

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA  
Stateline, NV

February 26, 2020

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Mr. Bruce called the meeting to order at 10:20 a.m.

Members present: Ms. Aldean, Mr. Beyer (by phone), Ms. Berkbigler, Mr. Bruce, Mr. Cashman (by phone), Mrs. Cegavske (by phone), Ms. Faustinos, Ms. Gustafson, Mr. Hicks, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Yeates (by phone)

Members absent: Mr. Rice, Mr. Shute

II. PLEDGE OF ALLEGIANCE

III. PUBLIC INTEREST COMMENTS

Greg Lien, Tahoe City Attorney said he provided two reports; one from Cindy Sage who is an expert in EMF standards that can be applied for the benefit of the protection of the environment. The second report is from Dr. Martin Pall, expert in the impacts of electromagnetic frequency radiation on forest health, human health, and other living things. There's a rising level of awareness that the new technologies that are being produced are not benign. While humans maybe affected to some degree, plants and animals are affected to a greater degree. They kill the top layer of soils in the stream environment zone areas affecting full functioning SEZ soils and can also increase the fire hazard. Five G is already being rolled out at Lake Tahoe. The higher the frequency, the more the danger. It's no longer a straight analog signal in these communication devices, it's a lot of data that's pulsed. The physiological avenue of harm to living things is called voltage regulated calcium gates. Those exists in all life and that pulse is what trips it into dis-regulation and causes a number of negative impacts. The maximum number in a meeting room is 100, this meeting room is exceeding that. The peak levels here are close to the top and this room is not close to a cell tower. This has a direct impact on the environment that has not been evaluated. In 1987, when the Regional Plan was created, there were very little to no wireless telecom available. The number of cell sites are expected to grow exponentially. The Federal Communications Commission standards are outdated, and they don't apply beyond human exposure. The duty of the board members is to protect Lake Tahoe's sensitive environment. There are not standards in TRPA's Code of Ordinances, they are not evaluating anything, projects are being taken in with the completed checklist and if findings are made, these move forward. There is a severe risk that TRPA will not be able to hold to their non-degradation standard and there'll be problems in threshold attainment. He suggested that TRPA put a moratorium for at least the short term because the 5G findings cannot be made.

David Jinkens, South Lake Tahoe resident said he urged the board and staff to cease the

opportunity to develop a comprehensive strategy and plan for deployment of cell facilities and 112 foot tall towers in the Lake Tahoe basin. The current system of random deployment of towers and facilities in cities and counties by the telecommunication companies doesn't give policy makers the opportunity to review their entire deployment plan upfront, do the appropriate environmental assessment, and receive public and interested party input that all major projects in the basin should require. Within the Tahoe basin, the board is the planning leader. Deployment of telecommunications facilities and 112 foot tower projects need to have the scrutiny and organization one expects for this environmentally rich basin. A comprehensive deployment plan and its evaluation would be good for the region, the environment, the people who live and visit here, and good for companies who would have some reassurance of what they can or can't do. Good planning and protection of the environment requires such a comprehensive approach. All of us, want good cell and telecommunication services and want the deployment of these facilities to be based on a sound known and environmental review plan. The City of South Lake Tahoe is already moving to upgrade their standards for cell tower and facilities deployment. On February 20, the City's Planning Commission heard a draft ordinance that had a lot of public comments but is better than what the current standard is. That draft ordinance will go to the City Council for review and then within 60 to 90 days that ordinance should be adopted. He urged the board that until a comprehensive cell facilities deployment is approved, no such facilities should be approved in the basin.

Nikki Florio, founder and director of Bee Heroic said prior to that she ran an integrated sustainable business lifestyles and education program, Tahoe Regional and Environmental Education. She's done research on the collapse of the great pollination. It's the scope of winged and terrestrial insects, birds, bats, and small mammals that pollinate the ecosystems and food systems. The primary factors behind their losses which have to do with climate, agrochemical, and the new telecom technologies for 4G and 5G. These are different technologies and have impacts on the environment from the ground up. For soil microbes they stop production and impact different types of fungi in the soils that are needed for plant growth, especially in the forest for plants. The 4G and 5G range is going to gigahertz from megahertz. This is around one million pulses per second to one billion. This splits the single and double DNA strand in flowers and plants and makes them toxic. The wildlife and insects will be poisoned. When insects, animals, waterfowl, and amphibians are near these towers they are more susceptible because they have a different type of magnetite in their blood. Insects and bees will have their exoskeleton damaged and highly susceptible to diseases. Bee Heroic finished a two year, multi-state tour that showed where the 5G towers are, there isn't any insects or birds around any of the flowering plants. When trees are damaged especially the Conifers with the 5G frequencies that are 30 to 300 gigahertz which is an extremely high range for plants and increases the terpenes around 100 times. Information can be found at Bee Heroic, 5G Space Appeal, or Physicians for Safe Technology on 5G. These professionals have been working on this for decades.

Carole Black, Incline Village resident said none of us want a catastrophe like Orinda or Paradise or children finding guns in short term rentals. The area plan and ordinances that protect us and the current published proposals, although there may be some revisions have significant gaps. The draft ordinance is thin on neighborhood compatibility regarding neighborhood character, density intensity, and there's some tiers that are very generous without any neighbor input for impacts. The area plan was substantively revised in October 2019. There's been a lot of changes and almost no community meetings, although a report states that there's been several. It needs more

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discussion than it's had. There are land use changes incorporating TRPA's guidelines which Washoe County had not incorporated previously. These are changes which have not been acknowledged or discussed. No one is dealing with the impacts on area occupancy of the tourist and transient lodging volume increases that have occurred. Peak times in the area by Incline Village have a 60 percent increase in volume of population in the community that impacts emergency services, evacuation capabilities, and safe. It also potentially impacts the thresholds. There's a lot more vehicles and people. Paths and trails will only get us so far, but it needs more aggressive influx management and remote parking with transit. She suggested everyone look at Hallstatt, Austria which is adjacent to mountains and a lake and they've done massive things to address parking, volume, and limiting tourist to keep it to sustainable levels. This plan needs a lot more community input.

