project with the potential use of herbicides that was presented a few years ago. The Tahoe Water Suppliers Association board subcommittee has been meeting and they'll be going back to the full board with final written comments for submittal. At this time, the Tahoe Water Suppliers board continues to support the testing of the non-chemical methods. They are fully in support of Alternative Action A.1 for the laminar flow aeration and ultraviolet light testing. This has been their position for a long time. She'll go back to their board to see if their position has changed as a full board. The reason why they still support the non-chemical path is that even a one-time herbicide test into Lake Tahoe as a tier three Outstanding National Resource Water with six filtration exempt water systems out of 60 in the country, isn't appropriate at this time. As mentioned by Ms. Kemper, this is a great opportunity for us to test the larger scale non-chemical methods to see how well those can work. Also, there is a plan B option of the diver assisted suction that should be checked on a larger scale that's being used successfully in quite a few places. It removes that plants physically with the roots and are reducing the biomass of the plants. If there aren't good results after they run quality controlled consistent tests over a couple of seasons, then let's have this discussion again. Alternative A.1 has been identified as the environmentally superior alternative that they would support. They are talking about how they would support Alternative Action two, dredging and replacing substrates is one way to address the growth conditions of the weeds. However, it is an artificial enhancement, it may promote more weed growth and the restoration wetlands ecosystems services may be more applicable in water quality mitigation than a riffraff substrate replacement. They appreciated the shift in development from past years, but this is now about enhancing the water quality in the Tahoe Keys section of Lake Tahoe. They'll be submitting additional written comments.

Board Comments & Questions

None.

X. REPORTS

A. Executive Director Status Report

Ms. Marchetta said Patrick Wright, Director of the California Tahoe Conservancy was asked to accept a six to nine month detail as the Interim Director of the California's Governors Forest Management Task Force. He is taking the place of Jennifer Montgomery who similarly moved over and accepted a six to nine month detail to help lead the states Covid contract tracing work. Jane Freeman, the California Tahoe Conservancy's Deputy Director will now be taking on that interim lead role at the Conservancy for their programs and projects. Dorian Fougères will be stepping up to take the interim Deputy Director position. In addition, Forest Supervisor, Jeff Marsolais of the Lake Tahoe Basin Management Unit took a position as the Forest Supervisor for the El Dorado National Forest. Danelle Harrison is now the Acting Forest Supervisor for the LTBMU and the Acting Deputy Forest Supervisor is Matt Jedra.

Ms. Regan provided an update on the coordination with the Covid pandemic.

Ms. Regan said we are all facing many issues related to Covid and TRPA has played a pivotal convening role to bring the partnership together on a few fronts. TRPA's Research and Analysis team has been tracking the number of Covid cases and rolling them up for the basin. We're nearing 400 cumulative cases for the basin. There are 129 active cases basin wide. Staff worked together through the Sustainable Recreation Working Group to convene the land managers and the public and private partners. Devin Middlebrook and others have led the charge for that. This group meets every Tuesday looking at what happened over the weekend and how to triage and improve system operations. There were huge messaging challenges because of different rules from county to county and state to state. They've activated a communication working group; a Covid Communications Team that include public information officers from the public entities as well as representatives from all the visitor's authority, and private sector operators. That group meets every Thursday to coordinate messaging going into the weekends. That group has been equally effective at trouble shooting a lot of issues and also works with the operators at the land management facilities, beaches, etc.

The public information campaign around masks that spawned from that group has been deployed out into the community with thousands of signs and billboards promoting the use of masks in Lake Tahoe. Placer County and the North Shore has an influencer campaign with Olympic athletes promoting the use of masks. The South Shore is also looking at a similar campaign using Olympic athletes and other influencers to stress the need to wear masks. All of that is a product of the epic collaboration in Lake Tahoe. The success of these working groups has also inspired the states of perhaps convening the County Health Officers from California and Nevada to have a similar working group to discuss issues related to county health issues and orders.

Today, the House of Representatives passed the Great American Outdoor Act which the Senate had done so several weeks ago. They're expecting that bill be signed into law by the President which would permanently authorize funding for the land and water conservation fund and

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additional funds for a very large and expensive backlog of maintenance in public facilities in National Parks, on Forest Service and Fish and Wildlife land, amongst other agencies. This is one of the great conservation milestones in history.

Every year we honor local community members with the Lake Sprit Awards. In recognition of TRPA's anniversary, we're going to have the Spirit of TRPA legacy honored. Nominations will be made for folks who have made a difference in making TRPA what it is today. Staff has identified several folks over the decades starting in the 1960s. Board members will receive a survey to suggest others or to vote on the recommendations. Later, at a board meeting or another function when it's possible to get together, we'll be honoring the Spirit of TRPA award winners.

1) Quarterly Report: April – June 2020

No further report.

B. General Counsel Status Report

Mr. Marshall said they responded to the open meeting law compliant that was filed with the Nevada Attorney General's office. Please let him know if you're interested in receiving a copy. On Monday, there was a status conference regarding the Garmong litigation. They'll be filing a second amended complaint which will start the full motion to dismiss over again.

XI. GOVERNING BOARD MEMBER REPORTS

None.

XII. COMMITTEE REPORTS

A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project

Mr. Hester said there are four items reported out on every month which are the design of the plan, the parking management, the transit, and the ownership, operation and maintenance. The draft for the parking management is expected on August 3 from the Tahoe Transportation District and their consultant. The transit information was presented to the board at the time of the Event Center proposed project. The on demand and the mainline on Highway 50 are the components that will be in the draft Main Street Management Plan. The design will be put together by mid to late August and then hopefully the final stakeholder working group meeting. That will then go through a review and comment with Douglas County, the City of South Lake Tahoe, and the Tahoe Transportation District before going to the Governing Board hopefully by October. The ownership, operation and maintenance will be held back. They feel that it's a better idea that the Tahoe Transportation District bring that later after they get to the 60 percent design and worked out with the City and County what right-of-way will be owned and operated by which entity, how they'll permit events, etc. It would be premature to get that ownership, operations and maintenance done now. The plan will move forward less that part of the plan.

