

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

TRPA/Zoom
Stanford Sierra Conference Center

May 22, 2024
May 23, 2024

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 10:20 a.m.

Members present: Ms. Aldean, Mr. Aguilar, Mr. Bass, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Members absent: Ms. Conrad-Saydah, Ms. Hays

II. PLEDGE OF ALLEGIANCE

Ms. Laine led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Ms. Regan stated that Agenda Item No. VIII.A, Appeal will be heard after Agenda Item No. VI. TMPO Consent Calendar.

Ms. Aldean moved approval.

Motion carried-voice vote.

IV. APPROVAL OF MINUTES

Ms. Aldean provided Ms. Ambler with a minor clerical edit and moved approval of the April 24, 2024 as amended.

Motion carried-voice vote.

V. TRPA CONSENT CALENDAR

1. April Financials
2. Release of El Dorado County Air Quality Interest Mitigation Funds (\$2,509.00) towards the South Tahoe Greenway Shared Use Trail Phases 1b & 2

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

GOVERNING BOARD
May 22-23, 2024
Board Comments & Questions

None.

Public Comments & Questions

None.

Ms. Williamson moved approval of the TRPA Consent Calendar.

Ayes: Ms. Aldean, Mr. Aguilar, Mr. Bass, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Conrad-Saydah, Ms. Leumer, Mr. Rice

Motion carried.

Ms. Aldean made a motion to adjourn as TRPA and convene as TMPO.

Motion carried-voice vote.

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Amendment No. 2 of the FY 2023/24 Lake Tahoe Transportation Overall Work Program

Board Comments & Questions

None.

Public Comments

None.

Ms. Laine moved approval of the TMPO Consent Calendar.

Ayes: Ms. Aldean, Mr. Aguilar, Mr. Bass, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Conrad-Saydah, Ms. Leumer, Mr. Rice

Motion carried.

Ms. Aldean made a motion to adjourn as TMPO and reconvene as TRPA.

Motion carried-voice vote

VII. PLANNING MATTERS

A. Resolution in support of the Lake Tahoe Wildfire Awareness Campaign, May – October 2024

Mr. Cowen said forest health is one of the top focused areas of the Environmental Improvement Program. Fire suppression, logging practices, and a lack of active forest management for more than a century in the Tahoe basin have led to a lack of diversity in tree species and age structure in our forests. In the aftermath of the Angora fire, the Caldor fire, and record-setting drought and fire

GOVERNING BOARD

May 22-23, 2024

seasons, the catastrophic wildfire threat looms very large over Tahoe, as it does over much of the American West.

Now, TRPA is a founding member and an active partner on the Tahoe Fire and Fuels Team, which includes all local fire protection districts, both states, and the USDA Forest Service, along with local governments at Lake Tahoe. Together, under the banner of the EIP, partners have worked collaboratively to treat more than 72,000 acres of forest for hazardous fuel reduction in the basin since the Angora wildfire of 2007 and more than 94,000 acres in total since 1997. These fuel reduction projects protect communities and provide many environmental benefits, including making our forests healthier and more resilient, providing clean drinking water, and creating great wildlife habitat.

While the agencies that comprise the Tahoe Fire and Fuels Team are making great strides in forest health, there is another part that also plays a key role in protecting our communities from wildfire, and that is the community itself. Fire prevention is everyone's responsibility, and all must recognize their role in preventing human-caused wildfires by following fire restrictions.

This educational campaign is a reprise of the award-winning 2009-2010 campaign that our current executive director, Ms. Regan, was instrumental in bringing forward. It features fire personnel and homeowners together and serves as a great reminder that the best offense is a strong defense. Being proactive in maintaining a home with proper defensible space and home hardening is crucial.

Board Comments & Questions

Mr. Settelmeyer said there's been two wet years in a row and sets us up for record wildfire conditions that we have not seen since 1985.

Mr. Rice said Douglas County recently made a similar resolution. We had both the East Fork and Tahoe Douglas Fire present for that proclamation. It's imperative that every property owner be aware of the fire danger here in the basin.

Ms. Leumer said had residents of the Caldor fire not taken steps to create defensible space around our homes, especially those of us in Christmas Valley, homes wouldn't have survived. There were a number of factors including getting luck with the winds it was critical that we had that defensible space that we did.

Public Comments

None.

Mr. Settelmeyer made a motion to approve the Resolution in support of the Lake Tahoe Wildfire Awareness Campaign, May – October 2024

Ayes: Ms. Aldean, Mr. Aguilar, Mr. Bass, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Conrad-Saydah

Motion carried.

- B. [Tahoe Science Advisory Council Briefing on Microplastics.pdf](#)

GOVERNING BOARD

May 22-23, 2024

Mr. Larsen, Program Officer, Tahoe Science Advisory Council said Tahoe has a long history of science-based decision-making dating back to the late 1960s when Charles Goldman and University of California, Davis first sounded the alarm about clarity loss. This science led to some astonishing management actions, including legislation that banned the discharge of sewage in the Tahoe Basin, and arguably the establishment of the TRPA to guide land use planning in the region. Since those early days, UC Davis has been joined by the University of Nevada, Tahoe Environmental Research Center, and a host of other research institutions that work together to collect data, conduct research, and perform experiments to better understand Lake Tahoe and its watershed.

In 2015, on the heels of the Regional Plan Update, the states of California and Nevada signed a Memorandum of Understanding, establishing a Bi-State Tahoe Science Advisory Council. The purpose of the council is to provide coordinated, collaborative science advice to resource managers. Our focus is on providing science to inform management decisions, which makes our organization somewhat unique. What we try to do at the council is to create space for dialogue between resource managers and scientists to address current issues and identify emerging problems and questions that need addressing. The council has two members from each of the participating institutions. There are two institutions in California: the University of California, Davis, and the University of California system at large. Two seats are from UC Santa Barbara presently. There are two seats for the University of Nevada, Reno, and two for the Desert Research Institute. Additionally, we have two federal research partners: the United States Geological Survey and the US Forest Service Pacific Southwest Research Station. Seats on the council are also allocated for the two MOU signatories: the Nevada Department of Conservation and Natural Resources and the California Natural Resources Agency.

Microplastics are the reason we're here today and provide a great example of an emerging issue that the council has been working on. It's important to remember that this issue is not unique to Lake Tahoe, as microplastics have been identified in water bodies without any development. It's no surprise that researchers found them in Lake Tahoe.

(presentation continued)

Dr. Arienzo, Desert Research Institute and member of the Tahoe Science Advisory Council provided the presentation.

Today, I'll be talking about the work we've been doing to study this pollutant and then also the work I do as part of the council. At DRI, I lead the Microplastics and Environmental Chemistry group, which is interested in understanding human impacts on the environment using chemistry. We've assembled a team of experts, including people with advanced degrees at the master's and PhD levels, as well as graduate students from the University of Nevada, Reno, and undergraduates or recent graduates.

We define plastics as synthetic solid materials made up of polymers, and there's a diverse range of plastics with different chemistry, which means they interact with the environment in various ways. We often categorize plastics into macro plastics, which are larger than 5 millimeters, and microplastics, which are smaller than the size of a pencil eraser. We study both in our research, focusing on their size, shape, color, and chemistry, as these factors influence how they move in the environment and their potential impacts.

Why are we interested in studying plastics? Well, we want to understand where they are in the environment, where they're going, and their potential impacts. Microplastics, especially, can break down into smaller pieces and absorb or release chemicals, potentially harming organisms that ingest

GOVERNING BOARD

May 22-23, 2024

them. In my group, we primarily focus on studying microplastics in surface water, Sierra Nevada snow, and engaging citizen scientists to expand our research and public education efforts.

Understanding how microplastics move through our watershed is crucial. They can enter the environment through various sources like atmospheric deposition, tire wear, washing machines, and stormwater runoff. Once in the environment, they can accumulate in sediments, be ingested by organisms, and even be transported downstream.

As part of the Tahoe Science Advisory Council, we aim to provide science-based recommendations for managing plastic pollution in Lake Tahoe. We've developed a white paper summarizing current research and monitoring efforts, identifying sources of microplastics, and prioritizing control methods. Our stakeholders have been actively engaged throughout this process, providing input on priorities and next steps.

Moving forward, we need to continue monitoring microplastics, understanding their sources and ecological impacts, while also focusing on reducing plastic consumption and targeting known harmful plastics. Our work is part of a larger effort at the state, national, and global levels to address plastic pollution comprehensively. In conclusion, studying plastic pollution is complex but essential for protecting our environment and public health.

Board Comments & Questions

Mr. Bass asked if there was a way to have asphalt that doesn't contain microplastics.

Dr. Arienzo is not an expert on asphalt. But there is a lot of concern, especially with tires wearing the asphalt that then end up both with tire and asphalt wear. There is probably a lot of research being done to assess better ways to design asphalt.

Mr. Bass said last year the City of South Lake Tahoe banned plastic water bottle sales. Have there been any areas that have done that and been able to show any type of reduction?

Dr. Arienzo said there is data out there that shows when you ban something, it's not then being as consumed as often because it's harder to get that item. As far as looking at then trends of escape into the environment of that item, I think that's a great area to continue to do research. It makes sense if you have less litter, you expect to see less, breakdown of that into smaller pieces of plastic, but we have to always bear in mind the ecosystem in which we're operating in where there are a lot of sources of plastic unfortunately and microplastics.

Mr. Bass said would you recommend for instance that within the basin, TRPA could take a role in banning the sale of plastic water bottles and would possibly help their research and showing the effect of the microplastics and the lake from such policy.

Dr. Arienzo said she's a state employee and cannot comment on policy. But continued monitoring would always be a recommendation following anything like that.

Mr. Larsen said the issue from a science perspective right now is there's not enough information to justify or otherwise support policy. From a science perspective, our goal and objective right now are to gather data. It's a great question if there is a relationship between either reduction of plastic litter, or reduction in microplastics that we can show relates to these things. There's no harm in reducing plastics and we definitely should encourage it. But for a body like you to consider a policy perspective

GOVERNING BOARD

May 22-23, 2024

like that, it's at your discussion in terms of how much information, how much science you want to have to make that decision.

Mr. Hoenigman said we've been getting a lot of public comments on this and all of us are concerned about it to find out what we're eating, breathing and drinking. It sounds like science isn't ready to make decisions quite yet or are there some things that are well understood, some low hanging fruit where we could make some change. It seems like from that list of different sources that a lot of policy interventions may be needed once understand the science. Is there anything that's baked right now?

Mr. Larsen said is there ever enough science to make policy? I've learned this acutely in my position, as an interface between managers and scientists and that scientists and policymakers operate at different levels of certainty. Dr. Arienzo did a good job today of highlighting the fact that this area of science is new. There's a lot of uncertainty at this time. From the great work that the work group has been doing, all the reviews that I've done of different papers, there's no smoking gun, that says do this and it will be your answer. We know that plastic consumption is hurting us. As a basin and society, our efforts to move forward with plastic reduction and start to think about what we're doing more carefully makes a lot of sense, but it's not like we have very clear scientific consensus that if you do "x" you will see "y."

Ms. Regan said those of you know who will be able to participate in our strategic planning session tomorrow we will have a discussion around emerging issues. And it will be at your discretion to direct us how to best move forward. When you look at all the factors that Mr. Larsen and Dr. Arienzo pointed out and we are in early days of research. It's very hard to pinpoint exactly what's going on in the source in Lake Tahoe, is it airborne, is it the beaches, we all have plastic in our lives and our everyday society has to become dependent on them. What can we do in terms of TRPA's best most effective strategy in looking at things like construction materials, erosion control materials. If we linked especially to our role in either permitting and our Environmental Improvement Program, there may be effective entry points for us that would have a benefit. There's a lot of challenges and appreciated Mr. Bass' leadership on this. There's a lot of concern about microplastics in our bloodstream and our bodies, the air in the lake, but we do have a lot more research to do and litter is often conflated with microplastics. Some litter is microplastics but there are distinctions that are important when you consider what are the policy implications of that. And our agency has been most effective when we're thoughtful about making those connections.