Ed Moser, South Lake Tahoe resident said the Tahoe Fund put up a billboard on Interstate 80 to remind people traveling to the basin to pick up their dog feces. Another one has been installed on US Highway 50 outside of Folsom. About 1.5 to 2 years ago before this group and the California Tahoe Conservancy he mentioned that it would be nice to put signs up at all the passes for people coming into the basin. For example, Welcome to the Lake Tahoe Basin, enjoy and respect it. There is one put up by the State of Nevada and other entities on US Highway 50, Spooner Summit and Mount Rose that says welcome to the Lake Tahoe Basin watershed, help protect it. He suggested that any others that are put up be larger in size. He also suggested that they be in the shape of a torii gate, bird of abode which marks the transition from the mundane to the sacred.

Steve Teshara on behalf of the South Shore Transportation Management Association said they've recently increased their capacity and capabilities with ten board members on the way to 15 which is the authorized number under their new bylaws. The board consists of Ryan Smith, Manager of Base Operations at Heavenly Mountain Resort, Jerry Bindel, board member with the South Lake Tahoe Lodging Association, Mike Bradford, President of the South Tahoe Alliance of Resorts, Carol Chaplin, CEO of the Tahoe Douglas Visitors Authority, Chris Proctor, Administrative Director with the Barton Health Center for Orthopedics and Wellness, Ami Chilton, Capital Projects Finance Manager with Lake Tahoe Community College, Dr. Darcie Collins, the League to Save Lake Tahoe, Gavin Feiger on behalf of the Community Mobility Group, and Frank Gerdeman, member of the South Shore Social Services Technical Advisory Committee, and lastly himself.

IV. APPROVAL OF AGENDA

Ms. Aldean moved approval of the agenda.  
Motion carried.

V. APPROVAL OF MINUTES

Ms. Aldean said she provided her minor clerical corrections to Ms. Ambler and moved to approve the January 22, 2020 minutes as amended.  
Motion carried.

VI. TRPA CONSENT CALENDAR

1. January Financials

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2. Transfer of previously released Water Quality Interest Mitigation funds in the amount of \$12,392 from Phase One (complete) to Phase Three (active) of the Lake Clarity Crediting Program Support Services Project
3. Resolution of Enforcement Action: Swarn Singh; Unauthorized Disturbance in SEZ Setback and Failure to Follow Construction Winterization Requirements Resulting in Unauthorized Site Disturbance around the Residence and in Protected Areas, 776 Eagle, Incline Village, NV, Assessor's Parcel Number 128-072-01

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

Mr. Bruce said the Legal Committee said the Legal Committee moved approval of item number three.

Ms. Aldean moved approval.  
Motion carried.

VII. PLANNING MATTERS

- A. Spooner Frontcountry Improvement Project at Spooner State Park in Douglas County, Nevada, APN 1418-00-001-007, TRPA File Number EIPC2019-0009, EIP Number 04.01.03.0164

TRPA team member Ms. Friedman provided the presentation.

Ms. Friedman said this project is located at Spooner State Park on Spooner Summit in Douglas County, Nevada. The state parks receive approximately 150,000 visitors per year and that number is expected to increase as the surrounding population increases and planned projects are completed such as the next phase of the Stateline to Stateline bike trail which will go from Sand Harbor to Spooner Summit. State parks anticipates that more people will come to enjoy this park. This park provides access to 12,000 acres of forested open space, back country, over 50 miles of trails for hikers, bikers, and equestrians including the world renowned flume trail and Tahoe Rim Trail. It also provides camping, cross country skiing, snowshoeing, fishing, and wildlife viewing. With all these recreational opportunities there's really minimal development facilities to support those recreation facilities. State Parks identified this as a high priority project to develop some support facilities that will match the facilities at the state park. It's identified in the Lake Tahoe Nevada State Park trails plan, it's also a high priority environmental improvement program 5 year list. It will have threshold gains in recreation and water quality. The project will redesign and update the developed facilities at Spooner State Park. Improvements include a visitors center, amphitheater, new and improved picnic areas, additional restrooms, new and improved pathways, interpretive and way finding signage, reorganized and new parking, and best management practices. It will match the recreational experience and provide a world renowned state park.

The project construction and funding will be broken into two phases. Phase one includes the amphitheater and visitors center as well as improving the entrance road. This phase will start construction in 2020 and last approximately two years. Phase one is completely funded from a variety of funding sources including the Nevada Tahoe Bond funds, land and water conservation funds, State Parks funds, and the Tahoe Fund license plate fund. That wide funding sources shows

the support that the state and locals have for this project. During the construction of phase one, State Parks will be working on funding for phase two elements which is the remainder of the items identified for the project. When phase two is constructed then they'll work on constructing those other elements shortly thereafter. The visitors center will include a gift shop, an information center, a park office, vending machines and wi fi charging stations. State Parks would like to increase the educational and interpretive programs that can be held there. The amphitheater located by the visitors center will serve as the space for those types of programs. Design Workshop worked with State Parks to develop the way finding and interpretive signage program.

