

**From:** [boblikins@cs.com](mailto:boblikins@cs.com)  
**To:** [Marja Ambler](mailto:Marja_Ambler); [jallen@tahoetransportation.org](mailto:jallen@tahoetransportation.org); [bosfive@edcgov.us](mailto:bosfive@edcgov.us); [Devin Middlebrook](mailto:Devin_Middlebrook)  
**Cc:** [robin@zirkel.us](mailto:robin@zirkel.us)  
**Subject:** Public Comment / Board Meetings ... SR-89 Corridor Plan  
**Date:** Tuesday, September 22, 2020 6:51:25 PM

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I have three comments on trails on the west shore. I am a cabin owner in the Rubicon Bay area (RTO) since 1989.

1. I favor completion of the paved Tahoe Trail for people and bike travel as near to Highway 89 as reasonable. I do not favor the illustrations of that trail that involve switchbacks going up the hillside and significantly away from Highway 89.
2. I also favor constructing the new Lake Trail between Highway 89 and the mountain peaks from Meeks Bay to DL Bliss.
3. I favor expanding and improving/formalizing the parking at Meeks Bay for the Desolation Wilderness trailhead.

Bob Likins      email [boblikins@cs.com](mailto:boblikins@cs.com)

**From:** [Constance Spencer](#)  
**To:** [distVirtualMeetingHelp](#)  
**Subject:** Tahoe Trail Completion  
**Date:** Saturday, September 19, 2020 5:07:47 PM

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### **Questions on Final Plan Tahoe Trail/Bike Path:**

1. Definition of “shared use path” (Proposed) designated as Class I? Who is sharing? Motorized bikes, scooters, motorcycles, skate boards, electric bicycles, motorized bicycles, hover boards, mopeds, motor scooters
2. What are the street names (not shown on maps of Rubicon Segment, for example)?
3. How will you enforce NO PARKING such as people parking in front of property owners while they go for a hike or bike ride?
4. How will you protect the Rubicon Tahoe Owners Association members’ private beach access from streets connected to the proposed path?
5. How will you protect the US forest (USF) and homeowners’ property that adjoins the USF if you go with the multi-use Lake Trail (Figure 37 p. 103 of “Recommended Projects Rubicon Bay Segment; C4 Appendix C Tahoe Trail Conceptual Alignments, Overlay, Tahoe North 2)? With fire danger always a threat and recently damage from wilderness fires like the Fork Fire, for decades that area above Mountain Drive and other streets and residences bordering the USF have been unused and unaffected.
6. Will Rubicon neighborhood roads be used as a portion of the actual bike path?
7. Serious road bikers usually ride on the highway. The mixed use path will primarily be used by recreational, shorter-distance bikers/walkers. What if bikers want to ride only from Rubicon to Bliss or some other shorter segment?
8. Will parking lots be built along the trail where people can park their cars and then ride their bikes?
9. Could parking on neighborhood roads be designated for residents/guests only via permit?
10. How will safety be addressed for bikers and drivers at highway crossovers?
11. How does the plan address the impact that the final location of the bike path will have on bike-path-adjacent private residences?
12. Can you confirm that CALTRANS has an 80 foot right of way corridor through Rubicon?
13. For what purposes can the CALTRANS right of way be used?
14. What is the plan for waste removal and bathroom facilities along the trail?
15. Who will monitor and enforce parking restrictions in neighborhoods? Along the path? Waste disposal? Restroom cleaning?

### **Suggestions for the Bike Path Feasibility Plan:**

1. **The maps** of the TAHOE TRAIL CONCEPTUAL ALIGNMENTS FOR THE RUBICON BAY PART OF THE PROJECT IN THE SR 89 RECREATION CORRIDOR MANAGEMENT PLAN IN THE APPENDICES:
  - a. **Need to include street names**
  - b. **Need to be enlarged**It is impossible to do a feasibility study without more extremely

detailed maps

2. **Property Owners need to be able to see precisely the location of**
  - a. **All proposed routes/paths**
  - b. **Grade separated crossings for pedestrians and cyclists**
  - c. **Emergency turnouts [formalized and proposed]**
  - d. **Helipad**
  - e. **The Lake Trail (multi-use trail)**
  - f. **Parking lots**
  - g. **Class I (shared use path)**
  - h. **The location of the multi-use Lake Trail in the USF behind homes (for example, Mountain Drive, Rubicon Properties West, west of Hwy 89)**

## **Concerns About the Bike Path TO BE DETERMINED?:**

**A bike path through the Rubicon residential area needs to include:**

- the actual physical location of the bike path (TBD)
- the impact the path will have on adjacent homes (TBD) including the size of any easements
- the impact of potential decreased property values caused by the bike path's being adjacent to  
homes
- the potential effects on the use of Rubicon roads (TBD) as part of the bike path routes
- the effects of people using Rubicon streets as day parking and leaving their cars in the  
neighborhood when they ride their bikes or walk on the path
- the location of highway bike path crossings (TBD) and how they will impact neighborhood traffic
- increased vehicular, pedestrian, and bike traffic on the west shore of Lake Tahoe by developing a  
new amenity
- safety of the mixed use of the path by multiple vehicle types (motorized bikes, scooters,  
motorcycles, skate boards, electric bicycles, motorized bicycles, hover boards, mopeds,  
motor scooters) in addition to hikers and walkers on the path
- environmental degradation due to the steep grade on either side of Hwy 89 through many parts of  
the Rubicon
- cost/funding sources for various bike path routes (TBD)
- width of the bike path (TBD)
- bikers/walkers trespassing into Rubicon and/or trying to access the PRIVATE beaches

- the impact, sanitation, and maintenance of any parking lots/pull outs (TBD) to be built along the path
- the impact of any bathrooms to be built (TBD) along the trail
- additional noise from bikers/walkers
- additional trash and debris which are bear attractants

THANK YOU!  
Connie Spencer

**From:** [Carol Rowberg](#)  
**To:** [Marja Ambler](#)  
**Subject:** Bike Trail  
**Date:** Tuesday, September 22, 2020 3:09:58 PM

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TRPA:

We are long time homeowners in the Rubicon Drive neighborhood of Rubicon Bay (I started spending my summers in Rubicon around age 4.). The backyard property line of our home is Highway 89. From our property to the top of Rubicon Drive it is a sloped hillside. We are very concerned about having a bike trail overlooking our backyard.

We already hear noise from traffic, emergency vehicles, and talking road bike peddlers. If the bike trail was placed on the lakeside of Highway 89 here are some of our concerns:

- 1) Noise and intrusion of bikers viewing our home.
- 2) Trash tossed down our hillside.
- 3) People urinating in prime view of our windows.
- 4) Walkers deciding to climb down into our yard to look for beach access.
- 5) The new bike trail potentially will change the entrance to Rubicon South/Main Beach where we have old rock pilers and a nice quiet neighborhood access.

\*\*\* Locating the bike trail on the mountain side of Highway 89 would potentially eliminate the above concerns.

6) Rubicon Bay has been protected from commercial businesses and signage. How might this bike trail change The Bay for homeowners?

7) People will try to park in the Rubicon neighborhoods to unload their bikes before getting on the trail. Most people do not want to pay to park at a State Park (Sugar Pine or Bliss State Parks) nor a Resort (Meeks Bay). The result will either be property damage, erosion, or addition of "No Parking" signs to our neighborhoods.

Thank you for taking our concerns into consideration.

~ Carol and Bob Rowberg  
8931 Rubicon Drive

**From:** [Gayle Brady](#)  
**To:** [Marja Ambler](#); [jallen@tahoetransportation.org](mailto:jallen@tahoetransportation.org)  
**Cc:** [bosfive@edcgov.us](mailto:bosfive@edcgov.us)  
**Subject:** Public Comment Board Meeting  
**Date:** Tuesday, September 22, 2020 10:23:45 AM

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Hello Tahoe Transportation Board,

Our family has owned a home in Rubicon for over 50 years and we have many concerns about the proposed Tahoe Trail through our area.

It is impossible for us to object to any of the SR-89 Plan specifics that have yet to be determined. However, once those plan specifics are defined, it may be too late to change them. This puts us in a quandary about how best to provide you with feedback which might influence the outcome of the as-yet-unknowable plan. Giving it our best effort, we will list our general objections/suggestions below.