Ms. Leumer acknowledging that we all have plastics in our body, They're shown to cause cancer and hormone changes. It's terrifying to think this already out there and in our bodies. Once plastics are in the environment, they're there for thousands of years. This has been focused on microplastics and the deterioration of plastic at the end of its life. But she's also mindful of how plastics are produced. The projections are by 2050, plastic production is predicted to account for 50 percent of oil and frack gas demand growth and falls on marginalized communities by far. Besides the direct impacts here in Tahoe there's also the impacts that we're seeing in like low income and disproportionate impacts on disadvantaged communities throughout the United States and abroad. In terms of science, she's unsure what's missing if we ban plastic, there will be less. That seems straightforward. Reducing plastic consumption is incredibly important. We can take action in the basin, but until we have a national or global change it's going to continue to be an issue. There are multiple bills going through California this year. There have been bills in the past that are trying to reduce our plastic consumption. One is directed at state agencies.

Ms. Aldean asked if part of your research includes how quickly different types of plastics degrade and make their way into the ecosystem. There are a lot of conundrums here because EV's for example, are about 35 percent heavier than gas fueled vehicles which means that the tires are going to wear more

GOVERNING BOARD

May 22-23, 2024

quickly and contribute potentially more contaminants to the environment. Many people dislike piers for a variety of reasons but one of the explanations for reducing the number of piers was that they're injurious to fish.

We don't want to do things too quickly; these plastics have been with us for a long time and are probably already in our systems. You can invalidate your assumptions if you rush to a conclusion and if you don't have adequate data to support it. She suggested that we should be concentrating on the plastics that erode more quickly and find their way into the system rather than those that are more durable like PVC. We got away from using metal because metal degrades too and finds its way into the environment. Caution is good and appreciated the thoughtful approach you're taking and the question of whether or not to ban plastics lake wide is a jurisdictional one. TRPA tends to defer to local governments to implement those sorts of local edicts.

Ms. Laine said it's extraordinary what the City of South Lake Tahoe did in banning the single use of water bottles. Years ago, when they banned plastic bags, the ordinance stated that they could be no thicker than "x", so, they just made them thicker than that. She plans to propose a ban to the El Dorado County Board of Supervisors because how well will this ban work in the city if you can get this product a short distance away in the county? She intends to look at plastic and Styrofoam as the city has and encouraged the other leaders of the various counties to look at it at least within the basin. If we ban the use of single use, whether it be water bottles, Gatorade, Snapple, etc. and we force people to buy bigger plastic containers of that product. Are we helping or are we just shifting?

Dr. Arienzo doesn't know the answer to that, but I'm sure there could be data collected on what are people going to be buying as alternatives? Moving towards non plastic alternative seems to be the way to go.

Ms. Laine said we also need to consider reusable containers.

Ms. Leumer said research was done by the California State University Chico Research Foundation that found a reusable nonwoven plastic bag used eight times has an equivalent environmental impact as a single use polyethylene plastic bag.

Mr. Bass said people should understand that it's the ban on the sale of single use plastic water bottles within the city. It's not that people can't bring them into the city and over one gallon you can still buy a plastic water bottle for different uses. This is a concern basin wide that has to deal with the lake clarity and all sorts of things that go beyond the local jurisdiction, and we do take action to protect Tahoe at a regional level. It's something that we should consider beyond just the local jurisdictions.

Ms. Gustafson referred to the stakeholder priorities. Did they arrive at those based on any data you have already collected or was it just their interest?

Dr. Arienzo said we use data currently available. The group held monthly meetings and were divided into two halves. The first half was education, and speakers were invited who have been doing research in the basin or at the state level. Then that helped to inform the recommendations.

Ms. Gustafson asked if there is research being done on how far atmospheric deposition can travel.

Dr. Arienzo said how far microplastics can travel in the air is still an area of research that's being worked on. The reason is because coming back to that complex issue. When we think of the variation in size, density, and shape, those properties all alter how plastics would move in the air. We have to build beyond my area of expertise with these mathematical models essentially that can predict that.

GOVERNING BOARD

May 22-23, 2024

Those are typically based on laboratory studies of dropping particles and looking how they fall in air and so on. It's an area of research where a lot of people are working on and will continue to see growth in that area to better understand where are these particles coming from, how long are they in the air for, and what are the sources as well?

Mr. Larsen said Dr. Arienzo mentioned the size and the shape of plastics. The majority of the microplastics that we see in Lake Tahoe are fibrous. The Tahoe Maximum Daily Load took this up and there was a lot of discussion back then about the particles and whether or not particles were coming from the Gobi Desert or were we getting particles from Sacramento. The Lake Tahoe Atmospheric Deposition Study did a detailed look at atmospheric deposition focused on particles. What they found is that the particles that were reaching the lake are in basin sources. If the winds are blowing hard enough to bring us something from the Gobi Desert, it's going to keep going and go to our friends in Nevada. That's a big part of probably what's going on with microplastics again, an area of research need. It's likely that the microplastics that are deposited on the lake via atmospheric deposition are in basin sources.

Ms. Gustafson said that would include the snowpack.

Dr. Arienzo said one of the first studies was done in snow because it serves as such a wonderful sampler of entire wintertime of what's being deposited on our snowpack. That research is ongoing.

Ms. Gustafson confirmed that fibrous polymers are the majority of what you're seeing in the lake water right now.

Dr. Arienzo said, as I recall from the surface of the lake, they found fibers and fragments of plastics. It suggests textiles and maybe the breakdown of bigger pieces of plastic as well. It could also be from ropes and those types of things.

Ms. Williamson said Natural Resources Defense Council puts out the worst of the worst of high priority plastic materials yearly. If perhaps the science could lead us instead of focusing on the end product but on the actual chemical composition of the plastics, we should be banning the worst of the worst. To target the worst of the worst, should we be looking at the chemical composition and perhaps banning that.

Dr. Arienzo said during the manufacturing process of plastics there's a lot of additives such as products that help protect that plastic from breakdown from UV light or additives to die the colors. All of those additives may also contribute to how harmful those plastics may be. That is really, a frontier of research that's definitely under study. There's a wonderful UN report that came out about additives and plastics. A very small percentage of research has focused on what are the impacts of those additives. When we think about what is the worst of the worst, it's going to depend on what you're talking about and what types of plastics. One of the things that we've discussed as part of the stakeholder group is work that's been done looking at tire wear. In the manufacturing of tires, they put an additive that breaks down and creates a compound that has been shown to be harmful for some types of salmon species and can result in death. This is the type of research that I think as a community we need to keep doing to understand what are these harmful chemicals that are added to plastics and what are their effects to our biota? As we transition to a lower carbon emission future, these are the types of questions we're going to keep asking, especially with EVs.

Mr. Hoenigman said to take action to ban something, we'd have to know what the scale is. To ban something for a tiny improvement at a great cost is not a great policy decision. He was thinking about it from items such as construction materials. We're trying to create affordable housing and a lot of

GOVERNING BOARD

May 22-23, 2024

construction materials are plastic. They're cheaper and better. Banning them in the basin doesn't have the ability to move the market, we're only 50,000 people. California does have the ability to move the market and create new materials. That's the kind of guidance that that I would look for is what's the magnitude of these different products on the impacts that we're seeing. Also, which ones are the worst for health. What can we change up here?

Ms. Aldean said rather than treating the people who manufacture plastics as adversaries, bring them to the table to talk about the impacts that their products may be having because that's how innovation starts. The more that we integrate them into the process, the better the outcome.

Dr. Arienzo doesn't see the work that they're doing right now ending immediately. We hope that the work we're doing at the council on this issue continues in the future because we are going to keep learning new things. The hope is that we can keep these conversations going and keep educating our stakeholders as science develops to help inform these next steps.

Mr. Bass said the single-use plastic bottle ban was low hanging fruit. We are not affecting the market. The merchants have the ability to move to glass or aluminum. The margins are the same for the retailers. That's something that we know has an impact and we could do right away and there isn't an impact on the market or the consumer. It's not going to stop people from bringing bottles into the basin but we know they can't buy them here. It would be great to implement a policy and be able to gauge what the effect is as they're doing this research.

Ms. Leumer said 6PPD has been impacting Salmon and Coho species for a long time. California is stepping up and trying to do more regulations but that is another chemical coming off tires that we've seen have traumatic impact on imaginous fish populations. Let's keep reminding ourselves of the larger societal and health costs that are going to be resulting from continued plastic production and pollution.

Mr. Larsen said this is just one issue that the council is focusing on. The Science Council has been involved in a variety of different issues from New Zealand mud snail. Before the Caldor fire was even extinguished, we had researchers on the ground looking at the smoke impacts on the water as well as impacts of treatment areas. We're just wrapping up a project right now looking at recreation monitoring. They've also been involved in thresholds since the beginning.

C. [Demonstration on the new Online Climate Resilience Dashboard for the Tahoe Region.pdf](#)

TRPA staff Mr. Middlebrook provided the presentation.

The impacts of climate change are being felt in the basin today from wildfire and wildfire smoke. Our climate change program fits within the restoration and resilience strategic priority that this Governing Board has set. We do have some regional climate goals including carbon neutrality

by 2045 and the more lofty goal of creating a resilient lake in communities within the program here at TRPA. We have a number of current priorities including implementation of the Climate Action Strategy that our collective Environmental Improvement Program partnership has created and is being implemented through EIP projects.

Last month, the Regional Planning Committee heard our climate resilience code package and will go to the full board soon. We're currently updating our electric vehicle data for the region and that EV infrastructure. Most recently, TRPA was awarded a federal protect grant to work on a resilience

GOVERNING BOARD

May 22-23, 2024

improvement plan. We've worked on implementing and integrating climate change and our climate work across all of the program areas.

The dashboard project has the goal is to provide a reporting and engagement tool for climate action. When we first created our sustainability and climate program in 2014, we did have a sustainability dashboard that predated the Lake Tahoe Info database and website. Since 2014, a lot of the data in the sustainability dashboard became outdated, wasn't telling the current climate story of the Tahoe region or was just measuring things that weren't relevant anymore. So, we wanted to update that to better understand our current climate challenges, opportunities and priorities, increase the public's engagement with our climate work and inspire climate action among all of us and track our climate action in relation to state and federal goals.

He thanked the California Tahoe Conservancy for providing funding for this project. We worked with a number of our partners to develop a dashboard that was going to work for everyone. We had 28 different stakeholders engaged through the development of the project. Including 13 interviews, a workshop and a survey. We also did a public launch, in Earth month last month with a press release in social media. Thank you to the Research & Analysis team for their work on the dashboard. This project in this dashboard project would not have been possible without the investment that this agency has made in the LT info system. The great thing about the dashboard is that pulls data from all of their other systems and coalesce and reports the data in a rolled up fashion to tell that story.

The first goal is tracking changing climate conditions. We need to know what's changing in order to understand what we want to do about it. Goal two supports a resilient environment. Goal three is promoting a resilient built environment and is about implementing the Regional Plan. Lastly, we want to increase community resilience. Next steps, the dashboard is launched to help partners utilize the dashboard with presentations and grant applications

The system is designed for us to be able to update and maintain it over time. Our Threshold Standards are being evaluated and as new standards are adopted, we can consider adding those to the dashboard. The system is designed where TRPA controls all of the data and text of the dashboard. We have that ability to make changes in update it to keep it relevant over time at a staff level versus having to hire a consultant.