The project will increase coverage on land capabilities 6 and 1A but it will decrease coverage in 1B. All of the increase in coverage is mitigated as required per TRPA's Code of Ordinances as well as required in the draft TRPA permit. There are best management practices proposed that will treat stormwater for all impervious surfaces as part of the project in addition to the existing BMPs that will be maintained. Pervious paving materials will be used to reduce the amount of runoff from impervious surfaces.

Presentation can be found at:

<https://www.trpa.org/wp-content/uploads/Agenda-Item-No.-VII.A-Spooner-Frontcountry.pdf>

#### Board Comments & Questions

Ms. Aldean asked if it's realistic to assume that there will not be an increase in visitor ship. This is a good project that's been tastefully done but with improvements of this nature, it's more likely to attract additional visitors who might not like the less refined experience that Spooner Lake will then offer. She suggested that additional restrooms should be considered in phase one if they're anticipating more visitors. She also asked what the capacity of the amphitheater was.

Ms. Friedman said the amphitheater capacity is approximately 60 people. A lot of the improvements are designed to match existing uses. The overall use is expected to increase but not at a dramatic rate.

Mr. Howard, State Parks said the visitation at Spooner State Park typically goes up by one to two percent per year. The parking will be increased to about 80 spaces in phase two. Phase one doesn't do anything to the parking. They want that number to accommodate the visitation that they see over the next decade. They don't feel they'll see a change in the type of person that visits the park, this is more to accommodate the people that are already going to the park.

Ms. Aldean asked if there's adequate restroom capacity to handle any increase in visitation that might result with the phase one improvements.

Mr. Howard, State Parks said by the time they get phase two built out, yes, they will have matched the restroom capacity that they're removing with phase one. That will be rebuilt as part of the visitors center which will be six restrooms. In phase two, there's another restroom building by the events area which will be a double and another single restroom planned down by the lake.

Ms. Aldean asked if there's an event that might increase the need for additional restrooms, are they planning to bring in portable toilets?

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Mr. Howard, State Parks said yes, the promoters of the events are responsible to bring in portable toilets or anything else that may be needed for the increase in visitors.

Mrs. Cegavske said she's concerned with the lake level at the park that's declined over time and then the potential increase in visitors. Are there any projections or thoughts about the lake level.

Mr. Howard, State Parks said in terms of the lake level at Spooner State Park it's fairly consistent. Over the course of 20 years he's never seen it to the point of drying up. There's a dam where they can manage the high levels. There are also some historic resources that will keep it from getting too high. That's been more of an issue over the years to keep it from getting too high. The lake will naturally drop during dry years, it's fed by springs and some surface water, although, it's the basin and the snowmelt that's associated with the lake.

Mr. Bruce asked if there's any concern with the lake level and this project.

Mr. Howard, State Parks said no, he doesn't believe so.

Mr. Hicks asked if it was correct that the Tahoe Fund has been generous in raising \$300,000 for phase one.

Mr. Howard, State Parks said yes, that's correct.

Mr. Hicks asked if phase one is totally funded.

Mr. Howard, State Parks said yes, it is.

Mr. Hicks asked how much money is estimated for phase two and how do they intend to raise that money.

Mr. Howard, State Parks said for phase two there are some planning dollars that need to be brought bear that they have a strong start on to bring the plans from 60 percent to 100 percent bid documents. It will be much of the same funding sources probably less the Tahoe Fund. The commitment that the Tahoe Fund has made is phenomenal but doesn't know that there'll be another commitment for phase two. The \$300,000 is primarily for the construction of the amphitheater for phase one. For phase two, they'll continue to tap into land and water conservation funding. They anticipate that there'll be some Tahoe bond sales that will probably be the main source of funding over the next few years that will be utilized to get phase one constructed. There's always something on the order of several hundred thousand dollars to fund phase two.

Mr. Lawrence referred to slide four, phasing diagram. He said there's three places where it shows potential phase one. Is that based on what the bids come in at and what's available, and what determines whether that's phase one or two.

Mr. Howard, State Parks said phase one is what's in the red dotted line. The other graphic is an earlier from just after the visioning phase early in the planning process where it was considered to be some additional items that might be part of phase one but is not going to happen at this point.

Mr. Lawrence said he appreciated Nevada State Parks being proactive at Spooner State Park. He's been going to this park with different generations of people since 1991. There is a need for an amphitheater because when he's been up there with school groups there's not a good place to gather and talk. It's a great place to bring the school groups to teach them about the environment. The boy scouts also go there to learn about winter skills. It's geared towards those type of events rather than special events that bring in more people. This is an important element for sustainable recreation on the east shore. Nevada State Parks with very limited resources and staffing has stepped up to get on top of this from a sustainable recreation standpoint.

Ms. Faustinos asked for further detail on an interpretive programming plan for the groups that will visit and if there was going to be a full time staff person at the visitors center.

Mr. Howard, State Park said they have rough plans for what the interpretive program would look like with this amphitheater. Since the 1980s it's been park rangers trying to find the time to organize some of those programs. Environmental education with the children has always been a focal point. That does involve outside speakers and teachers coming in and having a place to conduct their activities with their kids. With this construction they want to have a more regular program of activities. The rangers already lead tours into the back country. Currently, they don't have a dedicated interpretive staff person, yet it's been requested for a number of years. Given the construction of this facility it will be all the catalyst that they'll need to get that position.