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B. Local Government & Housing Committee

Ms. Novasel said the housing working group will meet in August.

C. Legal Committee

No Report.

D. Operations & Governance Committee

No Report.

E. Environmental Improvement, Transportation, & Public Outreach Committee

No Report.

F. Forest Health and Wildfire Committee

The committee recommend approval of the proposed amendments for TRPA Code of Ordinances Chapter 61, Section 61.3. Vegetation Protection and Management .

G. Regional Plan Implementation Committee

Mr. Yeates said the committee discussed the vehicle miles traveled threshold and project tool, as well as the new mobility mitigation measure. Based on the public comment, the be a technical advisory committee will be busy!

XIII. PUBLIC INTEREST COMMENTS

Eric Ronning is speaking today on the multi-use private pier that was approved on May 27, 2020. His family owns lakefront property at 105 Chipmunk in Kings Beach. This project is two littoral parcels away by the shoreline from the largest pier going into Lake Tahoe; Akatiff pier off of Brockway Vista Avenue. The way that the shoreline curves there and the 45 degree angle that the pier comes off the shore at takes this pier directly across all of the lakefront properties on Chipmunk Street. It's extremely detrimental to them. The Chipmunk Street lakefront owners need to be considered and acknowledged before this pier is allowed to be built. Part of the problem is the way that the applicants site plan was done. The pier is not centered on the site plan, the pier and the site plan focus mainly going up Brockway Vista Avenue and the site plan cuts off all of Chipmunk Street. If it would have shown some of Chipmunk Street, that everyone would have said "wow" what about Chipmunk Street. How odd was it that no one from Chipmunk Street attended the hearing or a made comments. The notice had an incorrect access number on the back, and he assumed it was rescheduled for a later time. There are TRPA compatibility findings that TRPA must find that the project is compatible with existing structures in the immediate vicinity. The rationale for TRPA's findings was that there are multiple piers in the vicinity that are approximately 250 feet long. The proposed pier is 362 feet long. The piers in the vicinity have one boatlift and 10 to 20 lights. The proposed pier has four boatlifts and 50 lights. The proposed pier doesn't meet the TRPA compatibility findings. The board was misled during the meeting because when they asked about the pier, staff replied that the piers in the vicinity are not quite as long as this one, although the homeowner's association pier to the south is almost as long.

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Mr. Yeates said this is an item that the Governing Board has already approved. He suggested that he contact TRPA's General Counsel to see if there are remedies for reconsideration.

Eric Ronning said no one heard from anyone on Chipmunk Street. That was a red flag and those property owners should have been contacted.

Mr. Yeates said the adequacy of the notice was raised at the meeting. The board was informed that the proper noticing was done.

Catherine Schoen, El Dorado County resident said she's suffered from poor memorandum of understanding coordination between El Dorado County and TRPA related to fence codes.

On May 25, 2020, her neighbors contacted El Dorado County Code Planning staff and asked if a seven foot fence would need a permit to which they replied in an email that no permit was needed. The response is unusual and incorrect since TRPA has not changed its Code of Ordinances to agree with El Dorado County recent code update. It still maintains even at that time on TRPA's website that fences needed project review and permitting for heights above six feet.

On June 8, she saw on TRPA's website that the text of six feet was in red. She contacted Jeff Cowen to verify if it was six or seven feet. She was told by Mr. Cowen that it was the stricter of the two and he would forward this issue of the neighbor's fence to Code Compliance. She left a message for Taylor Currier in Code Compliance on June 15 and then again on June 16 to let him know that fence work was continuing to a height of seven feet. Mr. Currier returned her call and then initiated a code compliance complaint. She thought that changes were being done because the text about six feet was no longer red on TRPA's website. She asked him if TRPA was getting out of the business of regulating fences, he said no. He gave an expectation of the typical scenario of a complaint and its course.

She emailed Mr. Currier on June 27 about how she was not making progress with El Dorado County Code Enforcement Division, she received an email from Mr. Currier on June 30 stating the case was closed as a non-violation because El Dorado County staff had provided the neighbor with a letter that said no permit was needed. This was six days after he had informed the neighbor on June 24, which was also the same day that he and other TRPA staff met with the neighbor to discuss TRPA's administrative remedy for the fence violation.

From the time of her complaint on June 16 to June 24, Mr. Currier had worked with El Dorado County Planning staff and the neighbor to let them know that the fence exceeded TRPA's threshold for six feet and that an administrative action would result. El Dorado County staff told the neighbor that when two jurisdictions have conflicting standards the stricter one would apply. According to an email from her neighbor to El Dorado County Planning staff, Mr. Currier didn't know that El Dorado County had updated their fence ordinances. This is an example of poorly coordination of agencies under a memorandum of understanding. Coordination MOU management is needed to keep agencies abreast of changes to each other's codes. MOU partners shouldn't disregard each other's code when they update their own. If TRPA is turning fence permitting over to El Dorado County, TRPA should have the correct information on their website. She hopes that TRPA doesn't let this incorrect example stand but rather completes the administrative corrective action for this new seven foot fence.

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XIV. ADJOURNMENT

Ms. Novasel moved adjournment.

Chair Mr. Yeates adjourned the meeting at 4:13 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review