Board Comments & Questions

Ms. Leumer appreciated all the work that's been done on this and the proactive outreach of staff to various board members to get their input in the development of this. Accountability and transparency are important and this really lends itself to that. It will be helpful to understand how often all these data sets are getting updated. Is it every 5 years for example. If it has not been updated in 5 years, is it an open data source that we can rely on over time to be updated.

Mr. Middlebrook said they have Ms. Leumer's comment on their wish list of things that we're going to continue building. The broader question of data and one of the challenges with the previous dashboard was every single data source was manual entry. Over half is now automated data that either pulls from our EIP Project Tracker, LT Info, the Cal-Adapt system, and UC Davis. Much more of the system has been automated with the new technology that will have a much easier time of keeping it up to date. Staff could add next to those metrics how often it is updated.

Ms. Leumer has been pushing state agencies to invest more in monitoring, especially around forest health fire treatments. We're trying to ensure that Cal Fire is doing similar efforts to monitor forest

GOVERNING BOARD

May 22-23, 2024

health treatments impacts on invasive and native species. It will be great to see more of that happening at the state level that can then be pulled into what's going on locally.

Ms. Aldean asked how many people are visiting the various elements of the dashboard.

Mr. Middlebrook said we have Google Analytics set up on the website. For the old sustainability dashboard, we had about 1,500 users last year. In the approximate month that this dashboard has been open there's been about 500.

Ms. Aldean asked if they were also tracking the types of users? Are these predominantly homeowners or consultants for example?

Mr. Middlebrook said it doesn't get to that personal level, but we do have geographic info, so we know the general proximity of where people are accessing it from based on their IP address. Also, how they are accessing it such as mobile or laptop and where are they finding it through an organic Google search? Are they finding it through LT Info or social media press releases?

Ms. Aldean suggested putting a pop-up window on the exit screen that asks them how they learned about Tahoe Info. Did you find it useful? What is your profession, area of expertise, etc.

Mr. Middlebrook liked the idea for the whole website for getting feedback.

Ms. Regan thanked the California Tahoe Conservancy for funding this and all the partners who have worked on it. She agreed with having it roll up into an easy translatable area is challenging. It's a good step forward but there's still a lot more work to do.

D. [2050 Regional Transportation Plan Briefing.pdf](#)

TRPA staff Ms. Richardson provided the presentation.

So, you love Iron Man, but for this Marvel movie festival, you're really interested in watching something else, like Guardians of the Galaxy or Captain America. Just to shake things up a bit. But there's a problem with your choice. Guardians of the Galaxy is sold out. There's a 90-minute wait for Captain America, and you don't have the time to wait. The theater operator for Black Panther called in sick, so those showings got canceled. And the theater door to Black Widow got blocked by snow; it'll be a few days before they clear it out. Iron Man is your only option. It's great because you like Iron Man, but you were really looking forward to watching something else. And your poor neighbor is stuck at the back of the line, so they can't even get in to see Iron Man; they'll have to wait for Captain America to open. This is an analogy for our transportation system.

There are real-life challenges facing our community in transportation and how people navigate the transportation system and their options, aside from a car. As Americans, we value independence, choice, and accessibility in our entertainment and transportation options. However, some people don't have choices in our network; it needs to work for them. The reality is that our current transportation network limits options and almost always prioritizes the automobile.

Much like Iron Man, the car is often the best and only option for our communities. Many other transportation modes just can't compete. But it doesn't have to be this way. If our transportation network is connected, accessible, and safe for all users, we too can achieve greatness.

Connections 2050, the Regional Transportation Plan and Sustainable Community Strategy update.

GOVERNING BOARD

May 22-23, 2024

What is the RTP Sustainable Community Strategy? The RTP is updated every four years; the last RTP was adopted by the TRPA Governing Board in 2021. It's the transportation element of the TRPA Regional Plan, looking out at least 20 years. The RTP includes strategies for implementing transportation projects and funding those projects, satisfying our three distinct transportation planning authorities under the Bi-State Compact, our role as the Metropolitan Planning Organization, and our role as the Regional Transportation Planning Agency.

The RTP is the transportation element of the TRPA Regional Plan, but our transportation work is also tied to TRPA thresholds. These thresholds include air quality, water quality, and vehicle miles traveled. Transportation and its impact on microplastics, such as tire wear, are related to these thresholds.

We're guided by the Regional Transportation Plan goals and associated policies. These goals were included in the last RTP update and will be carried forward with some language changes, pending approval by the Transportation Committee.

Between each RTP cycle, our team stays busy updating our modal plans and programs. Recent efforts like Vision Zero, the Active Transportation Plan, the Trail Strategy, and the Transportation Equity Study inform our RTP strategies and projects. This continuous feedback loop culminates in the RTP.

How do people travel at Tahoe today? We've organized this section around five key questions to tell the story of travel patterns.

Who makes trips? The estimated trip distribution by traveler type is based on our 2020 travel demand model, using 2018 as a base year. It's important to note that these are estimated trips regardless of mode.

What trips do people make? This figure shows trip distribution by trip type— in and out of basin trips, recreation trips, and everyday trips.

Where are people traveling? These maps show seasonal trip activity within our transportation analysis zones. Town centers have the highest trip activity throughout the year, emphasizing the need for improved connectivity and accessibility.

We also analyze recreation trips using data from sources like Strava to understand where people recreate. Major trailheads are significant recreation hotspots.

Model trip density helps us understand where most trips occur within the region. The Highway 50 Corridor from Spooner Summit to Echo Summit has the highest trip density.

Finally, we look at commuter trip patterns, such as those between Truckee and North Tahoe or South Lake Tahoe and Carson City/Minden-Gardnerville areas.

How are people traveling? This graph shows modeled mode share in the Tahoe Basin for 2023. Auto trips dominate, accounting for over 85 percent of total trips.

We're focusing on increasing electric vehicles and shifting from auto trips. Preliminary data shows an increasing number of electric vehicles registered in the Tahoe Basin compared to statewide trends.

The trend is great and we're shifting to electric vehicles and that is absolutely a solution but not the only one. Because one million electric cars on the road is still one million cars on the road.

GOVERNING BOARD

May 22-23, 2024

Looking at some of the other modes, we're absolutely seeing a lot of people walking and biking and we have great data on this. The graph on the left shows the cumulative annual counts of users on our shared use trail system. We saw a huge spike in 2020 during the pandemic. But overall, we are seeing an increase in use. Strava Metro shows an increase in the number of e-bike trips that are being recorded compared to bicycle trips. This is likely lower than what is maybe actually occurring because not everyone recording a trip on Strava. People aren't necessarily recording that trip, but this is showing that e-bike use is increasing and that aligns with what we're seeing.

We're also seeing greater use of e-scooter trips and we have great data on these trips that allows us to visualize the trip density so that we can see where people are traveling on e-scooters and then design solutions to hopefully accommodate those.

There's a graph that shows seasonal transit ridership around the entire Tahoe Basin going back to 2017. As a region we saw dip in 2020 as a result of the pandemic as did every other region in the country. But we're making a really strong comeback in transit ridership. Microtransit has been a game changer for transit ridership in the Basin. In January of 2024, we saw over 150,000 rides basin wide in that month alone, which is the highest on record. And this last winter season, we surpassed transit ridership from the 2017-2018 winter season, which was previously our record in the basin. This is encouraging for transit at Tahoe.

What are the barriers to travel? A major goal of the RTP is to understand what challenges people face in traveling so that we can implement strategies that mitigate those barriers. We've spent the last several years focusing on equity and transportation through work like the transportation equity study. We know that many people in our region don't have access to a car or don't drive due to their age or ability. We identified priority communities through the Transportation Equity Study. We talked to several people within these communities to better understand their transportation challenges and will be carrying that input forward into this RTP update.

In addition to talking to folks specifically about their travel barriers, we also conducted a thorough spatial analysis to try pinpoint specific areas where we can focus on improving access and identifying more short-term solutions to alleviating transportation burdens.

Another barrier is safety. Safety is a huge concern on our roadways and with the recent endorsement of the Vision Zero Strategy, we have data and an understanding of where we need to focus attention on improving roadway safety. There's a map showing crash history going back to 2012 and each bin represents a six-month timeframe. We can use this data to see which areas are emerging as dangerous roadway hotspots and then also see how safety projects are improving roadway safety. One example,

was an emerging hotspot in Kings Beach based on crash data in 2014 and 2015. And since the roundabouts were constructed at King's Beach in 2016, there haven't been any fatalities and Kings Beach is no longer a crash hotspot.

We can use this data to evaluate our safety projects in that way. And then you'll probably also notice lots of issues on the East Shore Corridor of Highway 50. We know this is the most dangerous roadway segment and are committed to working with the community to identify solutions that can work for everyone.

Using all of that data and equipped with some of those answers to these key questions, we are moving into the RTP update focusing on identifying projects and funding for these core strategies: transit, trails, technology, and towns because we love our alliteration. Community members have communicated your vision for a more reliable and frequent transit system, a seamless and connected

GOVERNING BOARD

May 22-23, 2024

trails network, technological improvements that contribute to a more efficient system, and connections to all of these modes focused on our town centers. We're committed through this RTP process to help bring that vision to life. This RTP will be organized around these four core strategies.

This RTP update will be focused on addressing operations, funding, and accessibility with targeted updates and a focus on safety, recreation travel, and changing our recreation behavior. We're focused on implementing more technological system improvements that create better efficiencies in our transportation system. We're focused on identifying funding solutions for maintenance, roadway maintenance, and transit operations. Equity will continue to be a central theme in this RTP update. And then evacuation, that's something that's at the top of mind for many people in our community right now.

We are hoping to have a draft of the RTP out in Spring 2025 with final adoption slated for next summer. And then we'll be doing frequent check-ins with the Transportation Committee, which is sort of acting as our steering committee for this RTP update.

Board Comments & Questions

Mr. Aguilar referred to the crash slide and State Route 28. Is that the secondary group of red in the middle?

Ms. Richardson said yes, that's Spooner Summit.

Mr. Aguilar asked if that is the intersection of Highway 50 and State Route 28.

Ms. Richardson said yes, there have several fatalities in the past few years.

Ms. Hill is surprised there's not more red in that Crystal Bay to Incline Village section where there's been pedestrian crashes.

Ms. Richardson said it may be hard to tell on this graph today, but you can explore this map on the website and get more detail on certain areas.

Mr. Aguilar asked if all these crashes are happening on the Nevada side.

Ms. Richardson said there are more emerging hotspot areas in specific areas such as the Highway 50 Corridor on the East Shore that we know there are lots of safety issues. We are aware of some emerging hot spots in California. It's a little harder to see at this angle on the map. But there are some hot spots such as Pioneer Trail and through the City of South Lake Tahoe.

Mr. Aguilar said there's no underlying reason why it's more in Nevada than California or is the Nevada Department of Transportation approaching this differently.

Ms. Richardson can't speculate on how NDOT is working but through the US Highway 50 Corridor Management Plan, NDOT is very much aware of this issue, particularly along this corridor.

Mr. Aguilar asked if this information is being shared with the Nevada Legislative Oversight Committee. It's important for the Legislature to see that human lives are being impacted on the Nevada side at a significant rate.