Mr. Hicks asked if these improvements, particularly the additional parking are designed to accommodate the Spooner Summit to Incline shared use path when it's built.

Ms. Friedman said the intent of the expanded parking for this project is not intended to accommodate the shared use path. Part of the shared use path is implementing the entire State Route 28 corridor management plan. There is a parking lot that's planned in close proximity but on the other side of the highway to the entrance of Spooner State Park as well as some other parking lots along the route that will be expanded on. That project is addressing parking separately.

#### Public Comments & Questions

Steve Teshara, Lake Tahoe South Shore Chamber of Commerce said the State Route 28 corridor is an important corridor for everyone. He congratulated Mr. Howard and the Nevada State Parks team and the TRPA Environmental Improvement Program team, Shannon and other TRPA staff. He also thanked the Tahoe Fund for their generous contribution to phase one.

#### Board Comments & Question

Ms. Gustafson said speaking to Mr. Moser's comments, these give us the opportunity to educate our visitors as well. The kiosk and the opportunity to educate people coming to the basin on the proper practices and what we want to do to protect this lake. That's important to the growing visitation that we've seen. The Tahoe Fund was significant in raising \$300,000 but wanted to recognize Mr. Cashman who raised half of that money through his connections. Mr. Cashman had incredible leadership on this project on securing some significant contributions from the E.L. Cord and Kaiser Foundation.

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Mr. Cashman said the Tahoe Fund was happy to go out and raise the money. They didn't donate the money themselves, they raised it from other organizations. In addition to the E.L. Cord and Kaiser Foundation, there were a couple of private donors who made significant contributions and are the people we should be thanking for helping make the amphitheater portion of this project a reality.

Mr. Lawrence made a motion to approve the required findings including a finding of no significant effect as shown in Attachment A.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Ms. Faustinos, Mr. Bruce, Ms. Gustafson, Mr. Cashman, Ms. Laine, Mrs. Cegavske, Ms. Novasel, Mr. Lawrence, Mr. Yeates

Absent: Mr. Shute, Mr. Rice

**Motion carried.**

Mr. Lawrence made a motion to approve the proposed project subject to the conditions contained in the draft permit as shown in Attachment B.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Ms. Faustinos, Mr. Bruce, Ms. Gustafson, Mr. Cashman, Ms. Laine, Mrs. Cegavske, Ms. Novasel, Mr. Lawrence, Mr. Yeates

Absent: Mr. Shute, Mr. Rice

**Motion carried.**

VIII. PUBLIC HEARINGS

- A. Amendment to Chapter 84 of the TRPA Code of Ordinances regarding utility infrastructure within a Stream Mouth Protection Zone

TRPA team member Mr. Conger provided the presentation.

Mr. Conger said the proposal is an amendment to the Code of Ordinances to help with the implementation of the shoreline plan. This amendment addresses the utility infrastructure located within a stream mouth protection zone. Stream mouth protection zones are adopted as an official regional plan map and have corresponding standards in Chapter 84 of the Code of Ordinances. These zones were established in relation to the historical meander of tributary streams where they meet Lake Tahoe. These areas are typically associated with fish migration. During the shoreline plan adoption in 2018, TRPA revised restrictions on development in stream mouth protection zones. New structures are prohibited, and existing structures are limited to repair and maintenance activities only. The shoreline plan targets structures related to recreational boating, the code is written in a way that applies to all structures, not just boat ramps, piers, and moorings. The application of this standard to essential utilities was inadvertent and had not been contemplated when the standard was written. Utility lines submerged in Lake Tahoe is a common occurrence and in some cases these lines pass through the designated stream mouth protection zones. An unintended consequence of applying stream mouth protection zones restrictions broadly is that utility providers are precluded from upgrading, modifying, and reconstructing existing lines. Often modifying and upgrading existing lines is in the best public interest and in many cases, there are no other routing options. Modifications to upgrade construction quality or to respond to technology changes are part of standard industry practices.



These practices help to ensure that utility lines will maintain their integrity. Deferring maintenance could result in potential environmental consequences. For example, a wastewater line that could not be reconstructed or feasibly relocated could degrade overtime and discharge sewage into the Lake. To address this staff is bringing the proposed code amendment forward for consideration and add an exception to the limitation on reconstruction, expansion, and modification of existing structures. This exception would apply to both public utilities and private water intake lines.

The proposal would modify the current stream mouth protection zone development restrictions in Chapter 84. This standard is housed in the code section that pertains to piers and the code references this section throughout Chapter 84 in relation to other shorezone structures. As written, the standard would allow repair, replacement, upgrading, reconstruction, and expansion of existing utility structures within a stream mouth protection zone. The definition of expansion in the shorezone is slightly different than expansion outside of shorezone. Outside of the shorezone expansion includes the capacity to accommodate additional growth as within the shorezone, expansion is limited to meaning a physical change in the size or extent. For the purposes of this code amendment it would be looking at things like adding a pump to a water intake line or increasing the diameter of a water intake line or increasing the diameter of an intake line to meet current fire flow standards. Staff distributed an errata sheet that corrects an error that was in Exhibit 1 to Attachment A, wording from a different subsection was inadvertently copied into the preamble for the general standards. Which made it appear that the standards were subject only to mooring buoys. The language as adopted includes no preamble. The revised exhibit 1 correctly shows the existing language as adopted.

