

December 17, 2024

Tahoe Regional Planning Agency
Legal Committee, Governing Board, and staff
128 Market St., Stateline, NV, 89410
Submitted via email

RE: Legal Committee Agenda Item No. 3 Tahoe Blue Event Center

TRPA Legal Committee, Governing Board, and Staff:

As a key stakeholder in developing the permit conditions for the Tahoe South Event Center/Tahoe Blue Event Center (“event center”), the League to Save Lake Tahoe (League) is committed to ensuring that all permit conditions are met. The permit conditions, including the Traffic Performance Monitoring Plan, are the assurance that the project will be adaptively managed to not result in an increase in peak summer day or annual VMT. Our comments below include continued big picture concerns about TRPA’s ability or appetite to ensure the integrity of permits the agency issues, and specific recommendations for addressing non-compliance with the permit for the event center.

Big Picture Overview and Background

The League has become increasingly concerned about TRPA’s deferred implementation and enforcement of plans, mitigation measures, and permit conditions. These delays have created barriers to achieving and maintaining thresholds, RPU performance measures and benchmarks as mandated by the Compact.

There are collaborative areas where we have made progress with TRPA, and we are grateful to work with the agency, but there are some continued areas of concern that substantially prevents TRPA from achieving its mandate in the Bi-State Compact and prevents the League from achieving its mission. One big issue that needs attention and focus from TRPA is that ***the agency is not able to ensure their plans and rules, created to achieve and maintain thresholds, are complied with.*** Some specific examples include:

- Shoreline Plan
 - AIS management plans
 - Unpermitted, illegal buoys
 - Underwater debris
 - No-wake zones
- VMT Threshold in Regional Plan
- Parking on dirt in TRPA Code
- Employer trip reduction program in TRPA Code (“Commute Tahoe”)
- Event Center permit conditions

The League negotiated all the above examples in good faith, just as we did with the VMT threshold update, the Shoreline Plan, Regional Transportation Plans, the Regional Plan, area plans, and many specific projects. We made agreements in good faith and we have held up our side of each bargain. The League’s role in transit solutions – funding pilot projects that have scaled and advocating for funding – is one example.

TRPA’s response to the event center’s non-compliance must deter future non-compliance for large projects.

Event Center Permit Compliance

The event center is a community benefit in a lot of ways, and we have no interest in it shutting down or making them reduce the number of events as currently allowed in the permit. That said, TRPA’s job is to uphold the integrity of its permits and the lack of consequences for noncompliance undermines not only our, but the public’s, confidence in the agency.

Bluetooth traffic counters required by the permit were never installed, leaving VMT impacts unassessed. Based on a set of assumptions and difficult calculations, TRPA has found that it’s “unlikely” that annual VMT was exceeded, but “likely” that there was an instance of summer day exceedance. Also not included is any mention, let alone analysis or discussion, of other permit conditions that have not been met.

Minor Exceedance

The League agrees that “Minor Exceedance” is an appropriate term for the one summer day that likely exceeded the VMT performance measure. The consequences for a minor exceedance are, quoting from the permit conditions (Enforcement - Additional Management Measures, *Adaptive Management Plan – E*):

- For minor exceedances, TDVA, with consultation and agreement from stakeholders specified in F.2, shall propose sufficient measures from Appendix C: Additional Traffic Reduction Measures, to reduce trips/VMT in order to achieve performance metrics.
- In the case of any exceedance of trips/VMT, TDVA shall submit to TRPA (1) an Air Quality Mitigation fee calculated on the number of trips exceeding the performance standard, which TRPA will use for greenhouse gas reduction projects and, (2) a plan for TRPA review and approval demonstrating with monitoring data, how the trips/VMT exceedance will be reduced with the applicable measure(s) in accordance with section F.

The staff report only includes direction on the first consequence, while even a minor exceedance requires a financial penalty.