GOVERNING BOARD

May 22-23, 2024

Mr. Rice previously worked for the Douglas County Sherriff's Department. NDOT has stepped up to the plate to try to correct some of these areas. One of the biggest hotspots was Zephyr Cove. There are cars parked along the highway and pedestrians getting in and out of their cars. That is being resolved this year with new parking signs, cars will be towed, and the fine is \$305 instead of \$25. There is also a traffic signal and crosswalk at Highway 50 and Warrior Way. They are also working on paid parking near the high school.

Mr. Aguilar said now State Route 28 is now experiencing those same problems. They're working on it, but again, how many lives is the question.

Mr. Settelmeier asked if staff had an overlay of traffic counts to add to this layer. That is an important thing to look at. If you look at the larger number of accidents, probably corresponds with a higher number of traffic. If you look at Sand Harbor of 1.2 million visitors in a 4 to 6 month period, it's amazing we don't have a lot more problems on State Route 28. Some of the additions to the different parking lots that are being discussed and implemented will help alleviate this problem then hopefully we can ticket people a little bit better, which will also help. As far as the Stateline corridor there were plans in theories to try to help some of the traffic issues there, but they were not necessarily universally agreed to by all states and therefore did not happen.

Ms. Glickert said there was a map that showed the red line is where you saw the intensity of users which was on Highway 50 east and is where we have four lanes of highway. We don't have that anywhere else in the basin and those characteristics do play a role; the number of users, how many lanes are available, and other recreation hotspots. All of those characteristics have a correlation when you're looking at that user map.

Mr. Settelmeier asked if there is any correlation, sometimes there are other forces at play. People's recreational habits sometimes in some of these accidents.

Ms. Richardson added a caveat to the crash hotspot map. It's not just fatalities. There's severe injuries and other injuries included in that. Those red bins don't represent fatalities in all cases. We have a crash dashboard where you can get the details on specific crashes.

Mr. Aguilar asked if Nevada is used as a pass through to California and Nevada is shouldering the burden of some of the externalities of that pass through.

Mr. Settelmeier can't speculate on that, but you might be onto something.

Mr. Bass said the volume of our tourism still comes from California over Echo Summit or Interstate 80 just on the volume of tourism coming into the basin.

Mr. Aguilar said that's a different conversation than this area of the lake. If Nevada is shouldering the burden for people to pass through to California. He's trying to figure out the appropriate data on this situation and then you can start to assess and determine the funding issue.

Ms. Richardson said Mr. Aguilar is spot on. We don't have all the answers to those questions today, but this is definitely something that we'll drill into as we start to develop projects. Specifically, roadway safety projects for these areas. They'll gather more input on that before we finalize anything.

Ms. Aldean said the data shows that there is a lot of gridlock on the West Shore, two lane roadways, and they can't travel as quickly. On Highway 50 from Spooner Summit to the South Shore there are

GOVERNING BOARD

May 22-23, 2024

multiple lanes. It's an enforcement issue, more ticketing needs to be done for exceeding the speed limit. She's assuming they are speed related crashes for the most part.

Ms. Glickert said the US Highway 50 East Corridor Plan is being finalized. We can come back and have an update on corridor planning work.

Ms. Gustafson said if you look at Kings Beach and the roundabouts, the crash data went down but the congestion levels went up because of the pedestrian activity at those particular roundabouts.

Ms. Regan said we will send an email with the link to the crash data. It was only in the last five or so years that we as a basin came together to break down the lake into these corridor segments. So, we're able to now dig in deeper than we were before, and I know we all have worked very closely with NDOT and Caltrans sharing this information. NDOT has stepped up patrols, and speed is a factor. We talked about that in the Active Transportation Plan particularly with pedestrians and bikes, and the level of severity of injury is directly linked to speed.

The more work we can do to slow traffic in those areas where there are multiple lanes, which was the case in King's Beach. Prior to the roundabouts, it was really the only place people could pass on the North Shore, and they would speed up through Kings Beach. So, it is a trade-off. There have been fewer fatalities, but there is more congestion. Those were some of the policy trade-offs, but it has saved lives on the north end of the lake. But there's a lot of factors now; fire evacuation has come up.

We'll bring back an update on the corridor plans. We'll get some more input from our transportation implementation partners and keep you apprised. Our Implementation team will be evaluating the projects and that's all manner of projects, the local jurisdiction level, NDOT and Caltrans that will try to improve the infrastructure to build more safety, to add more mobility options for people to have other choices. What the cost of those is going to be in today's dollars versus the last Regional Transportation plan that we did five years ago. All that will be part of the analysis that the Transportation Committee will be digging into in the coming months."

Ms. Laine said the Agency has always tried to be solution oriented and not pointing fingers across the table at where the traffic is coming from or where it is going. With the popularity of Sand Harbor and a million visitors going there, that's how many visitors go to Emerald Bay. It's something we have to be concerned about and having this kind of information that can point it out to us visually so that we can get all hands on the ground to try to deal with solutions is important.

Ms. Hill referred to slide 18, the estimated trip distribution by trip type. It says 2018 and we are going to get updated data. What are we doing for that updated data or how are we ensuring the accuracy?

Ms. Richardson said this data was from our travel demand model, the model that we use for the last RTP. We will be updating the travel demand model for this RTP cycle using 2022 as our base year or maybe 2023. There are many different inputs that go into that.

Ms. Hill asked if the SMART grant that the Tahoe Transportation District received to look at license plates will be in time for this RTP.

Ms. Richardson said no because they're just starting to pilot some of those technologies. Hopefully, they'll have some more infrastructure on the ground prior to the next RTP cycle and we can use some of that data.

GOVERNING BOARD

May 22-23, 2024

Mr. Bass asked where in the process does local jurisdictions get projects included in the RTP. First, is the gondola.

Ms. Richardson said we're working right now with all of the local jurisdictions on their project lists and vetting that through the Tahoe Transportation Implementation Committee (TTIC). There will be opportunities for input on the project list.

Mr. Bass asked if that list will come back for board approval.

Ms. Richardson said yes, the project list will be part of the final Regional Transportation Plan that this board approves, which we're expecting that to happen next summer.

Mr. Bass has brought up rail for the Northern Nevada region between Reno, Minden and eventually up Spooner Summit, which I think is the solution for our region that's crucial. How do we get that regional connectivity when that's not really within our territory? How do we get that into that larger planning effort to reach the state of Nevada for that high speed link to eventually link Interstate 80 with high speed rail.

Ms. Glickert said that is part of the job as the Metropolitan Planning Organization. They have meetings every month with NDOT and discuss all of those things. NDOT is a non-voting member of the Tahoe Transportation District board. So, we could also have those conversations at that. That is some of the collaborative work that we do with the Regional Transportation Plan. We work with all the MPOs near and far from the basin.

Mr. Bass said if we were to put rail through the eastern part of the Highway 50 corridor and eliminate the fourth lane on the downhill section and then switch it when you get to Spooner Summit. Because most of the high speed traffic is heading downhill trying to pass vehicles but you need both lanes uphill for slow moving trucks. If you eliminated that fourth lane with rail, I think you would see a huge safety benefit in that corridor as well as being able to move people into Tahoe without a vehicle.

Mr. Aguilar is not looking to place blame but rather to get clarity of understanding what the situation is so when I'm having conversations with the decision makers, it's an accurate portrayal. It's his responsibility to represent Nevada taxpayers and to get the best for what they deserve.

Ms. Gustafson said in the past there have been a lot of questions on the data and the delays in getting the data from Caltrans and NDOT that would provide some of the answers to who is using that corridor. You'd still have to get the crash data specifically to know who was involved in the accidents.

Ms. Richardson said we definitely struggle with delays in data, and we're limited in what we can analyze based on that. Our most recent crash data is through 2021. I don't know if we've done an analysis on who is involved in those crashes and is not sure whether that's part of the data set, but we can look into that.

Ms. Gustafson said the global picture is great, but I think it is crafting those solutions. Is micromass transit going to work, main line trains, trolleys, buses, etc. We need to know who's going, for how long, and the purpose of their trip is.

Ms. Richardson said in the last RTP, we included a section with corridor profiles which was getting at some of those questions. We had information on demographics of who's traveling within those corridors.

GOVERNING BOARD

May 22-23, 2024

Ms. Gustafson said we'd all appreciate knowing those sources and how reliable they are. Because often when I've mentioned that VMT is down, people don't believe me. But it may not feel that way in a particular segment or on a particular day.

Ms. Glickert said at the Transportation Committee meeting in June, we'll be talking about that through the Transportation Performance Report and how we dove into VMT and sometimes it doesn't always correlate with how people feel. We looked at congestion and times to help tell the story.

Ms. Gustafson said the Governor's revise in California cut \$2 billion out of roads and transit in his proposal. Have we been given any indication of how that will affect our transit funding for the basin.

Ms. Regan said there's a big slug of money from SB125 that we think is intact for the basin which is very uncertain until the budget wraps up.

Mr. Haven said the budget is not finalized; however, the May revise did maintain critical transportation funding through SB125. That is just a delay rather than a cut and it's also going to get extended out to a third year. It was two years of funding, it is really one-time funding, but it's critical emergency transportation and transit funding. That's going to get strung out to three fiscal years instead of two and we have yet to receive that first round of money. It works well for the transit operators. A lot of the transit conversations that have been going on in the South Shore and the North Shore. We're working with both operators to make sure that that money is secured and moving out as early as this coming fiscal year.

The Transportation Development Act funding, the other main state transit funding was not impacted by the budget cuts. That's more directly tied to gas sales and sales tax. We did okay, but the dust hasn't settled to see the true impact. There may be impacts to active transportation funding and will have to see where that lands. We'll have a better sense of that in the coming months as the budget is finalized and we'll be bringing some of those assumptions into the financial discussion around the Regional Transportation Plan.

Ms. Leumer added a comment to the active transportation cuts. There was around \$300 million in reductions proposed in May and is on top of the \$200 million that was already proposed in January. The total cuts in May were \$973 million. And then there's \$555 million shifted to the greenhouse gas reduction fund. That's still getting funding but from a different source. Then the reductions come from the general fund. It's not finalized yet so, there's still time to weigh in on that.

Ms. Regan said we're fighting hard and very closely with our congressional delegation, who are stepping up for all of our transportation funding opportunities in this last budget of the Congress. For State Route 28, we're very pleased to get our delegation from Nevada to support a \$5 million congressionally designated funding AKA earmark appropriation. There's a lot of funding in the works to build out that corridor of SR 28 and do more shuttles and parking. The parking lot construction is going forward that you all approved, the Forest Service lot near the Thunderbird Lodge. We have a very big ask of the Federal government with USDOT for \$25 million. Tahoe Transportation District was the lead on putting in a \$25 million request to invest in the SR 28 corridor. Tahoe is a rural population, we struggle with big city transportation problems, but we're attacking it aggressively.

Ms. Williamson said after digging into the Vision Zero Strategy that the board heard in December, TRPA has an interesting website here that you can go through the crash data from 2013 to 2021 and filter it by state and county. What I find most fascinating looking at this is the Nevada crashes are in daylight, clear weather, non-collision crashes. People are swerving off the road; they're not in head-ons.

GOVERNING BOARD

May 22-23, 2024

VIII. APPEAL

- A. Appeal of Figone Garage/Accessory Dwelling Unit Permit, 32 Moana Circle, Placer County California, Assessor's Parcel Number (APN) 098-191-018, TRPA File No. ERSP2023-0701, Appeal File No. ADMIN2024-0005

Ms. Williamson said the Legal Committee unanimously recommended to the Governing Board to deny the appeal and affirm the staff report. A notable detail was that the unit being discussed will be used by staff who work at Chambers Landing and some of the ski resorts and is who she's rented to for no charge in the past and is her intentions in the future. In the furtherance of TRPA's mission to continue to support affordable housing in the basin was an important detail of this appeal.