Staff reviewed this proposal in relation to the shoreline plan. The shoreline plan project description considered continuing preexisting prohibitions on piers, boat ramps, buoys, floating platforms, and general multiple-use facilities within stream mouth protection zones and expanding those restrictions to cover all other types of moorings. The description didn't contemplate placing restrictions on utilities. The proposed amendment was reviewed in an initial environmental checklist. The IEC concludes that with incorporation of the shoreline plan provisions no impacts would occur. Utility projects in stream mouth protection zones would still need to comply with mitigation requirements, for example for fish habitat mitigation that are already established in Chapter 84 of the Code of Ordinances.

The Regional Plan Implementation Committee reviewed the proposed amendment in January and recommended that the Governing Board adopt the ordinance as presented. The Advisory Planning Commission reviewed the proposal on February 12 and also recommend approval as presented. As part of the APC motion they asked that staff return by May to discuss the process and criteria for determining when it would be feasible to relocate a utility line to an area outside of the stream mouth protection zone.

Presentation can be found at:

<https://www.trpa.org/wp-content/uploads/Agenda-Item-No.-VIII.A-Shorezone-Amendments.pdf>

#### Board Comments & Questions

None.

Public Comments & Questions

Greg Lien, Tahoe City Attorney said he's a property rights advocate and in the 1980s he was negotiating on the property rights side of the shoreline ordinance. There's an irony here, we've been agonizing for 40 years over the number of piers and buoys and small things. There was concern in the 1970s about shoreline erosion and the littoral drift. Then last year, it was the fish habitat. In spite of multiple studies that said there were no problems. The objections to a lot of these structures has been more about visual preferences. There is some justification for not having open piling piers right out of a stream mouth protection zones where a log jam may happen and interfere with fish spawning. By amending this ordinance, your allowing replacement of communications services which would the ability to expand and modify. To the extent that there are existing cell towers in these areas, this would include colocation. Then there's the upgrade from 4G to 5G and then there's higher frequency and more danger. Once there's a cell tower in place, apparently the staff has been allowing these colocations to occur and encouraging the upgrading of equipment which has increases in radiated power, frequency, and pulsing. This has a significant environmental impact in a very sensitive area. Communications services a least in the wireless realm are not benign. He urged the board and staff to consider a temporary moratorium.

Sean Barclay, Tahoe City Public Utility District said he appreciated the efforts of staff, TRPA committees, and the Governing Board's for supporting this code amendment. This code amendment will allow them to continue to provide and plan for a safe and secure water supply and sewage collection system. It will allow the TCPUD to continue progress on their West Lake Tahoe Regional Water Treatment Plant project. This project is critical to the water supply and fire protection systems for a large portion of the west shore.

Board Comments & Questions

Ms. Laine asked if there was a specific project that triggered this.

Mr. Conger said the Tahoe City Public Utility District has a project in process but there are other potential projects that could also benefit from this amendment such as private water line replacement projects.

Ms. Aldean asked where the maps were that delineate the stream mouth protections zones.

Mr. Conger said they were adopted in Chapter 10 with the Shoreline Plan in 2018. They're available online. There's an interactive GIS map specific to the shoreline plan that contains the stream mouth protection zones as a layer.

Ms. Aldean made a motion to approve the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendment as described in the staff summary.

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

Absent: Mr. Shute, Mr. Rice

**Motion carried.**

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Ms. Aldean made a motion to adopt Ordinance 2020-\_\_\_\_, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A as amended by the errata sheet submitted to the Governing Board today.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Ms. Faustinos, Mr. Bruce, Ms. Gustafson, Mr. Cashman, Ms. Laine, Mrs. Cegavske, Ms. Novasel, Mr. Lawrence, Mr. Yeates

Absent: Mr. Shute, Mr. Rice

**Motion carried.**

Mr. Bruce read the ordinance into the record.

B. Amendments to Chapter 61: Vegetation Management and Forest Health, Sections 61.1 (Tree Removal) and 61.2 Prescribed Fire)

TRPA team members Ms. McIntyre and Mr. Barr provided the presentation.

Ms. McIntyre said the proposal is for amendments to the Code of Ordinances to help meet the intentions of Chapter 61 while increasing pace and scale forest restoration within the Tahoe Basin. These amendments pertain to prescribed burning and tree removal.

The focus of Chapter 61 is reorganization. For example, sections for protections are scattered throughout the chapter. There's also a need to eliminate any redundancy. An example is reasons for tree removal are currently found in two separate sections. The goal is to increase forest resilience and leverage collaborative partnerships within the basin.

Chapter 61.1 Tree Removal:

Quote from the Lake Tahoe Watershed Assessment said that early explorers described the forest of the Tahoe Basin as dominated by giant pine trees with so much room on the forest floor that riders could travel at a full gallop without losing their hats." This exemplifies that we had far less trees and much more of a heterogenous structure in the forest.

There are a variety of benefits from tree thinning and removal. It can increase diverse wildlife habitat, decrease tree density and increase structural heterogeneity. This will allow for the reintroduction of prescribed fire post treatment and allows us to protect homes, infrastructures, and fire fighter safety.

The proposed amendments for 61.1 are generally minor, ministerial, and clerical. They fall into three main categories: Modifying language for clarity, renumbering and reorganization, and minor deletions.

Section 61.1.6.A cutting practices is on the list and it had discussion at the Regional Plan Implementation Committee regarding some of the elements of this. Through that discussion staff has added back in subsections that had been flagged as problematic. The two areas with stars originally in the RPIC version had been red lined for removal and have now been added back in. Refer to power point slides 11 and 12.

Section 61.1.4.A hazard tree removal has a new section that references partner memorandums of understanding.