**Concerns presented by a bike path through Rubicon Bay:**

**The width (10 feet) of the proposed bike path is not in keeping with the current width of the Tahoe City-Meeks Bay bike path nor does it blend in with the quieter West Shore environment.**

Bike path users will use neighborhood streets as day parking (leaving their cars parked when they ride their bikes or walk on the path). **Residents-only street parking might mitigate this problem.** Visitors often leave food in their cars which could attract more bears (already a problem) to our neighborhood.

**Safety - The location of highway bike path crossings and how they will be made safe for riders and drivers.** There is a high speed limit and visual impairment (caused by sun and shadow) on much of Hwy 89.

Safety - Given the mixed use of e-bikes and motorized scooters in addition to bikers and walkers on the bike path.

The environmental disruption/degradation that will occur due to the steep grade on either side of Hwy 89 through many parts of Rubicon

The impact of any parking lots/pull outs and restrooms to be built along the trail

The final physical location of the bike path will affect the residents, the wildlife and the environment.

Decreased property values/enjoyment of bike path adjacent homes. Rubicon is

known for its historical charm, old world feel and privacy. Having a home immediately adjacent to a highly-trafficked bike path will reduce property value/enjoyment compared to other homes not situated adjacent to the bike path.

Any use of Rubicon roads as part of the bike path route. Although the county streets through Rubicon are public, the practical precedent is that they have been used for over 60+ years as quiet, residential, neighborhood roads and walking paths.

#### BEACH ACCESS.

Bikers/walkers trespassing through private property and/or trying to access the lakefront from the bike path. Rubicon has one of the few private sandy beaches around Lake Tahoe. We employ a beach guard to secure our beach from non residents. We already without a bike path through our neighborhood have people trying to access our beach. A bike path would just increase this dramatically.

Increasing vehicular, pedestrian and bike traffic on the West Shore of the Lake. Increasing the already growing number of Tahoe visitors by providing another amenity is counter to the articulated goal of the SR-89 Corridor Plan.

What is the cost and what are the funding sources for the bike path? Given California wildfires, global warming, effects of COVID-19 and unemployment, is this really the best use of taxpayer dollars and other private funding?

Thank you for your consideration of our concerns,

Gayle Brady and Family

Gayle Brady  
912-230-3916

**From:** [jtahoefer@aol.com](mailto:jtahoefer@aol.com)  
**To:** [Marja Ambler](#); [Devin Middlebrook](#)  
**Subject:** hwy 89 corridor plan  
**Date:** Monday, September 28, 2020 10:31:25 AM

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September 30, 2020

To: TRPA Governing Board

#### COMMENTS ON THE HIGHWAY 89 CORRIDOR PLAN

I am pleased that a comprehensive and detailed plan has been set forth for the Highway 89 corridor from the edge of South Lake Tahoe north to Tahoma. The multiagency team and its consultant, Design Workshop, can be commended for assembling the recommended actions contained therein. The plan, once implemented, should correct many of the problems noted in the corridor.

I urge your approval of the plan.

However, I have **one major concern**:

What happens in the Emerald Bay Segment, and possibly other segments, of the corridor in the next 15 years as the first phase of the plan is implemented?

If the current mayhem that people place upon the fragile environment of Emerald Bay continues for more years, some of its beauty and opportunities for enjoyment may be permanently and irreversibly lost. For sure it will add to the cost of implementing the plan. And, **unpleasant chaos** is what many people will remember following a visit.

Must we always follow a pattern of destroying what we love, before we take action toward preservation? Must we look back a few years from now and say, "we should have acted more quickly and decisively"?

The Plan contains recommended "tools" for implementation, but most of the tools require major funding to be raised. Some require employing still undeveloped technological actions. All require 'time' to design and put in place. Time we can not afford.

What is needed is an interim plan of action for the next few years to curtail adverse impacts. That plan probably would require **reducing and controlling** the number of people entering and parking in the Bay for scenic viewing and recreation. Difficult? Yes, but not impossible.

I urge that interim action be required as part of the approval of the long term plan.

Jon Hoefer  
1331 Northampton Circle  
Gardiner, Nevada

775-392-0413



**From:** [Jay Reid](#)  
**To:** [Marja Ambler](#)  
**Cc:** [Devin Middlebrook](#); [robin@zirkel.us](mailto:robin@zirkel.us)  
**Subject:** Hwy 89 Corridor Bike Path- Rubicon-Jay Reid  
**Date:** Tuesday, September 22, 2020 10:42:58 AM

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You expressed a desire for emails of participants- Please add my email to all correspondence and notifications: [JayPamReid@yahoo.com](mailto:JayPamReid@yahoo.com)

I live at 8861 Glen Drive (Corner of Glen Drive and Hwy 89)

My personal concerns are associated with a possible bike path directly behind my property (creek area between Glen Drive and Hwy 89) I am concerned that the bike path not be directly behind my property. Therefore, I object to the purple line as drawn.

I support the path going along the lake side of Hwy 89 as drawn in green on one of the options shown.

This would get most of the bikes off the highway which is presently quite dangerous.

Additionally, I fully concur with the desire to delete the Blue P at the top of Highview trail head above Rubicon.

Thank you for all considerations and allowing me to participate in the Zoom sessions.

Jay Reid 916-708-2463

[Sent from Yahoo Mail on Android](#)

**From:** [Judi Allen](#)  
**To:** [Gail Gant](#)  
**Cc:** [Marja Ambler](#); [Devin Middlebrook](#)  
**Subject:** RE: TRPA Bike Path  
**Date:** Tuesday, September 29, 2020 9:22:47 AM

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Thank you for your comments Ms. Gant. I have forwarded your e-mail to TRPA.

*Best,*

*Judi Allen*  
*Tahoe Transportation District*

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**From:** Gail Gant <[gailsg1963@yahoo.com](mailto:gailsg1963@yahoo.com)>  
**Sent:** Monday, September 28, 2020 5:31 PM  
**To:** [jallen@tahoetransportation.org](mailto:jallen@tahoetransportation.org)  
**Subject:** TRPA Bike Path

I have a home at 9023 Rubicon Dr. My property backs up to Hi 89. From looking at the current map. it appears that the proposed bike path will go directly behind my house.

I have several concerns.

1. Privacy: if the bike path is to be 10 feet wide with a 2 foot shoulder, that will put the path directly behind my rear windows and take up a significant portion of my small lot.
2. Garbage: We in Rubicon have had a huge problem with bears this year (it has been getting worse every year). This year my house had two attempted break-ins and one successful one that did a significant amount of damage. I am concerned that the inevitable litter that will accompany the trail will only make things worse.
3. Noise pollution: We have already noticed increased traffic noise in our house from the growing popularity of Bliss and Emerald Bay. The presence of a bike trail that encourages even more tourists will negatively impact our noise pollution. I would rather hear the cars than the voices of tourists.
4. Runoff: We have a steep lot. I fear the trail will induce more runoff onto our property and damage my foundation.

Additional comments: Why don't you just require reservations for parking, even for day use, and charge a modest parking fee, as you do now? And why don't you stringently enforce the parking violations along the road? It would cost a lot less, and be environmentally sustainable by limiting the number of visitors and vehicles each day. Plus it would provide a significant source of income.

Also, it has been argued that because our neighborhood is primarily "seasonal" it will not be unduly impacted. We are up there from Memorial Day through October, which is when most of the tourists are up there and would be using the bike path. We chose to live in Rubicon precisely because it is not near any commercial properties or other crowded venues. I think a trail will negatively impact our neighborhood,

and ultimately our property values.

Gail Gant  
6325 Hillrise Dr.  
Carmichael. CA

(916)961-6166

**From:** [Judi Allen](#)  
**To:** [carol hoepner](#)  
**Cc:** [Marja Ambler](#); [Devin Middlebrook](#)  
**Subject:** RE: Rubicon Bike Path  
**Date:** Tuesday, September 29, 2020 9:27:03 AM

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Thank you for your comments Ms. Hoepner. I have forwarded your e-mail to TRPA.