Mr. St. Michel said the project in question concerns a construction permit for the demolition and reconstruction of an existing detached garage. The permit, issued by the executive director at the staff level, allows for the construction of a new garage with additional height and an accessory dwelling unit (ADU) on the second story.

During the legal committee meeting earlier today, there was a discussion involving the neighbors challenging the permit. After presenting the recommendation to deny the appeal and uphold the executive director's decision to issue the permit, there was a fruitful discussion. Key issues raised during the appeal included concerns about housing compliance and whether the ADU would be utilized for achievable housing as per the deed restriction. Ms. Figone expressed her intention to rent or make the ADU available to seasonal workers, emphasizing her commitment to affordable and workforce housing opportunities. Other issues such as required findings and scenic assessment were discussed, with opponents acknowledging the staff report and not pressing these matters further. There was also recognition of the challenges citizens face in understanding technical aspects of TRPA code, highlighting the importance of staff assistance in clarifying such complexities. Rather than delving into a detailed presentation, these observations capture the essence of the morning's discussions.

Mr. Egerland expressed his appreciation for the responsiveness and effectiveness of the TRPA staff, including Brandy McMahan, Katherine Houston, and Graham St. Michel, during my first experience with the TRPA process. Their timely assistance was invaluable.

As the application appears to be technically compliant, we anticipate that our appeal will be denied as expected. Our focus now shifts to the execution of the goal to provide achievable housing in the basin and the ongoing improvement of policy to achieve that goal.

One component of our appeal that I find significant is the contention regarding the applicant's stated intention for the property. Despite the staff's characterization of these intentions as vague, our evidence clearly indicates otherwise. The applicant's attorney explicitly states the intention to use the ADU as a separate residence, with plans to move full time to Lake Tahoe.

Furthermore, the opposition letter supports this intention by stating that the applicant began improving the property for her family in 2020. These statements are clear and should not be misconstrued as vague.

Moving forward, we requested a copy of the TRPA-prepared deed restriction, which we expect will define the restrictions on the use of the permitted property. We are also interested in understanding the interaction between Placer County and TRPA regarding deed restrictions and how TRPA will monitor and enforce these restrictions to prevent their removal.

GOVERNING BOARD

May 22-23, 2024

Enforcement via Code of Ordinance Section 52.3.4, the TRPA "report a concern" form process, and discussions in the Legal Committee regarding compliance procedures are all important considerations. It is essential to increase penalties for misuse and ensure effective monitoring and enforcement of deed restrictions to protect the integrity of the achievable housing program and the environment.

In conclusion, I urge the board to closely monitor this project. While the applicant has stated their intention to provide achievable housing, there are concerns about potential misuse of the bonus unit program. It is crucial to ensure that the program serves its intended purpose and does not inadvertently facilitate abuse. The file number for this project is ERSP 2023-0701. We anticipate continued scrutiny from neighbors and residents, and we hope for a fair and transparent process moving forward.

Mr. Brown representing Ms. Figone. He extended their gratitude to the TRPA staff for their thorough work in summarizing why the appellant's appeal should be denied. The Legal Committee unanimously agreed with the staff's assessment. This project fully complies with TRPA ordinances and development standards. This project wasn't intended to include an ADU; however, it was later modified to incorporate one. It's crucial to understand that the objections raised by some opponents, who are members of the HOA, stem primarily from personal views and not from any genuine concern about the ADU.

During the Legal Committee meeting, Ms. Figone articulated her intent to comply with TRPA ordinances regarding ADU restrictions, as evidenced by the deed restriction. She plans to reside in the main residence and have someone occupy the ADU, consistent with TRPA regulations. The proposed project is modest in scale compared to recent developments in the neighborhood. It's essential to

contextualize this dispute within the broader landscape of private property rights and not allow it to become a matter for TRPA jurisdiction. The objections raised by opponents regarding views are not grounds for TRPA intervention, as private views are not protected under TRPA ordinances unless under unique circumstances, which do not apply here. Furthermore, some opponents have vested interest in preserving their views, as illustrated by their roles within the HOA and architectural review committee.

Ms. Figone's property is not significantly different from neighboring residences in terms of size and impact on views. In summary, this project aligns with TRPA development findings and standards, and the appellants have failed to provide any substantive basis for their appeal beyond acknowledging technical compliance. We request that you affirm the executive director's decision and uphold the legal committee's recommendation.

Mr. Egerland reiterated that the presentation you just saw has nothing to do with the permit or the appeal. It has everything to do with an HOA issue that will be litigated separately. This will potentially serve as a blueprint for how to not implement affordable housing in the Tahoe Basin.

Board Comments & Questions

Ms. Laine has been immersed in the vacation home rental issues for about two decades and one of the issues is the fact that a lot of the neighborhoods that had a proliferation of vacation home rentals had CC&R's in place but not HOAs. It's always been government's opinion that it's the HOAs that have to enforce their own CC&Rs. In this particular case, there is an HOA and there are CC&R's, how do we deal with it if there's a conflict with TRPA's & the HOA's rules? Do we ignore the HOA and the CC&Rs and focus on the TRPA regulations?

GOVERNING BOARD

May 22-23, 2024

Ms. Gustafson's understanding is that Placer County does require a deed restriction on ADUs that they cannot be short-term rentals and are enforced. Was it done in this situation and are we also enforcing that?

Mr. St. Michel is not aware if Placer County has done any deed restriction. There is a condition in this permit that there be a deed restriction limiting the property to achievable housing and disallowing it from being used as a vacation rental. That's an eligibility requirement for getting the bonus unit. He deferred the question about Placer County to Ms. McMahon. Regarding Ms. Laine's question about the conflict or the interplay between HOAs and TRPA. He said TRPA has to go through its permitting analysis and decisions. It makes sense to him that HOA's which have their own CC&Rs, their burdened properties, landowners that have CC&Rs and the HOA is going to have the opportunity to enforce those against those property owners. It's their own interpretation and application of how they want to do that. It makes sense that TRPA would keep itself out of those types of disputes and let that be the domain of HOA's. Even in this case, sometimes they have their own disputes. Ms. Figone's attorney raised the fact that they're in litigation with the HOA over its application. Also relevant in this case is California law that is favoring ADUs and makes it hard for HOA's to restrict ADU's because there's a California policy favoring ADU's. Those are things that TRPA may want to steer clear of and apply its own Code of Ordinances and items like that in the permitting.

Ms. Laine said if in fact this is going to be achievable housing, which sounds like that was the statement that was made to the Legal Committee by Ms. Figone. How do we know if that's how it's really being used as opposed to just another place for family to land when they visit.

Mr. St. Michel said it is difficult and this is something we have to think about when staff issues a permit. There's the permit decision, does it meet all the eligibility for a bonus unit? One of the eligibility requirements being that they're needs to be a deed restriction. When you have the applicant representing to staff that they are going to follow the ordinances and record a deed restriction that's perpetual on my property that limits not only my use, but future owners of my use of this property. At that point, the requirements have been met. It's a good point that Ms. Laine brought up enforcement. That's separate from whether or not the permit is proper. TRPA is taking seriously the compliance with deed restrictions and we're ramping up discussions of how we do that. Since 2018 there is a requirement that owners annually report to TRPA of how they use the property. There's also a way for other citizens and neighbors to file a complaint form for any kind of violation. TRPA does respond to 100 percent of those. Then there's another percentage that staff audits for annual compliance. There is a process but it's just not what we're talking about in terms of whether the permit was proper.

Mr. Marshall said for this appeal, while Ms. Figone says she's going to rent it or allow people to live there rent free, that doesn't necessarily mean that's the continued use out in the future. She's obligated to comply with one of the four ways of the terms of the deed restriction. It doesn't have to be that workers who are either local or earning below 120 percent median. In hearing the appeal, you should assume that she has to comply with one of those provisions but not necessarily a particular one. It was important to the committee members to hear her intent and that she had been renting or allowing people to live in the garage that she already possesses.

Mr. Hester said in 2018, we looked at our compliance process and thought there could be some improvements. A person now has to do an annual compliance form. We hired a firm who did an audit of those, and we have a pretty good compliance record from 2018 forward. Those that don't we're following up with. We are now back at the Legal Committee asking how we can make it even better with fines and making those more significant. It has to be one of four conditions, workforce or achievable housing, someone who is retired and has been there seven years or is it a family member.

GOVERNING BOARD

May 22-23, 2024

Public Comments

None.

Board Comments & Questions

Ms. Aldean moved to grant the Appeal which motion should fail to affirm the Executive Director's determination.

Ms. Laine said one of the ways to qualify is a "family member." She's not concerned in this particular case that Ms. Figone has any intention of doing this. It's not directed towards her but just because of the vacation home rental ordinance, she's worried about letting the cat out and not being able to get it back in the bag. She asked staff to elaborate on what would qualify for somebody getting a bonus for an accessory dwelling unit and being able to house family there.

Mr. St. Michel said the definition of achievable housing in the Code of Ordinances is Single or Multi-family residential dwelling to be used exclusively as a residential dwelling by permanent residents who meet one or more the following. For Accessory Dwelling Units there is a fourth that when the unit is occupied by a family member related by birth, marriage, or adoption to the owner of the primary dwelling. Under the current TRPA code, there is a way that qualifies for achievable housing.

The other three are the workforce housing is basically that a worker's job is requiring them to be located here. The third is the retired person who's lived in a deed restricted unit in Tahoe Basin for seven years or more. The other is that if you meet the definition of moderate income. If the household is equal to, or below 120 percent of the area median income.

Ms. Laine asked if someone rented the unit for a season of say of five months and then the remaining seven months, family members used it occasionally. Does that still qualify someone?

Mr. St. Michel said these are good questions. The seasonal workers would probably be under the workforce requirements and would be in compliance. When there's an intermittent family member coming and going, that gets it the question of whether or not that's a permanent resident. If there's family members occupying it consistently the rest of the time that qualifies because it's under that fourth basis for an ADU. But there is that component in the Code of Ordinances definition where it talks about it being used by permanent residents. That's where it gets a little bit difficult to apply when they're coming and going.

Mr. Marshall said you can't use a deed restricted ADU as a second home. It's inconsistent if it's being used as a second home. In Ms. Laine's hypothetical, it's used as a second home for a portion of the year and housing is another portion and that is not consistent with the deed restriction. If it turns out that it's one month, we'd probably say you need to make certain in the self-reporting that it's not being used for that purpose. It's clear that you can't use it for second home purposes.

Ms. Laine said it's dangerous waters if we don't have some parameters around it.

Ms. Gustafson said the discussions in the Legal Committee were talking about those penalties and fines and refining what we found throughout regulation of short term rentals or anything else we do; we're constantly modifying because people find interpretations around the rules, and we need to continually adapt to the changing environment.

GOVERNING BOARD

May 22-23, 2024

Nays: Ms. Aldean, Mr. Aguilar, Mr. Bass, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Conrad-Saydah

Motion failed.

Ms. Aldean said in Carson City, Accessory Dwelling Units became an issue years ago when she was on the Board of Supervisors. An exception was made for people who are related and need care such as an elderly person. She assumed that TRPA Code 90.2 doesn't relate to the awarding of a bonus unit. You can have an ADU if you're in a single-family zoning district without receiving any sort of dispensation from TRPA with respect to applying for a bonus unit.

Mr. Marshall said that's correct.