Section 61.1.5 general tree removal standards is allowing for other documents under the California Forest Practice Rules or the California Environmental Quality Act that still meet the intention of the tree removal plan to be submitted and approved by TRPA.

Section 61.1.8.B public parcels substantial tree removal. Again, referencing the memorandums of understanding with the partner agencies. If an agency doesn't have an MOU, they now need to follow the process that's outlined for private parcels.

There was also the renumbering of sections for clerical edits, reorganization, and moving items to different sections. There was also the deletion of a section and the addition of a new subsection. Restocking is now deleted because it was found that the regulation doesn't have any standards within it. Additionally, it doesn't consider any type of project that might be intended to create clumps and gaps on the landscape.

Chapter 61.2 Prescribed burning:

The Blue Ribbon Commission and the Lake Tahoe Basin Multi-jurisdictional Fuel Reduction Strategy both identify prescribed burning as a key component. There's a variety of benefits from prescribed burning. It's a key ecological process that's been suppressed for several decades in the basin. It helps reduce fuels and wildfire risk and it can reduce smoke impacts. There are studies that show that impacts from catastrophic wildfire in terms of smoke are significantly greater than if there was just prescribed burn. In 2017 and 2018, the average is about 700 to 800 acres for prescribed burning in the basin. The majority of those acres are pile burns and not the ecological beneficial prescribed burns that are low and slow and creep across the ground.

There are two amendments that focus on removals for redundancy. One is to delete 61.2.3.B limitations. This is redundant with a sentence in another subsection. The other is to delete 61.2.5.B.7 that is a sentence that doesn't preclude TRPA from requesting additional information from anyone seeking a permit.

Mr. Barr said the memorandums of understanding are tools that are used for the major land managers such as the Forest Service, California Tahoe Conservancy, Nevada and California State Parks, the Nevada Division of Forestry, and Cal Fire. All of the fire protection districts have memorandums of understanding with TRPA that allow them to do various fuels reduction projects within their ownership. Additionally, there are MOUs with Nevada Energy and Liberty Utilities. Also, the public utility districts have limited MOUs that allow them to remove hazardous trees. The MOUs are in place to streamline permitting processes, it's not a way to get around the code. Their agreement with TRPA is to honor and follow the code. About 75 percent of the land in the basin is owned and managed by the Forest Service, another 11 percent is state managed, two percent is local government which are the public utility districts and local jurisdictions, and 12 percent is private entities. MOUs allow TRPA to leverage the partners, to leverage the resources, and the qualified foresters and people that they have to get more work done. It helps protect the environment from wildfire, insect invasions, and catastrophic die back.

Ms. McIntyre said the Forest Health and Wildfire Committee reviewed these on November 20, 2019, the Regional Plan Implementation Committee reviewed them on January 22, 2020, and the Advisory Planning Commission reviewed them on February 12, 2020, all recommending them for Governing Board adoption.

Presentation can be found at:

<https://www.trpa.org/wp-content/uploads/Agenda-Item-No.-VIII.B-Forest-Health-Code-Amendments.pdf>

#### Board Comments & Questions

Ms. Aldean thanked staff for including the final product as amended in the staff packet. It's more logical and easier to follow. The MOUs need to be updated as there is reference to Chapter 70 which is not vegetation management. She asked if staff is planning to revisit these MOUs.

Mr. Barr said yes, this is the goal and plan. It was pointless to try and update the MOUs until the code updates were completed. The MOUs were written over the course of several years and many are in need of refreshing.

Ms. Novasel asked once the MOUs are updated are there plans to establish one with the local jurisdictions.

Mr. Barr said most of the local jurisdictions are under the public utility districts MOUs with a list of signatories including the counties, general improvement districts, and public utility districts.

Ms. Laine said it's her understanding that there are around 750,000 slash piles to be burned. She asked if that number is correct and is there a plan to address those.

Mr. Barr said there are a lot of burn piles and are currently being burned in a variety of areas. One issue is when they get into the upland areas, there is no other choice but to create these burn piles. These take a while to cure and they're limited in the windows of time that they can burn. It's up to the land managers and what their resources will allow, air quality, and what other agencies allow the land managers to do.

Ms. Laine asked if there's anyone who oversees this process to ensure that they circle back to these piles to get them burned, as this is a wildfire danger.

Mr. Barr said all of the land managers have a plan. For example, they may do a thinning project and create burn piles and then schedule to circle back to burn them. They get to them as quickly as possible. There is a potential for wildfire with more fuel on the ground but it's better to have horizontal fuels than vertical fuels. Getting them down is a benefit even if they don't get them burned right away.

Mr. Hicks said on behalf of the Forest Health and Wildfire Committee he thanked Ms. McIntyre and Mr. Barr who have put this together. Some of this work is tedious to bring change to years and years of amendments, changes, and statutes. After the Angora fire, one of the goals of the Bi-State Fire Commission was to simplify some of this and to make it more user friendly and is what we've done with these amendments.

Ms. Aldean asked if the burning of the slash piles is coordinated among the jurisdictions so they're not being burned at the same time.

Mr. Barr said yes, they need to be in contact with the air quality folks who follow the weather and authorize when the burning can take place. The Forest Service manages that well and they'll

post a plan when they intend to burn. They'll look at the weather forecast seven to ten days out.

Mr. Lawrence asked if the Forest Service distributes the information on who all is doing burns for Nevada and California State Parks, local fire protection districts, etc. It's a bigger picture than just the Forest Service.