*Best,*

*Judi Allen*  
*Tahoe Transportation District*

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**From:** carol hoepner <[choepner@hotmail.com](mailto:choepner@hotmail.com)>  
**Sent:** Monday, September 21, 2020 9:36 PM  
**To:** [jallen@tahoetransportation.org](mailto:jallen@tahoetransportation.org)  
**Subject:** Rubicon Bike Path

I think the bike path is a good idea. When my children were little, we could not bike from our home in Rubicon. So this will make bike travel safer for all.

**From:** [Judi Allen](#)  
**To:** [robin.stone](#)  
**Cc:** [Marja Ambler](#); [Devin Middlebrook](#)  
**Subject:** RE: Public Comment/Board Meeting on Oct 9, 2020 /SR-89 Corridor Plan  
**Date:** Tuesday, September 29, 2020 9:29:46 AM

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Thank you for your comments Ms. Stone. I will submit your comment during our October Board meeting and have forwarded your e-mail to TRPA.

*Best,*

*Judi Allen  
Tahoe Transportation District*

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**From:** robin stone <[robin@zirkel.us](mailto:robin@zirkel.us)>  
**Sent:** Monday, September 21, 2020 7:16 PM  
**To:** [jallen@tahoetransportation.org](mailto:jallen@tahoetransportation.org)  
**Subject:** Public Comment/Board Meeting on Oct 9, 2020 /SR-89 Corridor Plan

Hello Tahoe Transportation Board,

Our family has owned a home in Rubicon for over 50 years and we have many concerns about the proposed Tahoe Trail through our area.

It is impossible for us to object to any of the SR-89 Plan specifics that have yet to be determined. However, once those plan specifics are defined, it may be too late to change them. This puts us in a quandary about how best to provide you with feedback which might influence the outcome of the as-yet-unknowable plan. Giving it our best effort, we will list our general objections/suggestions below.

**Concerns presented by a bike path through Rubicon Bay:**

**The width (10 feet) of the proposed bike path is not in keeping with the current width of the Tahoe City-Meeks Bay bike path nor does it blend in with the quieter West Shore environment.**

Bike path users will use neighborhood streets as day parking (leaving their cars parked when they ride their bikes or walk on the path). **Residents-only street parking might mitigate this problem.** Visitors often leave food in their cars which could attract more bears (already a problem) to our neighborhood.

**Safety - The location of highway bike path crossings and how they will be made safe for riders and drivers.** There is a high speed limit and visual impairment (caused by sun and shadow) on much of Hwy 89.

Safety - Given the mixed use of e-bikes and motorized scooters in addition to bikers and

walkers on the bike path.

The environmental disruption/degradation that will occur due to the steep grade on either side of Hwy 89 through many parts of Rubicon

The impact of any parking lots/pull outs and restrooms to be built along the trail

The final physical location of the bike path will affect the residents, the wildlife and the environment.

Decreased property values/enjoyment of bike path adjacent homes. Rubicon is known for its historical charm, old world feel and privacy. Having a home immediately adjacent to a highly-trafficked bike path will reduce property value/enjoyment compared to other homes not situated adjacent to the bike path.

Any use of Rubicon roads as part of the bike path route. Although the county streets through Rubicon are public, the practical precedent is that they have been used for over 60+ years as quiet, residential, neighborhood roads and walking paths.

Bikers/walkers trespassing through private property and/or trying to access the lakefront from the bike path.

Increasing vehicular, pedestrian and bike traffic on the West Shore of the Lake. Increasing the already growing number of Tahoe visitors by providing another amenity is counter to the articulated goal of the SR-89 Corridor Plan.

What is the cost and what are the funding sources for the bike path? Given California wildfires, global warming, effects of COVID-19 and unemployment, is this really the best use of taxpayer dollars and other private funding?

Thank you for your consideration of our concerns,

Robin Stone and Family

**From:** [Bill O'Neill](#)  
**To:** [jallen@tahoetransportation.org](mailto:jallen@tahoetransportation.org); [Marja Ambler](#)  
**Cc:** [Devin Middlebrook](#)  
**Subject:** Corridor89 Bike Path Concerns- Homeowner  
**Date:** Tuesday, September 29, 2020 10:35:48 AM

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TRPA and County Professionals:

My family has owned in Rubicon for 62 years along the highway along Scenic. We've worked hard to maintain, invest and improve our home for our family, our legacy, and for our quality of life. The proposal of the Bike Path through Rubicon is a real concern; I am firmly against it going through residential property.

**Greatest concerns:**

**Sheer expense** – The benefits of the project seems non-sensical for a State struggling to improve so many things; justification quoted on reducing traffic by riding doesn't make sense; I expect it results in more cars driving to bike parking. I believe it's limited in use for those shopping or traveling. Even if money exists, is this the best spend to preserve the environmental impact in Tahoe?

**Flawed Proof points** - The projected number of cars and users seems inflated and unrealistic, making the concept flawed; Afterall, it really would only be useful during summer months, the same months causing the most disruption to homeowners. Otherwise covered by snow.

**Safety** – The Rubicon straightaway is not enjoyable; the crossings are also unrealistic for the speed traveled here; no real enjoyment because it's loud and stressful. Cyclists won't use it, they will remain on the highway, limiting the true ability to take traffic off the road.

**Property impact caused by factors that will wrongly impose on homes along the expected route:**

- Obstruction of view or visual scenery inherent to the area, it's ambiance would be impacted; and that's why we own homes here.
- Impact to financial property values for having this on our property (even if easement) making homes less desirable, taking our value down
- Noise; shouting/conversation to speak over traffic or while traveling the route. We have that now, it would only be worse.
- Likely garbage and litter, unsightly, non-environmentally friendly, calling for interventions to ensure no bears and not imposing into anyone's yard
- No bathrooms – health hazard, attracts transients, poses safety issues and visual eyesore
- Risk of those parking in our neighborhoods to "park and ride" to the south – an imposition on private streets that signage and no manpower available to enforce.
- With a trail along homes it risks our safety, possible thefts, and our privacy
- Unsightly signage or lights marking crossings or trails, not in keeping with nature of the area
- More years of construction that we've already endured for major highway improvements
- Rock walls and prior improvements would be destroyed, undoing a huge investment and disrupting the environment for huge cost.

"Adaptation management" was the answer given by TRPA as to how some of these concerns would be dealt with. That is a vague and unsatisfactory answer to real concerns.

That said, if the trail is destined to occur, please consider the homeowner interest and make efforts to use forest land, consider the alternative going over the hill, and minimizing road danger. Please include us in the decisions made, aesthetics and disruption.

Sincerely,

John Isham; Carol Isham O'Neill, William O'Neill

Homeowners

September 14, 2020

Tiffany Good, Principal Planner  
Response to the Public Hearing for multiple-use pier  
3105, 3115, 3125 West Lake Blvd.  
Placer Co.

Parcel/File number: 085-280-044-043 & 042. ERSP. 2020-0125

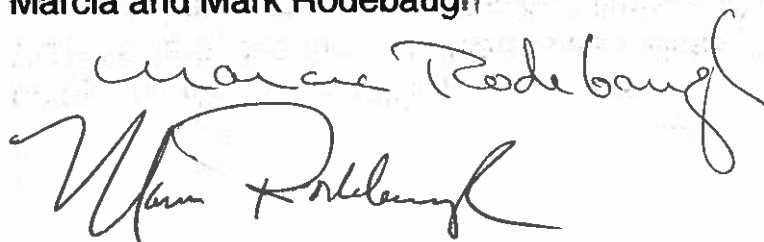
To TRPA Governing Board:

I am writing to state my strong opposition to the construction of the above noted pier. The site in "Hurricane Bay" is unfortunate and should be disallowed. This is a lovely, relatively uncluttered bay along the West Shore. The beach is very accessible to the public, many enjoy the area for kayaking, paddle boarding and even scuba diving. Water skiers love the calm waters as well as jet skiers. However many of the latter do exceed speed limits and cut close to the shore. This new pier or any others which undoubtedly follow if this is given approval, is hazardous.

Our family vacation home (non-rental) is located up Williams Road. We have enjoyed the area for over 35 years, initially in Skyland. Interesting that the TRPA has been active for 50 years. Please don't fail the public by compromising what the scenic ordinance was designed to do. Preserve Lake Tahoe's visual beauty. Piers are basically an eyesore, and serve to increase the value of the owners property. The aesthetic value of the lake and mountains is forever diminished. Hurricane Bay is a gem and needs to be protected.