Ms. Aldean said there is a need to refine the language to meet the intent. Just because a person wants to move to Lake Tahoe and live in a smaller home is not a proven need.

IX. PUBLIC HEARINGS

A. Proposed revisions to environmental threshold carrying capacities (threshold standards):

- 1) Restoration of stream environment zones, SC11-SC13
- 2) Tahoe Yellow Cress threshold standard, VP21
- 3) Aquatic Invasive Species threshold standards, WQ9-WQ14

TRPA staff Mr. Segan provided the presentation.

Environmental threshold carrying capacities are the threshold standards. The term "environmental threshold carrying capacity" was given to us by an active congress. We have often heard from partners that they don't understand what the word is. It's defined as an environmental standard. So, we typically use the term "threshold standard" when we describe them. Congress also defined the role these threshold standards play for both us and our partners in the region.

And the threshold standards occupy a role at the top of our pyramid. They are the guiding light, the things that we are trying to achieve. These are the basin's threshold standards. That was Congress in the two states' vision, and they continue to be used like that. This is highlighting text from the Lake Tahoe Restoration Act, suggesting that we use the threshold standards and potential contribution towards threshold standard attainment as one of the parameters that guides our investment with those dollars.

We've been working on this project for quite some time now. We started by asking the Science Advisory Council to review best practices from around the country on how other large environmental restoration initiatives set their own goals. We set our original set of threshold standards in 1981; the vast majority of those, about 150, date back to that period so we have a lot of work to update those. The Science Advisory Council did a broad look around the country and identified some core principles for us to adhere to as we update these standards.

The first of those is that we should be very specific about what role these play within our system and how they relate to other information that we capture and how we use that information. And the

GOVERNING BOARD

May 22-23, 2024

Science Advisory Council basically suggested that threshold standards should be those broad things that you're trying to achieve at the end of the day, not the individual things that you do to get there, but the why of what you're working towards - trying to restore 100 feet of clarity in the lake, not the miles of street sweeping, not the number of BMPs that we implement in a year, not the acres restored, but rather the end goal that we are searching for within our system.

They also suggested that we align our performance measures such that we have clear connections to those threshold standards. And that's been the goal of this entire process.

They also suggested three things that each threshold standard should be. In addition to being outcome-based, being focused on why we are doing this, the other two may sound relatively simple. They should be specific and measurable. We should all be able to articulate where we stand relative to each one of these. We have to define an endpoint and we have to have a way to measure where we stand relative to that endpoint. Seems like basic stuff, but many of our standards today do not adhere to these basic principles.

These recommendations today are from the entire Environmental Improvement Program. When we began working on these three threshold categories, we started with the Tahoe Interagency Executive Steering Committee (TIE), which is the executive committee that guides the Environmental Improvement Program. They're the ones responsible for implementing all of the projects that get us to where we're trying to go. They have sub-working groups. These are the people on the ground that are doing the work related to the topics that we're talking about today.

Each of the proposals before you are crafted by and discussed by those individual working groups. With input from the Science Advisory Council, they've been reviewed by the Threshold Update Initiative Stakeholder Working Group which is a working group that you chartered. They were reviewed by the Advisory Planning Commission, reviewed by the Regional Planning Committee prior to bringing them to the Governing Board today for consideration.

I'm going to walk through each of the three categories of updates and highlight what we're trying to accomplish with each of these. The first is Stream Environment Zones. This is a term that's unique to the Tahoe Region. They are generally wetlands, meadows, fens - things that are influenced by groundwater.

We have a long history in the Tahoe Region. Our work trying to restore our wetlands and meadows predates our original thresholds from 1981. But we have four threshold standards on the books today. The first is that we do not allow any degradation of our existing naturally functioning ones. We're not proposing any modification to that one. We are proposing modifications to the latter three, and the issue with each of those three is that there's never been an accepted baseline or firm definition for what each of those are. And because there's not an accepted baseline or firm definition, we've had some issues related to the accounting.

The accounting system that we use today was established a little over 40 years ago, and it identified the target of restoring 1,100 acres of SEZ. We are on the precipice of achieving that target this year, which is a monumental task that should be celebrated. As of today, this is pre-reporting season for this year. We are four acres short of hitting that target. So as our partners go through their work and updating their projects for the year, we're likely to hit that target.

But that's not the whole story. We have a bit of a storied history here in terms of how we account for SEZ restoration. TRPA officially acknowledges that there is just under 1,100 acres restored. A little over ten years ago when we adopted the EIP performance measure, partners asked us to add

GOVERNING BOARD

May 22-23, 2024

enhancement. Many of the things that we do to the wetlands in the region, you can think of things like Conifer thinning or removing some invasive species, fall short of the EPA definition of restoration, but are considered enhancement. We started tracking enhancement a little over ten years ago, and we've restored nearly 400 acres. We should also acknowledge that our partners over the years have acquired 900 acres. So those are acres that they prevented from degrading by bringing into the public sector and public management. Also, for reasons that we cannot fully track, the Forest Service had a separate list of SEZs that they restored in the early 1980s that we have never acknowledged as part of our accounting system, but we should acknowledge that projects occurred on those areas. If you add this all together, we've restored, enhanced, or acquired just over 3,000 acres of SEZ in the last 40 years - an incredible accomplishment. At the Regional Planning Committee meeting, I read into the record nearly 50 partners that are the people that actually did all this work. It's the work of the numerous partners of the EIP, and it's something to be celebrated.

The bad news related to our target is that the last time we had our threshold evaluation peer-reviewed, they basically referred to our accounting system as antiquated and focused only on the acres and not the quality. We received a grant from the EPA soon thereafter to integrate quality into our reporting.

Along with the working group that oversaw the implementation of that grant, we developed what we called the SEZ Condition Index, which basically used a series of between five and nine factors to rate the quality of stream environment zones within our region. The data from this is informed by all the surveys that partners do. We compiled all of that information to develop the SEZ baseline.

A presentation about three years ago shows all the scores that go into the quality index for each of our stream environment zones. There's information about who collected the information that you are seeing and the last time that information was updated. Basically, the SEZ Condition Index is relatively simple. It says each SEZ has an area; it has a quality score. We multiply those two together, and that's the quality and the contribution of that to our overall regional SEZ function.

Through the EIP working group, the Watershed Improvement Group that worked on this, we had a series of meetings where each partner went through and identified SEZ that they thought should be included in a restoration target. We automatically added everything that's already in the EIP tracker on the five-year list, and then they went through and added additional items. And through that process, we aggregated all of those. We told them to think about a 20-year planning horizon and what they could accomplish or what we would like to accomplish over that time period. And through that, we developed the next proposed restoration target for stream environment zones in our region. That target is for consideration for you today. It's to increase the quality and function of our stream environment zones from 79 percent of their total possible score to 88 percent of their total possible score. It's a flexible target in that it can be achieved in a number of different ways. It's not prescriptive

in terms of identifying any individual project. But it does allow implementers the flexibility to prioritize their resources and integrate restoration within other projects.

Next is our Tahoe Yellow Cress restoration target. Tahoe Yellow Cress is a very rare plant found only in the Tahoe Basin and a couple of other locations in Nevada. It's found in the marshes in the southeast part of the basin, and it is nearly extinct. The best scientific estimate is that there are fewer than 10,000 of these plants remaining. It's listed as a federal species of concern by the U.S. Fish and Wildlife Service, and the Forest Service and our partners have a number of projects. But in the last several years, we've found that projects have fallen a little bit short of meeting that ultimate threshold.

GOVERNING BOARD

May 22-23, 2024

The recommendations of the Tahoe Yellow-Acres Adaptive Management Working Group were to align our threshold standard with that science and with the conservation strategy for this species. What that alignment means is acknowledging the influence of lake level and adjusting our targets accordingly.

There are two changes that they're proposing here. The first is that we have variable targets: a higher target when the lake level is low and a lower target when the lake level is high. When it's in a transition zone, it stays the same. This aligns with the strategy.

The other change that we're making is a move from population sites to occupied sites within the science community that addresses the species and monitors them. The notion of a population site is not well understood, but an occupied site is. Survey sites have been defined, so this is in line with the Science Council's guidance that we have specific and measurable goals for each of our standards. We're moving away from the term "population site" and using "occupied survey site."

The last topic is our Aquatic Invasive Species Program. There are two parts to this program; The prevention side of that program, which aims to stop new invaders from entering our lake and our watersheds. The other part is the control program, which addresses those that are already here. We are not proposing any modifications to the prevention threshold standard. The goal is still to prevent any and all from entering the lake. But what we are proposing are modifications to the six threshold standards related to the control program.

What you'll notice is that none of them is specific or measurable. So, anytime we report on them - did we reduce the abundance of AIS? Yes, we did. Did we do it enough? Everyone in the room could have a different opinion. The goal is to have specific and measurable targets that we can all agree on and objectively evaluate. Did we do enough, or do we need to do more?

The fact that these were not specific or measurable was identified by our partners at the Tahoe Science Advisory Council, who referred to these not as threshold standards but as goals - more like aspirational statements or how you might describe what you're trying to do to a friend over dinner, not something for use in the regulatory setting.

The AIS Coordinating Committee that implements projects related to AIS in the region proposed two new threshold standards from the existing documents that guide implementation within our region. The first is that all known infestations in the main lake are in the surveillance category. Many of you are probably aware once a species becomes established, it's incredibly hard to eradicate. We're going back every year to monitor whether or not they're there. Being in the surveillance category basically means no AIS. It means that the dive team surveying the site can pull up whatever they see in less than a day. So, there's no AIS there.

The second proposed standard relates to the infestation in the Tahoe Keys and aligns it with what the science strategy of the Control Methods Test believed was possible for that region: a 75 percent reduction in abundance of aquatic weeds within the Keys.

Board Comments & Questions

Ms. Aldean said we're focused on the proposed standard that's being considered today for Stream Environment Zones for restoring or enhancing. Are we proposing a standard for additional acquisitions?

GOVERNING BOARD

May 22-23, 2024

Mr. Segan said there is no standard for acquisition where it's accompanied by restoration and enhancement would count towards it.

Ms. Aldean asked why we don't propagate the Tahoe Yellow Cress and plant them in an area where they're not likely to be inundated by high water levels.

Mr. Segan said it's a species that thrives in disturbance. They do have a seed bank and I think the conservation strategy calls for planting under certain circumstances such as being trampled everywhere they were. To date, the species overall management has been effective in implementing the conservation strategy. They were a candidate for listing as an endangered species a little over 5 years ago. The Fish and Wildlife Service found that listing was not warranted at this time because of the successful implementation of the conservation strategy. That would be fallback position and is part of the imminent extinction strategy if we've totally failed.

Public Comments

Bob Larsen, California Natural Resource Agency/Tahoe Science Advisory Council said TRPA staff have done a wonderful job in continuing to move forward these complicated threshold update efforts. The council appreciates the opportunity to participate and will continue to support these efforts moving forward. He started this when he worked at Lahontan and said we could probably be more efficient and there are opportunities to advance some of these threshold updates more quickly and accomplish these goals. He supports the proposal.

Stuart Roll, California Tahoe Conservancy supports the proposed new threshold standards and particularly the Stream Environment Zone standard. He commended the outstanding work by Mr. Segan and his colleagues at TRPA for conducting a thorough and collaborative process. This resulted in a technically sound approach that will work well. It's flexible and meaningful way to track and monitor progress on SEZ restoration, which is valuable. They are supportive of the proposed new SEZ standard and the science and condition index supporting it. This standard provides a good direct and understandable connection between individual projects. And the overall regional goal, which is valuable and is something that we were missing a little bit with the old standards. It does a good job in demonstrating the importance of future restoration work. There is a lot more to be done along the Upper Truckee and other priority watersheds.