Mr. Barr said the various agencies have their own burn projects, but they all coordinated through the Tahoe Fire and Fuels Team who knows who is burning what, when, and where.

Ms. Regan said there is also a body called the Fire Public Information Team (FPIT) which TRPA participates on. Perhaps they can get that information to the board when those press releases are done explaining what burn is happening when. It can get confusing because there are many entities. Every year during the Lake Tahoe Summit, Senator Feinstein will raise the question about the burn piles. It is coordinated through the ten year fuels strategy that's looking at the high risk areas and being prioritized to burn in the areas that it will do the most good for the ecology of the Lake and public safety.

Ms. Aldean said in Carson City they can sign up for alerts on their phones to keep residents informed during times when the wells are being flushed out as to not cause concern why the water may turn a different color. She suggested that this could be done for burn days in addition to the static signs around the basin.

Mr. Yeates asked what the timing is for updating the MOUs and will they go back to the Governing Board for approval.

Mr. Marshall said staff is going through the Lake Tahoe West process that has more substantive potential code amendments so it will be post Lake Tahoe West. There are two different kinds of MOUs; delegation MOUs that generally authorize local governments to act in TRPA's stead to issue permits and those go to the board. Traditionally, the exempt, qualified exempt MOUs which are for the agencies taking action themselves that if they follow the code and TRPA understands their processes and the activities are consistent with the MOU are exempt or qualified exempt from TRPA's permitting requirements. Those are usually executed by the executive director without Governing Board approval. Some of the MOUs are much broader than just forest health practices. For example, the Forest Service and other MOUs cover much more, there may be other types of activities that are contemplated the MOUs. It depends on the partner and the circumstances and the relative sensitivity of updating those MOUs. Staff has been discussing with the Forest Service for many years about updating their MOU but is not an easy process.

Mr. Yeates said the expansion that was made to the Forest Health and Wildfire Committee was the significant changes that need to be made to address the fire risk we know today that we didn't know 25 years ago. As we proceed to go through the code and get up to speed working with the Forest Service and others that all of the MOUs would reflect the changes that we're making in the basin with our codes because we're the basin entity that regulates this stuff. The MOUs should be consistent with the code and the board and committees should be comfortable with them.

#### Public Comments & Questions

Ed Moser, South Lake Tahoe resident said in the early 1980s the coast range did manual timber

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releases. The California Division of Forestry took funds from the timber that was taken out of the county and returned a portion of it to create a healthy forest and timberland. They would space out the trees and take out ones that were eight or nine inches and under and lay them down up to 30 inches above the ground. You should chip as much as possible so it's less to burn. Small burns will prevent big burns. With climate change it's important to remove the dead and infected trees.

### Board Comments & Questions

Mr. Hicks made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Mr. Bruce, Ms. Faustinos, Ms. Gustafson, Mr. Cashman, Ms. Laine, Mrs. Cegavske, Ms. Novasel, Mr. Lawrence, Mr. Yeates

Absent: Mr. Shute, Mr. Rice

**Motion carried.**

Mr. Hicks made a motion to recommend adoption of the Ordinance 2020 - \_\_, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkgigler, Mr. Bruce, Ms. Faustinos, Ms. Gustafson, Mr. Cashman, Ms. Laine, Mrs. Cegavske, Ms. Novasel, Mr. Lawrence, Mr. Yeates

Absent: Mr. Shute, Mr. Rice

**Motion carried.**

Mr. Bruce read the ordinance into the record.

## IX. REPORTS

### A. Executive Director Status Report

Ms. Marchetta said typically TRPA sees cell tower facility one by one for decision after a local jurisdiction reviews it. What we're seeing now in the basin is a shift to a different approach where local jurisdictions may be considering more comprehensive standards for themselves that are suitable to their jurisdiction for how they would like to look at location and approval of cell tower facilities. The City of South Lake Tahoe's Planning Commission is considering an ordinance which is still in process. That one application for a cell tower facility is about to come from the City to TRPA. Staff is looking at having the option to perhaps recommend to the Hearings Officer who will hear that particular application to consider a more general approach of deferring TRPA's decision in consideration of what local jurisdictions are doing. We could consider it a pause for a general moratorium on cell tower planning in deference to local jurisdictions that may be considering their own approaches.

### Board Comments & Questions

Ms. Aldean asked if this would be appropriate to bring to the Local Government and Housing

Committee to discuss a more coordinated approach. She believes that once a cell tower is installed that the cell tower provider cannot deny a colocation per the Federal Communications Commission. How many cell towers are required in the basin to provide reasonable service? There may be some value to looking at what's before each of the local jurisdictions for cell tower requests and do it in a more coordinated fashion.

Ms. Laine said from the City of South Lake Tahoe's perspective that partnership would be helpful. If TRPA were able to take a pause and allow them to get some local rules in place would be beneficial.

Ms. Novasel said as the chair of the Local Government and Housing Committee she hesitates to take that on at this point because they're just starting the housing item. With that said, it is an important issue to address. She also would like to get more legal interpretation on how far a local entity can go to do anything about these.

Mr. Lawrence said it makes sense to take a pause to determine how it affects the local and regional level. He asked if that would require a code amendment or what legal responsibilities do we have for this process.

Mr. Marshall said we're not agenzized for too much conversation on this. There are a lot of issues regarding the intersection between local jurisdictions, the Federal Trade Commission, and the preemptive power of the Telecommunications Act. That will have to be navigated carefully as well as anytime we talk about a pause or moratorium it needs to be correct and narrowly tailored to the specific purpose.