Respectfully

Marcia and Mark Rodebaugh

The image shows two handwritten signatures in black ink. The top signature is for Marcia Rodebaugh and the bottom signature is for Mark Rodebaugh. The signatures are written in a cursive, flowing style.



**From:** [djinkens@charter.net](mailto:djinkens@charter.net)  
**To:** [Mark Bruce](#); [bosfive@edcgov.us](mailto:bosfive@edcgov.us); [Marsha Berkbigler](#); [Wesley Rice](#); [Bill Yeates](#)  
**Cc:** [Monica Eisenstecken](#); [Joanne Marchetta](#); [John Marshall](#); [Marja Ambler](#); [Gregg Lien](#)  
**Subject:** TRPA Legal Committee Agenda Item 1 - - Appeal of Approval of Tree Removal Permit, 1360 Ski Run Blvd.  
**Date:** Tuesday, September 29, 2020 12:04:41 PM  
**Attachments:** [TRPA Appeal of Tree Cutting Permit Ski Run Boulevard.pdf](#)

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Dear Governing Board Members of the TRPA Legal Committee:

Please see the attached letter in support of the appeal of Monica Eisenstecken, in this matter.

**Thank you** for your consideration in this regard and for your service to our Region.

*David*

David Jinkens, MPA  
**Good Government Advocate**  
*Retired South Lake Tahoe City Manager*  
Full-time City Resident

SENT VIA ELECTRONIC MAIL

September 29, 2020

**HONORABLE GOVERNING BOARD MEMBERS OF THE TRPA LEGAL COMMITTEE**

P.O. BOX 5310

STATELINE, NEVADA 89449-5310

**RE: Letter of Support of Appeal of Tree Removal Permit, 1360 Ski Run Boulevard, South Lake Tahoe, CA, APN 025-580-007, TRPA FILE NO. TREE2020, Appeal File No. ADMIN2020-005, GOVERNING BOARD MEETING OF SEPTEMBER 30, 2020**

Dear Members of the TRPA Legal Committee:

I am writing to you in support of the above-named appeal by Monica Eisenstecken of the Executive Director-issued permit to Guillian Nel to remove trees from his 1.89-acre property at 1360 Ski Run Boulevard.

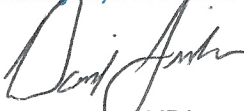
I support the appeal because the proposed tree removal is clearly an essential component of the owner's plans to allow construction of a 112-cell facilities tower for Verizon on that property, and the hearing on that cell tower facilities approval has not yet occurred. The tree removal is an integral part of the approval process for the massive cell tower, and the review of both should not be separated. "**The whole of the action**" must be taken as one matter because doing less will result in directly making changes in the environmental setting that arguably prejudges action on the proposed 112-foot cell tower/facilities. This conclusion is made in the TRPA staff report as well, and then it is ignored in the recommendation for approval.

The move to begin the process for the construction of a 112-foot cell tower at 1360 Ski Run Boulevard by removing the subject trees cannot arguably receive a fair hearing because certain Governing Board Members and the Executive Director (I know unwittingly) have already deliberated on the plan by Verizon to deploy cell towers and facilities in the City and Basin as part of their board participation on the **Tahoe Prosperity Center**. Such action in a private setting on a public policy matter that is supposed to be discussed in a public setting (and decided in a neutral manner by policy makers and their advisors) creates a divided loyalty by the policy maker and administrator that are arguably prohibited under California State law and ethically questionable practices. Matters of public policy cannot be made in back rooms, outside of the public view with wealthy corporate interests to the detriment of the public and damage to the environment. People do matter in these evaluations as does the environment.

The appeal should be upheld, the decision of the Executive Director overturned, and the property owner told that this request will be considered along with the future action on the cell tower placement at 1360 Ski Run Boulevard, I fully support the abatement of fire hazards in the City and Basin, but this request is an integral part of the request for the 112-foot cell tower approval that in itself has serious health and public safety impacts that need appropriate evaluation before deployed in the "Jewel of the Sierra."

I ask that this statement be read into the record, provided to all members, and made part of the proceedings for tomorrow's virtual meeting.

*Thank you, best wishes, and be safe!*



David Jenkins, MPA

**Good Government Advocate**

**From:** Brennan, Whitney@Tahoe <[Whitney.Brennan@Tahoe.ca.gov](mailto:Whitney.Brennan@Tahoe.ca.gov)>  
**Sent:** Monday, September 28, 2020 1:51 PM  
**To:** Devin Middlebrook <[dmiddlebrook@trpa.org](mailto:dmiddlebrook@trpa.org)>  
**Subject:** RE: Climate Presentation at TRPA Governing Board - 9/30

Here is my comment for the board meeting. Let me know if I need to submit it a different way. Thanks.

Hi, I am Whitney Brennan, the climate change program lead at the California Tahoe Conservancy. We have been working with TRPA, the State of California, the State of Nevada, the Forest Service, and other Basin partners for the last three years on an integrated vulnerability assessment of climate impacts to the Lake, uplands, and communities in Tahoe, which we released in April; and a document that describes the state of climate adaptation in the Basin. We are currently wrapping up this process and should have final materials by the end of the winter. We are very excited to hear about TRPA's new climate initiative and we would like to express our support for this collaborative process.

*Whitney Brennan, PhD*  
*Wildlife Biologist, California Tahoe Conservancy*  
[Whitney.Brennan@tahoe.ca.gov](mailto:Whitney.Brennan@tahoe.ca.gov)  
**NEW WORK PHONE NUMBER: (530) 318-1546**

**From:** [conspencer@aol.com](mailto:conspencer@aol.com)  
**To:** [Marja Ambler](#)  
**Cc:** [conspencer@aol.com](mailto:conspencer@aol.com)  
**Subject:** Comments, Questions, Suggestions on bike path through the Rubicon  
**Date:** Monday, September 28, 2020 6:31:17 PM

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## Feasibility Study Bike Path SR-89 Recreation Corridor Plan Rubicon Bay Segment

Although the Bike Path plan has some benefits, before plans can be implemented, please consider:

### **Suggestions for the Bike Path Feasibility Plan:**

**The maps** of the TAHOE TRAIL CONCEPTUAL ALIGNMENTS FOR THE RUBICON BAY PART OF THE PROJECT IN THE SR 89 RECREATION CORRIDOR MANAGEMENT PLAN IN THE APPENDICES

- a. **Need to include street names and Need to be enlarged**

It is impossible to do a feasibility study without more extremely detailed maps

**Property Owners need to be able to see precisely the location of**

- a. **All proposed routes/paths**
- b. **Grade separated crossings for pedestrians and cyclists**
- c. **Emergency turnouts [formalized and proposed]**
- d. **Helipad**
- e. **The Lake Trail (multi-use trail)**
- f. **Parking lots**
- g. **Class I (shared use path)**
- h. **The location of the multi-use Lake Trail in the USF behind homes (for example, Mountain Drive, Rubicon Properties West, west of Hwy 89)**

### **Concerns About the Bike Path:**

**A bike path through the Rubicon residential area needs to include:**

- the actual physical location of the bike path (TBD)
- the impact the path will have on adjacent homes (TBD) including the size of any

easements

-the impact of potential decreased property values caused by the bike path's being adjacent to homes

-the potential effects on the use of Rubicon roads (TBD) as part of the bike path routes

-the effects of people using Rubicon streets as day parking and leaving their cars in the

neighborhood when they ride their bikes or walk on the path

-the location of highway bike path crossings (TBD) and how they will impact neighborhood traffic

-increased vehicular, pedestrian, and bike traffic on the west shore of Lake Tahoe by

developing a new amenity

-safety of the mixed use of the path by multiple vehicle types (motorized bikes, scooters,

motorcycles, skate boards, electric bicycles, motorized bicycles, hover boards,

mopeds, motor scooters) in addition to hikers and walkers on the path

-environmental degradation due to the steep grade on either side of Hwy 89 through many

parts of the Rubicon

-cost/funding sources for various bike path routes (TBD)

-width of the bike path (TBD)

-bikers/walkers trespassing into Rubicon and/or trying to access the PRIVATE beaches

-the impact, sanitation, and maintenance of any parking lots/pull outs (TBD) to be built

along the path

-the impact of any bathrooms to be built (TBD) along the trail

-additional noise from bikers/walkers

-additional trash and debris which are bear attractants

-The RFP directs the consultants to "maximize the percentage of trail segments that are Class 1". Typical design elements of a Class 1 trail include a paved surface 8-12 feet wide, 2 foot shoulders on either side and separation from the road by a minimum of 12 feet.