Ms. Regan scaled up the conversation around the wetland's restoration work. We often get headlines around development projects or redevelopment projects, and that takes a lot of the oxygen in the public sphere. But this is the meat and potatoes of the partnership and the work we're doing. Instead of having the big party, which I still want to have to celebrate hitting the old target, we're making the standard more challenging because the work isn't done. We're relying on science to guide that work and modernizing that standard. There was an interesting column that appeared today in the Reno Gazette Journal around the Motel 6 acquisition and the great accomplishment of the Conservancy and the partnership.

And we try to educate folks around your contributions that you all authorized of \$3.5 million in mitigation dollars from projects in the private sector—people doing projects to connect those dots. Because sometimes we lose that connection when someone does a project, and they pay into an account with good money. Those dollars can get aggregated to accomplish wetland restoration like around that Motel 6 acquisition.

Ms. Leumer asked if we have ever tried to put a timeline to achieve these targets by a certain date.

GOVERNING BOARD

May 22-23, 2024

Mr. Segan said we have. The last standard we adopted before these, the VMT Per Capita Standard, had a timeline as well. We kicked around the idea of dates for these but ultimately did not recommend them because we didn't have a plan that actually implemented along that timeline to get there. The idea was that if and when the plan is developed, I'm thinking about here for the Tahoe Keys that we could adopt the timeline for that as well or incorporate that into the threshold standard. Part of the goal of the initiative is actually to revisit the thresholds more frequently to make them more vibrant in terms of our everyday discussions and update them where we see fit and when the information is available to do so.

Ms. Aldean made a motion to approve the required findings (Attachment B) including a finding of no significant effect.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Mr. Bass, Ms. Conrad-Saydah

Motion carried.

Ms. Aldean made a motion to adopt Ordinance 2024-___, amending Ordinance 2019-02 (Attachment A-Exhibit 1) that updates to the threshold standards for 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, subject to the following change: Second paragraph in the proposed standard shall now read "Reduce average aquatic invasive plant abundance in the Tahoe Keys by a minimum of 75 percent from the 2020 baseline year and 3) Tahoe Yellow Cress conservation.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Mr. Bass, Ms. Conrad-Saydah

Motion carried.

X. REPORTS

A. Executive Director Status Report

Ms. Regan said TRPA staff Mr. Boos was nominated and a runner-up for the Blue Ribbon Awards category of public agencies customer service from the Tahoe Chamber. Tom manages our Aquatic Invasive Species Watercraft Inspection Program, partners with the Tahoe Resource Conservation District, marinas, and lots of folks.

Twenty years ago, the words customer service and TRPA didn't go together. It's been a great pleasure that with concerted effort of being more open, transparent with the public and upping our focus on being helpful, knowledgeable, and helping facilitate good projects responsible projects and not having people be afraid to come in the door to have a consultation with TRPA. That took many, many years to turn around.

Last week, staff planted Sugar Pine saplings in the back of the TRPA office.

We've been receiving emails from the Homewood Mountain Resort on the West Shore over the last year, from folks who are very interested in the future of Homewood. Staff have been working with them for quite a while to get an update and a revision to their approved permit and master plan

GOVERNING BOARD

May 22-23, 2024

action of the board from 2011. We did get that application in the door last week. That's public information that can be found through Citizen Access on Accela permitting software. There are 66 attachments that accompanied that submission. The team has been going through that application submittal. At the June Governing Board meeting, we're bringing a fuels reduction forest health project for Homewood.

The National Outdoor Recreation Conference was held here at the Tahoe Blue Event Center a couple weeks ago. We were featured in field tours and panel discussions. Lieutenant Governor Anthony of

Nevada came to Tahoe to speak at a keynote and presented our team on Destination Stewardship, which is many, many partners. Board member Ms. Faustinos joined us for one of the series webinars on what's happening on the North Shore.

On June 12, you are invited to join the Advisory Planning Commission for a field tour of the Meeks Bay Restoration Project.

B. General Counsel Status Report

Mr. Marshall said we received a petition for writ of certiorari in Dr. Garmong's challenge to the cell tower. He's petitioning the Supreme Court to review the 9th Circuit's dismissal of his action and the order confirming the award of over \$700,000 in attorney's fees. The petition itself takes an interesting tact, it recast the case as an issue that's particularly ripe in front of the US Supreme Court, which is whether or not there's a private right of action under the 5th Amendment, to the US Constitution due process clause. The case below didn't have a whole lot to do with that, but the way that various entities like to get issues in front of the Supreme Court is to pepper them with opportunities. We have gone through an informal process of interviewing a Supreme Court counsel to guide us through this process, the first decision on behalf of the Agency we need to make is to whether or not to oppose the petition for certiorari, sometimes it's better to have the Supreme Court clerk look at it to see whether or not it actually presents an issue, but this may be one of the exceptions where we may want to file a certiorari petition.

This case arises out of the granting of a permit for a cell tower. There's an indemnification condition in that permit and so all of our costs have been indemnified to date.

The other case is the California Sports Fishing Protection Alliance and Sierra Club v. Lahontan Regional Water Quality Control Board was issued the day after the April Governing Board meeting. The state is still considering whether to appeal. Their first filing for a motion for reconsideration on this isolated issue of whether or not the entire record was adequately before the Trial court when the court issued their decision reviewed the matter. Once that is resolved, then the state will have to decide whether to appeal or the Tahoe Keys Property Owners Association. From our perspective, and we think the majority of the stakeholders, there's no reason to stop moving forward with the control methods test. It's in its last year. There have been no herbicide applications in the last two years. This is just control methods that are non-herbicide.

Then we'll move on to the next phase, which is what to do about the long term approach to weeds management in the Tahoe Keys.

Board Comments & Questions

Ms. Leumer asked if it were correct that Lahontan would pay fees if this case doesn't get appealed.

GOVERNING BOARD

May 22-23, 2024

Mr. Marshall said yes.

XI. GOVERNING BOARD MEMBER REPORTS

Ms. Leumer said the California budget is still to be decided but there's significant cuts across the board. She flagged the proposed cut to the Habitat Conservation Fund. This is one of the few consistent pots of money we have through the Wildlife Conservation Board that helps provide funding specifically at the California Tahoe Conservancy among other groups. They're proposing a net reduction of \$225 million across the board. That's supposed to sunset in 2030 but what the budget change proposal is proposing is to end it this year. Six years short and a couple of hundred million dollars that go to great projects and has helped conserve over a million acres in California.

Ms. Gustafson said the Lake Tahoe Summit will be on August 14th tentatively at the Round Hill Pines.

XII. COMMITTEE REPORTS

A. Local Government Committee

No report.

B. Legal Committee

Ms. Williamson welcomed new TRPA attorney's Ms. Burch and Mr. St. Michel.

C. Operations & Governance Committee

No report.

D. Environmental Improvement Program Committee

No report.

E. Transportation Committee

No report.

F. Regional Planning Committee

No report.

XIII. PUBLIC INTEREST COMMENTS

Alan Miller, Professional Engineer provided written comments. He found the science presentation to be very unimpressive and the board discussion that followed a sad exercise in misdirection and pretend concern. I predicted this discussion in late 2022 when I announced to TRPA my own scientific hypothesis which is that a primary source if not the main source of microplastics in Lake Tahoe is the plastics approved in the shorezone for marinas, docks, and recreational boating in general. Plastic structural materials in the hundreds of tons that are deteriorating over and into the waters. The microplastics from these mega sources are accumulating as microscopic particles and will continue to do so at increasing rates as the plastics disintegrate. I'm a stakeholder and reached out to the science community and have been ignored as the misdirection I predicted continues. TRPA and the Lahontan

GOVERNING BOARD

May 22-23, 2024

Water Board want to initiate a great and costly scientific study rather than implement control policies and regulations already enforced or make new policies to address these macro sources of microplastics. Worse than that, they continue their plastics approvals for shorezone structures and

boating and will continue to do so to the long-term detriment of Lake Tahoe. TRPA and its partners ignore the most obvious sources of microplastics with no discussion here whatsoever of marinas and other shorezone structures misdirecting into dryer lint and other airborne terrestrial sources. Tire wear is important, but TRPA has little control over that, unlike the shorezone structures. The Tahoe Regional Plastics Agency and its partners could stop the further contamination now. To do otherwise is negligent. In order to raise attention to these issues, I initiated a lawsuit, Miller v. TRPA in Federal District Court and a Judgment was handed down against me last month which is being appealed to the Ninth Circuit District. This stems from TRPA's ongoing lack of control policies for microplastics. And also, for telecoms that use microplastics in their faux towers. Now is the time to move forward with control and you can continue to study it in the background.

XIV. ADJOURNMENT

Ms. Williamson moved to recess.

Ms. Gustafson recessed the meeting at 2:35 p.m.

GOVERNING BOARD

May 22-23, 2024

TAHOE REGIONAL PLANNING AGENCY

GOVERNING BOARD RETREAT

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 9:05 a.m. on May 23, 2024.

Members present: Ms. Aldean, Mr. Bass, Ms. Faustinos, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Ms. Hales (Mr. Rice's Alternate), Mr. Settelmeyer, Ms. Williamson

Members absent: Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Hays, Ms. Hill

II. RETREAT SUMMARY

Overview

There were two foci for board discussions: general strategic priorities for the Tahoe region and continuing to improve the operations of the board and of TRPA as an organization.

The five topics for discussion:

- Strategic Initiative: Restoration and Resilience of Tahoe systems
- Strategic Initiative: Keep Tahoe Moving (transportation)
- Strategic Initiative: Tahoe Living (housing and strong communities)
- Emerging issues in the region
- Continued improvement of TRPA processes

No decisions were considered or made by the board. Instead, the purpose of these discussions was to provide background information for board members on the range of land use and resource management challenges in the Tahoe region.

Restoration and Resilience:

The Environmental Improvement Program (EIP) is one of TRPA's foundational programs which is focused on achieving environmental thresholds. Currently, TRPA staff are focused on the following EIP objectives:

- Project specific priorities: These include connecting the Highway 50 Corridor through South Lake Tahoe, expanding pedestrian and bike corridors, stormwater capture improvements, and mitigating the traffic and resource impacts at Tahoe's most visited beaches.
- Education and outreach: Expanding awareness of fire evacuation coordination and planning, and direct outreach to individuals, groups and communities on issues of specific concern.
- Increasing the pace and scale of EIP project implementation: Key objectives include addressing current invasive species threats and preventing new infestations, utilizing artificial intelligence and other decision support tools, strengthening engagement and working relationships with the Washoe Tribe, and the use of drones and emerging technology for better monitoring and evaluation of thresholds.

Notes on EIP status and next steps:

- TRPA staff and leadership are working to expand awareness about the status, need, successes and next steps for EIP and thresholds. Some board members suggested that tools such as dashboards,

GOVERNING BOARD

May 22-23, 2024

- and updates to Lake Tahoe Info portal can make EIP more useful to residents, businesses and visitors. One suggestion is to maintain a running list of EIP project funds secured and spent.
- EIP project work has never slowed, though in recent years the housing and transportation challenges in the basin have been receiving more public attention and focus. The staff and board would like to bring EIP back into the forefront in communications.
 - It is important to celebrate success more frequently and more publicly. There are many difficult challenges in the basin, and reminders of success are important for all.
 - Metrics of success, other than visible depth of a Secchi disk, will be important for residents and visitors to connect with different challenges and successes of the EIP program.
 - In order to expand funding of EIP programs, some board members are interested in finding creative ways to engage private donors and resourced residents within the basin.
 - When staff was asked to identify some obstacles to increasing the pace and scale of EIP programs, answers included:
 - o Doubling capacity to address Aquatic Invasive Species: mitigation of current infestations and preventing future ones
 - o Costs of materials and labor for restoration and mitigation programs continue to increase rapidly. It is difficult to secure skilled workers for AIS projects, including divers.