Violations

The word “violation” is not to be found in the Staff Report, including in the suggested motions, and there are clear violations:

- The monitoring required has not been conducted. This is an egregious violation because it means that the key performance measure of no-net VMT, that the event center approvals were predicated on, cannot be assessed.
 - Monitoring Plan - Bluetooth Traffic Count Data. *Permit Appendix B - Traffic Performance Monitoring Plan.*
 - Monitoring Plan - Mobile Device Data. *Permit Appendix B - Traffic Performance Monitoring Plan.*
- 15-minute transit headway requirement has not been met, at least not consistently: Mitigation Measures – Transit. *Adaptive Management Plan - B.1*
- Seasonal summer transit service to Round Hill did not happen in 2024: Transit - Fixed-Route Transit Service. *Adaptive Management Plan - B.1.b.i-iii.*

- Required monitoring reports have not been released: Monitoring - Reporting and Implementation – Documentation. *Adaptive Management Plan - F.1.*
- Quarterly and annual required stakeholder meetings have not been held: Stakeholder Coordination – general, - quarterly, and – annual. *Adaptive Management Plan - F.2, F2.A, and F.2.B.*

A motion must be made finding TDVA violated at least the permit conditions listed above, and an appropriate remedy must be identified.

League Recommendations

TRPA and TDVA must “make it right” – demonstrating that the integrity of permits issued by the agency are upheld so we can move forward with constructive conversations and negotiations.

1. TRPA admits fault for not making the event center comply with its permit requirements
2. TDVA admits fault for not complying with monitoring and other permit conditions.
3. TRPA and TDVA provide an updated monitoring protocol for recommendation at an upcoming Governing Board meeting, before any discussion of additional events. The League would like to see it ahead of time and provide input before it’s finalized for the Governing Board or any Committees.
 - a. *The League is willing to consider gate data, but is not convinced yet. The gate data (counting each time a parking gate opens at each casino) may be a good substitute for the Bluetooth monitors that were required. We are still considering the details of that and will make a decision when we see a final proposal.*
4. TRPA requires and enforces remedies for permit condition violations.
 - a. The remedy must be something that is added to the Permit so it is enforceable.
 - b. The remedy needs to reduce VMT/trips/traffic.
 - c. The remedy needs to be a visible community benefit.
 - d. ***Due to the scale of the violations, and the minor exceedance, combined with the fact that integrity of the entire permit and the performance measures on which the project approvals were predicated, the remedy must include substantial adaptive management actions. The League proposes the following***, all of which are suggested adaptive management actions in the permit (*additional detail/ideas from the League added in italics*).
 - i. Event Center subsidy to TTD or another transit provider to ensure permanent pre- and post-event service.
 - *Add to current permit requirements: every 15 minutes for 2 hours before and 2 hours after every event with 1,500 or more attendees.*
 - ii. Improve pedestrian/bike trails in the project vicinity
 - *Provide funding and support to build a sidewalk from Lake Parkway (Event Center) to Kingsbury Grade built – which the community needs and wants and would connect to the Stateline Transit Center and new planned Barton relocation.*
 - *In the permit – event center is responsible for sidewalk maintenance – clearing snow in the winter and debris year-round.*
 - iii. Employer sponsored vanpool/shuttle
 - *Contribute to SSTMA to match their employee vanpool subsidy – at least 2 vans year as long as the event center is in operation*

- iv. Increase frequency of Airport shuttles
 - *Join STAR (South Tahoe Alliance of Resorts) in supporting the airport shuttles with a goal to identify and prioritize the most common flight arrival/departure times that are not being served (i.e. 3:30 am and 10/11 pm leaving Tahoe).*
- v. Provide secured bike parking
 - *Require bike valet (free secure, but temporary, bike parking for events with over 1,500 attendees).*

If our above recommendations are adopted, the League would be willing to move on and talk about the caps on the number of events, maybe even ahead of the required 3-5 years of monitoring, which technically has not started yet.

Thank you for your attention to this matter. Please contact me directly with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Feiger", with a long horizontal line extending to the right.

Gavin Feiger
Policy Director
on behalf of the League to Save Lake Tahoe