-The RFP refers to Tahoe Trail SR 28 (Incline Village to Sand Harbor) as a "potential model for the desired outcome". Where a very wide bike path may be appropriate going through the uninhabited and spacious Lake Tahoe Nevada State Park lands, it could be disruptive and unsuited environmentally going through populated West Shore neighborhoods where many homes are situated on small lots with narrow roads.

-The RFP directs consultants to "consider that many homeowners in this corridor are non-resident and/or seasonal in nature." However, the months during which seasonal homeowners are in residence (May-October) will be the very months that the bike path is most heavily utilized. Further, the bike path's proximity to homes could reduce homeowners' privacy, property value and enjoyment. Undeniably, Rubicon homeowner input is highly relevant.

The RFP directs the consultants to "respect private property rights", "reduce noise impacts from trail usage" and "minimize the number of crossings of SR-89, crossings should be over or under the highway when feasible."

The RFP calls for a "broad outreach strategy to gain input and buy-in from the broader public and stakeholders within the corridor."

The RFP directs the consultants to "provide opportunities for homeowners in the corridor that may be impacted by trail alignment to participate in plan development."

### **Benefits a bike path through Rubicon may offer include:**

-increased safety for bikers who formerly had no option but to ride on the highway

-bike-in/bike-out access to the bike path for local residences

-completion of an around-the-Lake bike path

-increased recreational opportunities for visitors/residents to the entire lake shore

-projected decreased vehicular traffic by diverting people to the bike path

-grocery shopping/errands by e-bike

### **AND:**

-The RFP directs the consultants to "respect private property rights", "reduce noise impacts from trail usage" and "minimize the number of crossings of SR-89, crossings should be over or under the highway when feasible."

-The RFP calls for a "broad outreach strategy to gain input and buy-in from the broader public and stakeholders within the corridor."

-The RFP directs the consultants to "provide opportunities for homeowners in the corridor that may be impacted by trail alignment to participate in plan development."

## Questions:

Definition of “shared use path” (Proposed) designated as Class I? Who is sharing? Motorized bikes, scooters, motorcycles, skate boards, electric bicycles, motorized bicycles, hover boards, mopeds, motor scooters? Pose limitations?

How will you enforce NO PARKING such as people parking in front of property owners while they go for a hike or ride?

How will you protect the Rubicon Tahoe Owners Association members’ private beach access from streets connected to the proposed path?

How will you protect the US forest (USF) and homeowners’ property that adjoins the USF if you go with the multi-use Lake Trail (Figure 37 p. 103 of “Recommended Projects Rubicon Bay Segment; C4 Appendix C Tahoe Trail Conceptual Alignments, Overlay, Tahoe North 2)? With fire danger always a threat and recent damage from wilderness fires like the Fork Fire, for decades, the area above Mountain Drive and other streets and residences bordering the USF have been unused and unaffected.

Will Rubicon neighborhood roads be used as a portion of the actual bike path?

Serious road bikers usually ride on the highway. The mixed use path will primarily be used by recreational, shorter-distance bikers/walkers. What if bikers want to ride only from Rubicon to Bliss or some other shorter segment?

Will parking lots be built along the trail where people can park their cars and then ride their bikes? One of the maps shows a Rubicon parking area. Precisely where is the proposed site?

Could parking on neighborhood roads be designated for residents/guests only via permit?

How will safety be addressed for bikers and drivers at highway crossovers?

- . How does the plan address the impact that the final location of the bike path have on-adjacent private residences?
- . Can you confirm that CALTRANS has an 80 foot right of way corridor through Rubicon?
- . For what purposes can the CALTRANS right of way be used?
- . What is the plan for waste removal and bathroom facilities along the trail?
- . Who will monitor and enforce parking restrictions in neighborhoods? Along the path? Waste disposal? Restroom cleaning?
- . How will you provide homeowners opportunities to provide input?



Connie Spencer

<file:///C:/Users/consp/Documents/TAHOE/TRPA/TRPA%20SR%2089%20PLAN/RFP-20014-SR-89-Recreation-Corridor-Tahoe-Trail-Feasibility-Study-.pdf>

<https://www.trpa.org/transportation/plans-projects-and-programs/sr-89-recreation-corridor-management-plan/>

Devin Middlebrook Tahoe Regional Planning Agency PO Box 5310 128 Market Street Stateline, NV 89449 775-589-5230 [dmiddlebrook@trpa.or](mailto:dmiddlebrook@trpa.or)

The selected team will work closely with the United States Forest Service, Tahoe Regional Planning Agency, Caltrans, California State Parks, El Dorado County and the Tahoe Transportation District among other appropriate regulatory agencies



**From:** [cash lebish](#)  
**To:** [Marja Ambler](#)  
**Subject:** Re: TRPA Governing Board Agenda Item IX. B, Appeal of Approval of Tree Removal Permit, 1360 Ski Run Blvd/  
Cell Tower Application  
**Date:** Tuesday, September 29, 2020 3:07:02 PM

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I'm Monica neighbor and i also agree with the alpeal not to cut many trees down  
It ruins the beauty of our area .

Cash in Tahoe

On Sep 29, 2020, at 11:45 AM, Monica Eisenstecken <[monicalaketahoe@yahoo.com](mailto:monicalaketahoe@yahoo.com)> wrote:

Send a letter to [mambler@trpa.org](mailto:mambler@trpa.org) by 5 today she will distribute letters to the Governing Board. Please add in your letter that this is for the tree cutting permit at 1360 Ski Run Blvd Agenda 9A

**Sent:** Tuesday, September 29, 2020, 11:23:51 AM PDT  
**Subject:** TRPA Governing Board Agenda Item IX. B, Appeal of Approval of Tree Removal Permit, 1360 Ski Run Blvd/ Cell Tower Application

To The Honorable Members of the Board,

Please take a few moments to review the attached Word memorandum below on behalf of the Appellant in this matter before our hearing tomorrow. This will be greatly appreciated and save time in going through the issues with you. Thank you for your kind consideration, and we will look forward to a spirited discussion. Best, Gregg

Law Office of Gregg R. Lien  
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Tahoe City, CA 96145  
530.583.8500  
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<Eisenstecken.GB9-30-20final.docx>

<Verizon Standard Agreement.pdf>

September 29, 2020

To The governing board of Tahoe Regional Prosperity Association:

My family has owned the house at 1400 Ski Run Blvd for 30 years. We have voiced our opinions to the South Lake Tahoe City Council and T.R.P.A. concerning the possible Verizon Tower that is in the works to be placed at Hansons Resort on Ski Run Blvd nearly 150 feet or so away from our home. We oppose this project. We have now been informed that Gillium Nel has applied for permits to take down 31 trees from his property. Where we have a clear view. It is said they are a fire hazard that is the reason they are being taken down.

Why is it that suddenly with this project in the works is Mr Nel suddenly cutting the trees? Is it because Verizon coerced him to cut them down for better coverage? We bought this house on Ski Run Blvd because of all of the natural beauty. It seems like 31 trees that are not dead is absurd. I have talked to many neighbors surrounding Mr. Nels property, and they as well disagree destroying all these trees will take away from the natural beauty in our neighborhood that we came here for. How is this the legal course? All these years he has lived in the neighborhood and now he is taking trees down. It seems for the Verizon project. I ask to reconsider the permits for the destruction of these beautiful trees. We don't agree with this project. Please stop the cutting of these trees!! Thank you for your consideration.