Ms. Berkbigler said if this is going to go to the Local Government and Housing Committee please provided a definition of pause. She doesn't want to be in the situation where their constituents say that TRPA is taking a position that there is a full moratorium and why are you (the local jurisdiction) doing this?

#### 1) 2019 Annual Report

Ms. Marchetta said TRPA turned 50 years old on December 18, 2019. Some of the progress in TRPA's core mission were in water quality where we continued to work well with this board coalition that continues to protect the Lake from aquatic invasive species. In 2019, they created a partnership action plan that's designed to treat every infestation in the Lake within ten years. This past year, they tested some very innovative treatment techniques and are continuing to look at more innovations. Those innovations are being taken into the consideration where TRPA is taking the lead on one of the longest standing and greatest threat remaining to the Lake which is the infestation of aquatic weeds in the Tahoe Keys. In forest health, we know that climate change, drought, and insects are stressing the overstocked forest and the threat of wildfire is here. TRPA with partners is developing the Lake Tahoe West project. This past year they put a period at the end of the Lake Tahoe West Landscape Resilience Strategy to restore 60,000 acres on the west shore. There is also a new forest action plan developed with partners where they are completing a plan to complete all forest treatments in the areas that are next to the communities; the wildland urban interface. The guidelines are to complete the work in the next five years. That action plan also includes the plan for accelerating treatments on those tens of thousands of acres particularly on the west shore. Other core pillars of TRPA's mission are



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transportation, sustainable recreation, community revitalization, and transportation implementation. There are transformational transportation projects that are addressing congestion and vehicle miles traveled reduction, and community revitalization. In 2019, the Incline to Sand Harbor bike trail was completed. Also, in 2019, was the State Route 89 Fanny Bridge project and is entering another year of construction on that congestion reducing project on the west shore. They're making good progress on the Highway 89 corridor plan and nearing public release of that plan that will bring some solutions to traffic congestion hotspots particularly around the south shore beaches and Emerald Bay. Last year, TRPA lead and delivered on their portion of the US Highway 50 South Shore Revitalization project on the mainstreet management plan. She thanked staff who pour their hearts into exceptionally hard work and work cross sector with hundreds of partners and don't get enough thanks.

We'll be spending some focused time this year on looking ahead and revisiting and reaffirming TRPA's purpose for Lake Tahoe. The Governing Board retreat and meeting is being scheduled for two days in April. Following that retreat, there'll be a 50<sup>th</sup> anniversary celebration.

Ms. Regan introduced Michael Burley who is an AmeriCorps staffer who TRPA is sharing with the South Tahoe Public Utility District. Mr. Burley is working on the water conservation and water resources program at STPUD and for three months, he'll be helping TRPA with some of the historical research for the 50<sup>th</sup> anniversary.

Ms. Ortiz said the flag in TRPA's board room is the official flag what flown over the United States Capitol on December 18, 2019 in honor of TRPA's 50<sup>th</sup> anniversary. The flag was folded by the local cub scout pack 592 and boy scout troop 594. Then followed by being framed by Artrageous in South Lake Tahoe.

### B. General Counsel Status Report

None.

## X. GOVERNING BOARD MEMBER REPORTS

Mr. Lawrence said the basin is eligible for hazardous fuels money to come out of the Southern Nevada Public Land Management Act to compete Spring mountain and Carson range. Round 18 of SNPLMA was scheduled to be open in the fall of 2018. It usually takes about 1.5 years to get through the process. Lake Tahoe has done well with SNPLMA compared to the rest of the state. Now in early 2020, round 18 has not been opened or advertised. He's had a lot of discussions with the Bureau of Land Management state office who runs the process. He doesn't feel it's the result of anything that's been done at the local or state BLM office, but rather it's being held up in Washington, DC. This is millions of dollars for Lake Tahoe.

## XI. COMMITTEE REPORTS

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

Mr. Hester said he attended the parking symposium on Monday. The mainstreet management plan has pretty well wrapped up the design. They're waiting for the transit and parking management and operations and maintenance. The transit part is mostly

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worked out and will show up in both the mainstreet management plan and in the event center conditions. Once those components are done, they anticipate the Tahoe Transportation District will have the draft parking management plan around May and then will be able to bring the mainstreet management plan to the City of South Lake Tahoe, Douglas County, the Tahoe Transportation District, and the Governing Board by late summer.

B. Local Government & Housing Committee

Ms. Novasel said the committee met on February 12 and are discussing the accessory dwelling units.

C. Legal Committee

None.

D. Operations & Governance Committee

Ms. Aldean said she and Mr. Keillor recently met with representatives from Carson City and pending review of the documents, they've agreed to be the conduit for the proposed refunding of the 2007 bonds. The Operations and Governance committee discussed the virtue of private versus public offering and the committee decided that they should give staff direction to proceed with a private offering because it's less onerous. Mr. Keillor will work with the consultant, Mr. Johnson with a more definitive proposal at next month's meeting.

E. Environmental Improvement, Transportation, & Public Outreach Committee

Ms. Faustinos said the committee met this morning and had a robust discussion on many issues having to do with the Regional Transportation Plan. Some of the things coming up are looking public private partnerships in order to implement a comprehensive transportation plan. The funding approach to this is being discussed in other venues and will go to the board for discussion in the future.

F. Forest Health and Wildfire Committee

None.

G. Regional Plan Implementation Committee

None.

XII. PUBLIC COMMENT

None.

XIII. ADJOURNMENT

Vice Chair Mr. Bruce adjourned the meeting at 12:32 p.m.

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