Keep Tahoe Moving:

Safe, efficient transportation to and throughout the Tahoe basin has always been a challenge. As the two states, five counties and local jurisdictions seek to improve local economies, strengthen communities and manage visitors effectively, improving transportation and transit infrastructure and systems is critical for success.

A “built-in” challenge for providing effective transportation is that local jurisdictions and counties must serve their own constituents and carefully manage transportation funds, while also working to serve the collective goals of transportation in the Tahoe region. Success breeds success, and unity of purpose helps increase the likelihood of successful fundraising and funds management.

Notes on Transportation in Tahoe and Next Steps:

- The Regional Transportation Plan (RTP) is being updated now. This is the comprehensive look at transportation in the Tahoe Region and will influence projects and funding priorities.
- Microtransit is of particular focus of TRPA transportation staff, and especially, partners such as local jurisdictions and Transportation Management Associations. These transit systems are key for last-mile travel and making fixed route transit more useful.
- All transportation partners are seeking ways to make transit fun, enjoyable and easier to use than other transportation modes.
- There has been no net increase in Vehicle Miles Traveled (VMT) in recent years, which equals attainment of one of Tahoe’s critical environmental thresholds.
- Parking and parking management continues to be a key challenge, as well an opportunity to achieve greater mode shift toward transit.
- New modes are being considered, such as cable transport (gondola). Rail, particularly for regional connectivity, can also be an important strategy for improved mobility options.
- A key transportation goal remains providing greatly expanded transit access to Emerald Bay. For these routes to be successful, the ability to park private vehicles may need to be constrained substantially. This route is of critical concern for El Dorado County, though all TRPA partners recognize this as a critical and legacy transportation challenge.
- Parking management will require some innovative solutions such as regional parking passes and a coordinated/unified system for parking payment and enforcement of violations.

GOVERNING BOARD

May 22-23, 2024

- Some board members revisited the idea of a basin entry fee to greatly expand resources for transportation planning, EIP and housing programs.
- Another suggestion: develop an 'adventure pass' or system that allows a one-time payment for access to all state and regional parks.
- It is important to be more transparent with data about transportation in the basin. There are many misconceptions about visitation and traffic patterns in the basin. For example, the number of annual visitors has remained steady in recent years despite many feeling that the experience of traveling through the basin has diminished. The actual changes in transportation include a breaking down of traditional visitation seasons, and types of trips people are taking. Traditionally in Tahoe most trip destinations were in town centers. Now trips for recreation are spread throughout the basin.
- It is critical to engage businesses and the private sector in transportation solutions.
- TRPA can play a leadership role as the MPO and planning organization. A first priority of TRPA can be to help a partner organization, Tahoe Transportation District, operate transit more effectively.

Tahoe Living:

The strategic initiative of "Tahoe Living" is focused on supporting accessible housing, particularly for workers in the Tahoe region, as well as building resilient, diverse and vibrant neighborhoods and communities.

Notes on Housing and Next Steps:

- A current focus is on town centers and promoting infill development
- There are nodes which are suitable for development, infill development and expanding housing options, and some of these are not in town centers. TRPA staff are seeking innovative ways to launch pilot projects or create additional initiatives for accessible housing development in these zones. One example: Kingsbury middle school site.
- The goals and objectives of transportation/transit and housing are closely linked. An important focus for TRPA is supporting transit-oriented development.
- Because this housing challenge is so difficult, and market forces come from within and beyond the basin, TRPA staff are seeing creative ways to engage businesses and residents with multiple jobs to clarify challenges and seek context-specific strategies.
- There is always a resource constraint when working on expanding accessible housing: increasing education and outreach on housing issues is important but can tradeoff resources for focused and expedited housing projects.
- Strong local opposition to housing and infill development is a primary obstacle to expanding affordable housing. No matter how much outreach, education and deliberation the TRPA board conducts, narrow views of housing priorities remain in some Tahoe communities.
- Housing needs throughout the Tahoe region vary. Housing strategies and programs should reflect local needs.
- There is much outdated building and housing stock within the basin, particularly in and near town centers. Most state and federal funding for accessible housing is not well suited for redevelopment, but instead for new building.

Critical obstacles for expanded housing options:

- Board members stressed the need for a regional perspective for housing policy, projects and funding. Each county and community are linked, and each have somewhat different housing

GOVERNING BOARD

May 22-23, 2024

needs. Regional housing solutions include recognizing that effective transit is one strategy for serving regional housing needs.

- Critical challenge: losing housing suitable for residents to the second home and vacation-rental markets. Inadvertently, attempts to retain locals and expand housing options result in more regulatory burden and costs. The very populations intended to be served are bearing the weight of some of these policies, and as a result, home and properties owners are perversely incentivized to sell their home to second home buyers or investment conglomerates.

Emerging Issues:

The following is a partial list of emerging issues in the Tahoe region. Some of these overlap with one or more of the strategic initiatives.

- The need for expanded enforcement of some ordinances and policies such as bonus unit/ADUs, deed restrictions, water bottle and plastic bans, and dark skies ordinance.
- Tracking of violations basin wide and coordinating with local agency enforcement.
- Improved regulation and enforcement of Vacation Home Rentals.
- Need for more remote sensing to track environment systems and threshold attainment. In particular, forest health can be monitored with remote sensing and drone technology.
- Monitoring impacts to native species and natural systems from smoke, fires, fire fighting and prevention operations.
- Preparing for an influx of tourists in 2028 before and after the Los Angeles Olympics.
- It may be useful to develop a “worst case scenario” in terms of future funding for key programs to identify critical challenges and needs, and to develop strategies to address these.
- Improving co-management of the Tahoe region with the Washoe tribe.
- Improving public and partner engagement, particularly through board and board committee meetings.
- As populations continue to grow in counties, but outside the Tahoe basin, it becomes increasingly difficult to elevate policy needs within the basin. One board member introduced the idea of a new, unified Tahoe County in California.

Continued Improvement of TRPA Processes:

Board and staff briefly discussed opportunities to continue to refine systems and procedures to manage board operations and activities, and to strengthen communication between board and staff.

- Two day board meetings should be reintroduced. This makes for difficult travel and scheduling for some board members, and also increases workload for staff. However, one day hearings are not currently sufficient for in depth discussions on all topics.
- Board and staff continue to improve agendas for board hearings, with action topics at the top of agendas, and consent items grouped for efficient sessions.
- At the request of board members, staff continue to scan forward and sequence key topics and projects for board consideration. This work should continue.
- Some board members and executives suggested there can be more informal ways that board members can engage Tahoe communities, residents and businesses. One example is open house/coffee sessions throughout the year.

Public Comments

Jesse Patterson, League to Save Tahoe said they would like to look out further than one year because it takes a while to get stuff done. In general, we agree with the strategic priorities as well as many of the emerging issues. Thresholds should be the northstar for the basin and thinking about that ten-year aspirational goal. The update is important, but we’ve got to accelerate that based on current conditions for the basin. We need enough that we can aim at it and try and do a good job. That’s happening but

GOVERNING BOARD

May 22-23, 2024

feels that needs to continue to be successful collectively in the basin. We also think that there needs to be a clear role for TRPA in those thresholds and ability to at least affect them in some way. A lot of them now rely on partners entirely or statements that are not really measurable. When we update them, they should be aspirational and achievable. It should be agreed upon across the basin and partners with other priorities and hopefully that's reflected in their plans and implementation. Now, there's potentially a disconnect between the thresholds and the priorities within other agencies. The Environmental Improvement Program is doing very well. A lot of success is there, restoration and resilience in particular, but we think it could be better tied to thresholds.

Other plans such as the Regional Plan Update, Regional Transportation Plan, Shoreline Plan, and Destination Stewardship Plan, more challenges with those. While they are being implemented in certain ways, that could be accelerated. There are funding issues, but one area TRPA could focus on is compliance and enforcement or accountability. A lot of plans that have been approved are reliant on others to impose them to ensure compliance. It's hard for the League to have confidence in a plan that they work on and then rely on somebody else to do it and then that doesn't happen. We should continue to put the environment as a top priority while considering community concerns. We need to update thresholds and have benchmarks within the Regional Plan to be updated to reflect those threshold attainment and current conditions. He'd like to work with the local jurisdictions ahead of time to ensure that they're committed to enforcement and compliance. You have the right staff, expertise, and the right board structure. The partners are committed as well and the public is involved and paying attention. We want to ensure that TRPA can continue to implement what it's doing with the faith of the public and community.

Doug Flaherty, TahoeCleanair.org said everyone's well intentioned here but the devils in the detail. The truth of the matter is that there's a lot of folks that believe you're dealing with dated culture of the 2012 Regional Plan Update. The issues with the thresholds are huge. We're going to have differences of opinions whenever we have special interest affecting us. You might have good intentions here but there is special interest here that want to see things go a certain way and then there's conflict. Conflict can be good, it's just how you approach it. He doesn't necessarily think lawsuits are bad for the lake or TRPA.

We have differences of opinion, and we all have our roles. We're probably going to have more lawsuits. That goes back to differences of opinion and whether or not TRPA is hearing the public. You don't include the public enough; you don't give them ample time to speak on the issues and there's a lot of perception that there's manipulation with various laws and regulations that allow you to continue with your dated culture. You're doing a great job implementing tech on your website, but you are behind on tech. Tech is going to drive you. All of the plans that you make that oftentimes are subjective, the data is going to cause you to change. There's a lot of folks that think the lake is in decline and past the point of no return. Efforts should be put on restoration and recovery. You're going to have to change directions and you need fresh thoughts and leadership. Hopefully, we can all work together.

Doug Flaherty, TahoeCleanair.org is impressed with staff and this is a far better retreat than last year. He likes the concept of two day meetings. He loved Mr. Bass' idea about a JPA for transportation. Transportation is too splintered. I love the website you've put together in the last year, tremendous amount of data. I hope you continue to spend a lot of money to capture that data because it's going to cut back on opinions. I heard a few opinions expressed few minutes ago about whatever and there's no data behind those comments.

We're not adversaries, we disagree on some things. The community views many of your projects and proposals as hardball, hard hitting and there's differences of opinion. We're going to continue in our role, and you'll continue in yours and maybe we'll find some sort of match. Regarding public trust, the

GOVERNING BOARD

May 22-23, 2024

other day there was a meeting on 39 Degrees Latitude that had over 100 people attend. When the developer rolled out the slide, we were stunned. Anyone with a half a brain, looked at that and said "Oh my god" they're doing it again and again. We just went through this with the Placer County Tahoe Basin Area Plan and a lawsuit. The developer was asked how many workforce units or something like that do you actually have to put in. I believe he said 3 or 12, it was minuscule. That is exploitation of workforce housing. The community continues to lose faith because we're not protecting what's left here.

Staff really does want to protect Lake Tahoe. The problem is new ideas and then old guard. Going back to what I described as the 2012 Regional Plan drum banging and lack of a cumulative fresh environmental impact statement since then. And then there's the special interest board members. They really make a difference.

Mr. Bass moved to adjourn.

Ms. Gustafson adjourned the meeting at 3:19 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler". The ink is dark and the signature is centered on the page.

Marja Ambler
Clerk to the Board

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