The Reinhard Family

Written Public Comment TRPA Governing Board 9/30/2020 Agenda Item # VII B, VIII A  
Cc: TRPA: Joanne Marchetta, GB Chair, Co-chair; WC Commissioners, Eric Brown

My comments below are focused on Incline Village/Washoe County Tahoe Area. TRPA addresses a broader geography, yet there may be comparable questions and concerns elsewhere. I recently read a scary article about a near miss escape from wildfire in a vacation community in Oregon where residents and firefighters trapped by a rapidly advancing wildfire near a reservoir mounted what was called a “last stand, hoping for a miracle”.\* It is a smaller lake than Tahoe. But, the evacuating crowd with roads blocked was also much smaller than we could see with our limited escape roads. I thus plead with you to:

**1. Address/limit total area occupancy during busy seasons as you develop TRPA/TTD’s Transportation proposals & consider revised WC proposed STR Regs & Tahoe Area Plan.** Even ignoring direct STR safety risks and neighborhood compatibility concerns (fires on decks, hot tubs over-heating, noise, trash, etc.), STRs contribute to a significant seasonal occupancy increase in IV. Evacuation capacity was viewed as marginal several years ago & the situation is not likely to have improved. Tax revenue is nice & I think you all may be lobbied by realtors, property managers, etc. with rationales I suspect mostly related to revenue. (Interestingly IV business owners that I have spoken to or heard second hand about haven't been as supportive.) Nonetheless, public safety has a value, & the current situation potentially places residents/visitors & thus WC & TRPA at increased risk.

**2. Sponsor comprehensive tourism management regulations in addition to added STR Neighborhood Compatibility regs to limit adverse area occupancy impacts.** IV’s adverse parking/traffic situation has multiplied with day visit influx for SLTT/Sand Harbor creating more risk. Despite efforts, failure to successfully manage traffic/parking on Rte 28 & nearby IV has worsened an already difficult situation. TRPA/TTD have some proposals but as best I can tell, like some of the recent adverse collateral experience along Rte 28, they may not be founded on comprehensive scenario planning which is essential to developing successful plans for complex problems. The proposed 2020 Transportation Plan appears based on assumptions which I believe may underestimate the current actual traffic volumes/issues & thus may not reliably deliver air quality or public safety results. I have listed some examples of data questions in the addendum below. Also wondering about the recently news article re potential TRPA vehicle fees which failed to address multiple components – for example, were the reported fee plan to be enacted as described, where would occasional owner visitor vehicle or more critically the STR vehicle avalanche fit in the fee mix? Will the proposal sufficiently and effectively impact the current situation?

Personally, I have spent >1 hr to go 3 mi. Kings Beach to IV. Others report similarly in feedback to WC recently re the STR Ordinance draft. **If a major wildfire erupts with urgent evacuation requirement, what is the potential public safety impact?** Please help your constituents & the tourism industry (which also won’t benefit from a catastrophe) with responsible, data-based regs to manage area occupancy & tourists/vehicles to safe overall levels & safe performance attributes for everyone's benefit.

**3. Get Public Input to proposals** in open presentation/discussion meetings before formal hearings. Input was obtained earlier and the plan development process has been extensive, but no open public discussion of the several current massive proposals has occurred via TRPA or WC. Interestingly the focused WC zoning changes for Emergency Communication Tower siting in remote areas and for abutting Industrial/Residential uses have had more public discussion than the sweeping implications of the massive zoning change embedded in the proposed STR regs or the substantive, potentially adverse IV impacts of proposed TRPA/TTD Transportation plans, particularly the apparently envisioned substantive IV “Mobility Hub.” Consider an evacuation situation – urgent exit required from Sand Harbor/ELTT area >> traffic jam of vehicles leaving those parking lots and nearby on street parking, plus bus loads of people to be moved to many, many vehicles parked at a transportation bus hub in IV with connecting buses incoming ... that plus residents, folks at local beaches all trying to leave on a very few roads ...!!!

Please provide comprehensive constituent input discussion opportunities. Perhaps we are misunderstanding the data/planning models or the recommendations? Current proposals appear based on potentially incomplete data/possibly insufficient assessment of current reality thus potentially leading to problematic conclusions. Good faith next steps should include public information sessions at both TRPA and Washoe County:

- TRPA should provide an education session on the Transportation data models, threshold estimates and evacuation plan impacts followed by presentation/open discussion of the Transportation plan with adjustment for any needed data updates/community input;
- and
- WC should offer information/open discussion sessions re the updated STR ordinance and Zoning elements as well as the proposed Tahoe Area Plan which will also impact area occupancy.

Thank you, Carole Black, MD (retired), Incline Village resident

\* [https://www.nytimes.com/2020/09/17/us/fires-oregon-detroit.html?campaign\\_id=9&emc=edit\\_nn\\_20200917&instance\\_id=22266&nl=the-morning&regi\\_id=138285706&section\\_index=2&section\\_name=three more big stories&segment\\_id=38344&te=1&user\\_id=f7ff7e3cf7124e0bca531ed98ff5904e](https://www.nytimes.com/2020/09/17/us/fires-oregon-detroit.html?campaign_id=9&emc=edit_nn_20200917&instance_id=22266&nl=the-morning&regi_id=138285706&section_index=2&section_name=three%20more%20big%20stories&segment_id=38344&te=1&user_id=f7ff7e3cf7124e0bca531ed98ff5904e)

## **Addendum: Sample TRPA Data/Assumption Questions**

**I. The Transportation Volume Measurement model** aims to understand travel behavior patterns. This is a terrific concept and a foundation essential to future model development. There are, however some important questions:

**A. “Everyday Travel”** - this section appears designed to capture and address travel volumes related to commutes and trips for errands, groceries, entertainment, etc and focuses on residents. It appears to rely on Population estimates based on census alone and focuses on local in area trips – mostly around town and allegedly mostly  $\leq 2$  miles.

What’s missing? This element may (or may not?) omit visitor/tourist trips for groceries, gas, ATM, restaurants, shopping, visiting friends, a park, taking a sight-seeing drive, etc - i.e., any trip, and there are many, that isn’t to/from home/work or considered elsewhere (e.g., to a designated recreation destination or to/from the Basin). This gap is particularly important with the recent locally documented significant increases in STRs/2019 STR occupancy! Interestingly the TRPA model, while including some factors related to STRs, does not seem to consider the significant increases that have been felt in Incline Village. Also where are trips by residents around/near the basin or Truckee for errands, shopping, medical/lab/pharmacy visits, etc captured?

And the plan? Unless I am misunderstanding the parameters of the planned “micro-transit” concept, the proposed program map in the report can’t possibly be correct if there is any interest in decreasing auto trips in town. The majority of the town area isn’t touched by other transit options and the transport service doesn’t touch entrance areas to several major stores. For example, if I understand this correctly, as an elder resident needing groceries in winter from my condo using this program, I would need to drag a cart down a long driveway, across a busy road, and then up or down a hill on an often poorly plowed icy, but paved, path to a bus stop, ride for a short distance, then drag my cart up another hill, this time either along a road or through a busy parking lot to the grocery store. After shopping, I would then repeat this process in reverse with the added challenge of maneuvering a loaded, now heavy cart and needing to travel down the hill often on an icy surface to the bus. Somehow, this sounds like a hip fracture or worse waiting to happen. Were getting me and others like me to

forego this short two-way car trip to be a serious goal within the village what might be helpful would be frequent shuttles/micro-transit around town or, even better, sponsoring grocery delivery services!

Similarly, for most STR visitors/residents going to a playground or beach or library or hairdresser or post office or bank, this plan offers no service. There are also 2 “dead end” spurs which travel along residential streets, don’t connect to any stores/businesses and ends in spots where there is no turnaround space for a bus – not clear what the plan for these is?? And the shading for ¼ mile to transit stops is pure fantasy at least currently; what’s more, ¼ mile on icy paths/streets in winter is overly optimistic and potentially unsafe!

Further organizing bus stops to the ELTT terminus and/or Sand Harbor along Rt 28 in IV so far has seemed to encourage visitor parking at commercial areas and further preclude resident access.

**B. “Discover Tahoe”** - this section intends to capture trips by residents and visitors who are “making longer trips to recreation areas around the region.” I am confused – how exactly were these trips counted? Were trips from IV residence/STR/Hotel/Motel/Timeshares to IV beach, golf, tennis, rec center, ELTT start or Diamond Peak parking counted? What about trips to the sledding areas in IV or along Mt Rose? What about a trip to an informal sledding or cross country skiing site along Rte 28 or Mt Rose Highway, etc, etc? How was IV winter ski shuttle addressed? Also in summer, if on the map from Kings beach to IV is red and from IV to rte 28 ELTT is red, yet the connecting IV segment is not, the IV beaches are private so where did the traffic go in the IV segment?

**C. “Visit Tahoe”:** Linking Tahoe segment intends to capture volumes entering and leaving the Basin, residents and tourists. Yet, this appears to be incomplete data on which to base a plan. What are the actual numbers vs % ages? Where did visitors go by arrival route? And how long were their Tahoe basin trips? Where else did they stop? And then there’s those all important evacuation plan considerations???

## **II. Examples of questions in other sections include:**

**A. Land Use and Transportation Connection:** Though the concept is mentioned, there is no adjustment that I can see for the use of residential properties as STRs, eroding actual residential availability. IV has >2000 STRs per an online website and about 7000 residences. If these properties are offered for rental an average of 50% of the year (and many are offered much more), then the equivalent of 1000/7000 residences evaporate as potentially available. Was this considered? The report mentions actual STR occupancy estimates (which seem low) but not offered for rental % ages – and on days when units are offered for rental, they cannot be available as residences.

The residential density map, while difficult to read is confusing. My condo building and adjacent building alone have a total of 6 units and I don’t think occupy an acre yet this map appears yellow in that area possibly reflecting an incorrect density??

## **B. Greenhouse Gas Emissions Planning Approach:**

With growth capped and development metered in the Tahoe Region, population growth within the Region is not anticipated to significantly increase its portion of GHG emissions.

This statement seems incorrect – tourism impact on residential property occupancy (“population equivalent”) is addressed particularly by STR growth which brings more vehicles and people to the area independent of “development growth caps/metered development” and the appendix includes some estimates of impacts. The

growth in tourism de facto adds significant population to the area – people and vehicles – adding to GHG emissions and other environmental pollution. In addition, the conclusions about actual pollutant data are confusing in that I have been unable to identify many permanent EPA certified sensors – where is the data obtained and how representative is it of “what actually is” around the lake?

I also question the VMT numbers reported in the plan document and have been unable to reconcile with the numbers in previous reports even considering methodology changes. Perhaps they, and the conclusions they drive, are all correct – however, this is another area where a data/methodology session to clarify tracking/results trajectory over time would be helpful. One very basic question: if VMT has increased from 1981, not great ... but what has been the trajectory curve over the last 5 and 10 years? i.e., did it improve and then worsen, and if so, have all contributing factors been fully considered and addressed?? Another: Shuttling day visitors from Reno for ELTT/Sand Harbor starting at Mt Rose Ski Area would result in a 3-4 fold greater reduction in total vehicle miles traveled > lower emissions in the Basin in addition to reduced impact on IV & Rte 28 parking/traffic! This concept is minimally considered with a bus service trial concept for Rte 431 but not at all that I see for Rte 50 access. And, though the concept of an intercept hub on Mt Rose is mentioned in one earlier TTD document, I have not seeing anything recently???

### **C. Transportation Demand Management**

The whole concept of an apparently significant transportation hub for Incline Village is most worrisome. The area is already congested and doesn't have sites/access comparable to the areas used in SLT or Tahoe City for larger transport hubs. There appear to be off-Basin transportation Hubs planned for the Truckee and Meyers area presumably to potentially capture some arriving vehicles for off-Basin parking when destination parking capacity is full. Yet I don't see such arrangements on the east side of the lake for traffic coming over Mt Rose Highway, Rte 50 or Kingsbury Grade?? These routes account for a significant % of arrivals and likely contribute significantly to the current Rte 28 challenges. There is mention of a planned bus service from Reno but no details which could help. However, careful detailed planning with local off-Basin “intercept lots/options” also should be considered and robust community input obtained.

Discover Tahoe section omits some of the most useful options used elsewhere, e.g.: No entry to area when legal parking in Basin full for cars headed to popular recreation sites with requirement to pre-book off Basin parking and shuttle as the only entry option. Need officers to move offenders along and block entry to area and address illegal parking with tow, boot and/or huge fines. Need off basin parking option with shuttles for day visitors. For example, on busy days, once legal parking at bus hub is full, stop all cars entering IV at rotaries on Rte 431/28 and Rte 50/28 > if they are going to Sand Harbor or ELTT, no entry unless they can show pre- paid bus pass with allocated parking spot once the venue legal parking lots have filled. Otherwise direct to off basin option. Actively patrol Rte 28 and tow/boot any illegally parked cars.

A plan is also needed for IV resident parking overflow, resident visitors and transient renters - there is likely a need for designated overflow resident/resident visitors/renter parking (cars, trucks, RV's, boats, etc) in or near IV in order to eliminate illegal and sometimes dangerous parking – was this considered?

**D. Protecting Natural Resources:** description raises an interesting thought: Should we be considering IV permanent residents an endangered species? The section states:

Protecting the environmental health of Lake Tahoe and the surrounding natural resources includes discouraging development in open space, flood zones, and natural habitats where rare, threatened, or endangered species live. This is a fundamental responsibility for TRPA and many of the Region's other public agencies.

**E. EIC:** Given that this is a multiple decade planning document, I was surprised with the report indicating that a simple checklist qualitative assessment was felt to be sufficient. Can we assume that there will be detailed environmental assessments of interventions as they are comprehensively planned, executed and monitored under the guidance of this broad planning document? Sadly the example which comes to mind for me is the lovely ELTT which I bicycled once when it first opened – truly beautiful .... However, the adverse impacts to date on the local community, the environment (including vehicle emissions and evacuation challenges) and unfortunately recently potentially on the visiting public during this admittedly unanticipated pandemic (with over-crowding, poor distancing/masking and some unsanitary situations) were not effectively anticipated and mitigated.



I want to thank the TRPA Board and staff for continuing to do everything that you can to help address a solution to homelessness in South Lake Tahoe, and for partnering with the Tahoe Coalition for the Homeless on this important project. We currently have an affordable housing crisis on the South Shore, and have for many years. While progress is being made on the South Shore Regional Housing Action Plan, Covid-19 and the recent and rapid influx of people to our community has exacerbated the housing crunch that we already had. Our Housing Action Plan released in March showed that 48% of renters are cost burdened - meaning they were already spending more than 30% of their income on housing. When you combine an incredibly tight housing market with a pandemic and large increase in demand, there is a substantial risk that we'll see a corresponding increase in homelessness of those that are housing insecure. With the significant reduction in jobs, wages and hours for many of these local residents, we expect the problem to grow in the next few months. Many people are surprised to learn that in any given year 20% to 30% of the clients served by the Coalition for the Homeless are employed - many of them full-time. Those that made just enough to pay rent, won't be able to given the current pandemic. The Tahoe Prosperity Center strongly supports TRPA's resolution to co-sponsor Project Homekey with the Tahoe Coalition for the Homeless. We look forward to an end to homelessness on the South Shore and we thank you for your support.

Chase Janvrin  
Program Manager  
Tahoe Prosperity Center  
[chase@tahoeprosperty.org](mailto:chase@tahoeprosperty.org)  
530-539-4774

## MEMORANDUM

TO: TRPA Legal Committee and TRPA Board

FROM: Gregg R. Lien, Attorney for Appellant, Monica Eisenstecken

Re: Legal Committee Agenda Item #1; Governing Board Item IX. B , Removal of Trees Providing Screening For Needle Peak Proposed 112 foot Cell Tower

This appeal is simply about playing fair. As your staff report accurately points out, this is really about the upcoming 112-foot cell tower project, and the standards by which that project will be judged. If this were a stand-alone tree removal project for defensible space, as TRPA's forester apparently believed, we would only applaud the landowner for being willing to invest the resources to accomplish that.

This is not the case. With two projects on the table for this property, TRPA is required by law to review both at the same time. With a hearing on the cell tower project only months away, at the very least the timing of this request for tree removal is exceedingly suspicious. The landowner could have asked for a permit to remove trees years ago - - so why now? It is an incontrovertible fact that trees reduce (attenuate) microwave signals. Verizon has proposed tree removal for just that reason as to this project and others. Removal of the 31 trees will greatly increase the effective radiated power of microwave energy especially in the immediate vicinity of the cell tower project. The tree removal will also drastically increase the scenic impact of the cell tower by removing the natural screening currently in place.

Further, although we are not able to produce the actual agreement between Verizon and the landowner under which the permits for the cell tower are being pursued, we are familiar with Verizon's standard form agreement used in these situations. In short, Verizon and the landowner are required to cooperate to obtain permits for the tower, and the landowner is "required to take no action which would adversely affect the status of the property" with respect to the project. (See attached Exhibit "A"). From this we can imply that either Verizon and the landowner have agreed that this tree removal application could proceed under the terms of their agreement (which we feel is more likely) or that both Verizon and the landowner have utterly failed to communicate and are acting at cross-purposes in violation of their agreement in spite of this project's notoriety and the likelihood of subsequent litigation.

Either way, these two projects are joined at the hip and cannot be treated separately. Under the landmark *Laurel Heights* decision of the California Supreme Court, impermissible "piecemealing" occurs when 1.) the impacts of an initial project have reasonably foreseeable consequences upon the second project and 2.) the impacts of the subsequent project will be significantly greater or changed because of the initial project. This is exactly the situation which we have before you today.

Even your staff report tacitly admits this when it says, “Ms Eisenstecken does make a legitimate point that the tree removal authorized by this permit may affect TRPA’s analysis of the pending cell tower application.”. (Staff Report Page 2). Where we disagree is that the tree removal permit can be considered separately. To do so would be impermissible piecemealing. These projects must be considered together.

A crucial concern that has been expressed by many individuals is TRPA’s practice of approving cellular facilities without even the most rudimentary analysis leading to the required findings in your Compact (Article V(c), V(g) and VI(b)). Of all of the TRPA adopted thresholds, many on your staff (including the likely author of your staff report) have expressed that scenic impacts are among the most important. TRPA staff, environmental groups, the California Attorney General and many others have agonizingly analyzed the visual impacts of comparatively small things such as piers, for example. But when it comes to cell sites that stick out like a sore thumb, literally tower above the surrounding landscape, are visible for miles, and are offensive to an increasingly large proportion of your constituents, only the most superficial scenic analysis is done, if any at all.

In 1972 the congressional founding principle for TRPA was to protect the beauty of Lake Tahoe as a national jewel. Congress was not just talking about water science and clear blue water. They were talking about overall beauty of our landscape (natural and manmade). The directive to protect the scenic quality of the basin is one of the agencies fundamental responsibilities - - no one else is going to protect the scenic quality of Tahoe if TRPA doesn’t. Cell towers are very significant scenic impacts, and when considered cumulatively, the basin is facing a significant challenge to elevate technology while protecting scenic quality.

While tree removal for fire protection is important, one threshold cannot be traded out for another as your staff is well-aware. (The staff report seems to ignore this fact, and most of the marked trees appear to be perfectly healthy.) Non-degradation must be shown, and it is the burden of the applicant to meet the burden of proof. Your staff report seems to imply that the Rules of Procedure would have the appellant in this case having to meet the super-majority 5 and 9 voting standard. I respectfully disagree. Does the staff seriously assert that because it erroneously approved the tree removal at the outset because it was unaware of its impact on the cell project that it requires the Board’s permission to now do what is legally required - - and that it requires a super-majority vote to do so? Had the staff and the forester been aware of the context of the application, which the applicant failed to provide, this application could not have been properly approved in the first place, except in the context of the entire project, and consideration of scenic impacts as well.

As is detailed in our accompanying report from our scenic consultant, Brent Thrums, the project area is located right in a crucial Scenic Roadway Unit which is in non-attainment. This puts this area in the top 4% of areas most sensitive to scenic degradation in the entire Tahoe Basin! Any further incremental loss of scenic values would be unconscionable and an egregious violation of your environmental mission. A tree removal permit doesn’t consider these impacts, and there isn’t even a site plan in existence (we could only refer to the blue dots on the trees placed by

TRPA's forester that were visible from off site) that even shows the location of the trees marked for removal! All we can say with certainty is that cutting down ANY number of 40 to 70+ foot tall high pine trees that would provide screening will most certainly make an outlier and eye-sore more visible and detract from an already extremely challenged visual environment. How can the TRPA be so blind to this outcome? In addition, the City of South Lake Tahoe recently passed an ordinance keeping new cell towers at least 200' from residences. So, the tower would be non-conforming and subject to amortization and possibly unable to be expanded with new co-locations. In short, this location has many shortcomings that will be discussed at the time of the hearing on the full project.

With the foregoing in mind, let me suggest some possible solutions to avoid forcing us into potential litigation over a decision today which may leave this permit intact during the very short 60-day Statute of Limitations within which to challenge your decision. Those potential solutions are as follows:

- 1.) Leave the permit in force but ensure that the applicant and Verizon take responsibility for creating their own hardship. In other words, the baseline scenic condition against which cell tower project's scenic impacts would be measured is the current condition, with the current level of screening intact. If this is made a binding requirement, we would withdraw our appeal. If the applicant wishes to remove some or all of the trees under those circumstances, more power to them. So there is no later misunderstanding about this, TRPA staff, counsel, and the Board needs to acknowledge that the FCC cannot preempt TRPA's independent authority to insist upon full compliance with its scenic thresholds and regulations, and that non-degradation of the scenic condition is required.
- 2.) Continue this matter to be considered at the same time as the Verizon tower project, and analyzed within that context, including all of the required findings. I am informed by your staff that Verizon's project will be moving ahead in the not too distant future. As the applicant does not propose immediate removal of trees, this should be acceptable to the parties.
- 3.) Approve our appeal on the grounds that granting the application would constitute impermissible piecemealing.
- 4.) In addition to the foregoing, we would ask the Board to pass a Resolution asking Verizon to relocate this cell tower project away from this critically sensitive scenic area, and at least 200' away from residences, in accord with the City of South Lake Tahoe's new ordinances.

demonstrates arises from the LESSEE's improvements and/or LESSEE's use of the Premises. LESSOR and LESSEE shall each be responsible for the payment of any taxes, levies, assessments and other charges imposed including franchise and similar taxes imposed upon the business conducted by LESSOR or LESSEE at the Property. Notwithstanding the foregoing, LESSEE shall not have the obligation to pay any tax, assessment, or charge that LESSEE is disputing in good faith in appropriate proceedings prior to a final determination that such tax is properly assessed provided that no lien attaches to the Property. Nothing in this Paragraph shall be construed as making LESSEE liable for any portion of LESSOR's income taxes in connection with any Property or otherwise. Except as set forth in this Paragraph, LESSOR shall have the responsibility to pay any personal property, real estate taxes, assessments, or charges owed on the Property and shall do so prior to the imposition of any lien on the Property.

LESSEE shall have the right, at its sole option and at its sole cost and expense, to appeal, challenge or seek modification of any tax assessment or billing for which LESSEE is wholly or partly responsible for payment. LESSOR shall reasonably cooperate with LESSEE at LESSEE's expense in filing, prosecuting and perfecting any appeal or challenge to taxes as set forth in the preceding sentence, including but not limited to, executing any consent, appeal or other similar document. In the event that as a result of any appeal or challenge by LESSEE, there is a reduction, credit or repayment received by the LESSOR for any taxes previously paid by LESSEE, LESSOR agrees to promptly reimburse to LESSEE the amount of said reduction, credit or repayment. In the event that LESSEE does not have the standing rights to pursue a good faith and reasonable dispute of any taxes under this paragraph, LESSOR will pursue such dispute at LESSEE's sole cost and expense upon written request of LESSEE.

8. USE; GOVERNMENTAL APPROVALS. LESSEE shall use the Premises for the purpose of constructing, maintaining, repairing and operating a communications facility and uses incidental thereto. A security fence consisting of chain link construction or similar but comparable construction may be placed around the perimeter of the Premises at the discretion of LESSEE (not including the access easement). All improvements, equipment, antennas and conduits shall be at LESSEE's expense and their installation shall be at the discretion and option of LESSEE. LESSEE shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, antennas, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term. It is understood and agreed that LESSEE's ability to use the Premises is contingent upon its obtaining after the execution date of this Agreement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as satisfactory soil boring tests which will permit LESSEE use of the Premises as set forth above. LESSOR shall cooperate with LESSEE in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by LESSEE. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to LESSEE is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; (iii) LESSEE determines that such Governmental Approvals may not be obtained in a timely manner; (iv) LESSEE determines that any soil boring tests are unsatisfactory; (v) LESSEE determines that the Premises is no longer technically compatible for its use, or (vi) LESSEE, in its sole discretion, determines that the use

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